



Department for
Communities and
Local Government

Ms Kee Evans
Eversheds Llp,
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Cardiff
CF10 5BT

Our Ref: APP/J0405/A/13/2205701
Your Ref: 203912.000003

22 December 2015

Dear Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY FORCE 9 ENERGY LLP AND EDF ER
AT LAND TO THE SOUTH OF DORCAS LANE, SOUTH-WEST OF STOKE HAMMOND
AND NORTH-WEST OF SOULBURY
APPLICATION REF: 11/02798/APP DATED 21 DECEMBER 2011**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Jessica Graham BA(Hons) PgDipL, who held a public local inquiry on 24, 25, 26 and 27 June, and 1, 2, 3 and 4 July into your client's appeal against a decision of Aylesbury Vale District Council (the Council) to refuse planning permission for the installation of four turbines up to a maximum of 125m in height, an anemometer mast, sub-station building, access tracks, electricity connections, transformer kiosks and temporary construction compound and storage area in accordance with application 11/02798/APP, dated 21 December 2011, which was refused by notice dated 20 March 2013.
2. On 10 April 2014 the appeal was recovered for the Secretary of State's determination in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990 because the appeal involves a renewable energy development.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be dismissed and planning permission refused. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural Matters

4. In reaching this position the Secretary of State has taken into account the Environmental Statement (ES), and the Supplementary Environmental Information (SEI), (IR3.1-3.3).

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Overall the Secretary of State is satisfied that the ES and SEI comply with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 and that sufficient information has been provided for him to assess the environmental impact of the appeal.

Policy considerations

5. In deciding the appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
6. In this case, the development plan comprises the saved policies of the Aylesbury Vale District Local Plan (AVDLP) 2004 (IR4.1). The Secretary of State agrees that the development plan policies most relevant to this case are those identified by the Inspector at IR4.2-4.3.
7. The Secretary of State has had regard to the Inspector's assessment of the new Local Plan which is currently estimated for adoption in 2017; as this process is at an early stage he gives these emerging policies very limited weight (IR4.4).
8. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework); the Planning Practice Guidance (the Guidance); the National Policy Statements: the Overarching National Policy Statement for Energy (EN-1); and the National Policy Statement for Renewable Energy Infrastructure (EN-3), the UK Renewable Energy Roadmap Update 2013 and the Written Ministerial Statements on local planning and renewable energy developments of October 2013 and April 2014.
9. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LB Act), the Secretary of State has paid special regard to the desirability of preserving those listed structures potentially affected by the proposals before him or their settings or any features of special architectural or historic interest which they may possess.

Main issues

10. The Secretary of State considers that the main issues in this case are those outlined by the Inspector at IR1.6.

The effect on the character and appearance of the area

11. The Secretary of State agrees with the Inspector's assessment of the usefulness of evidence and witnesses before her at IR12.3-12.5 and follows her methodology of assessment of the evidence, which adopted the approach used by the three landscape witnesses at the inquiry, as identified at IR12.6, by looking at Landscape impact first, followed by visual impact and then heritage assets.
12. The Secretary of State agrees with the Inspector's definition of Landscape impacts at IR12.7 and her assessment of the landscape context at IR12.8-12.11. The Secretary of State also agrees with the Inspector's assessment of the Landscape Visual Impact Assessment and the balance of views on the extent of landscape impact, as laid out at

IR12.12-12.16, as well as her reiteration of the concentration on the landscape rather than visual impact in this assessment (IR12.17).

13. The Secretary of State agrees with the Inspector's analysis of Landscape Impacts at IR12.7-12.27 and agrees with her summary at IR12.28 that the proposal would harm the character and appearance of the landscape, but that there are mitigating factors which combine to reduce the overall degree of harm.
14. For the reasons given at IR12.29-12.45 the Secretary of State agrees with the Inspector's conclusions on visual impact, at IR12.46, that the proposal would have harmful visual impacts at locations up to 5km from the appeal site, but that some mitigating factors would reduce the overall harm. Furthermore regarding the cumulative impact, both on landscape and visual impacts, the Secretary of State agrees with the Inspector's assessments of various cumulative impacts at IR12.47-12.51.

Cultural heritage

15. Turning to the effect of the proposal on cultural heritage, the Secretary of State has had regard to the Inspector's clear and balanced assessment of the main assets affected in turn at IR12.52-12.83. Following her conclusion at IR12.84 the Secretary of State agrees with the Inspector that the harm that the proposal would cause to the significance of designated heritage assets would be less than substantial. In line with the Inspector's comments at IR12.85 the Secretary of State has regard to the length of time for which consent is sought and the effect of this on the assessment of acceptability.
16. The Secretary of State agrees with the Inspector's conclusions on the effects of the proposal on the character and appearance of the area at IR12.86-12.91 that the proposal would contravene policies GP.35 and GP.53 of the AVDLP.

Living conditions

17. The Secretary of State has regard to the Inspector's assessment of the visual impact the proposal would have on specific residential properties. He endorses her précis of the relationship between the development harm and the public interest at IR12.92 as well as the application of the "Lavender Test" as defined at IR12.93-12.94. The Secretary of State notes the Inspector's rationale for the particular residential properties to be assessed in more detail at IR12.95-12.96 and agrees with her approach to assessing the potential harm and applying the test at IR12.97. In line with this approach, and along with supporting visual evidence, the Secretary of State has given consideration to the Inspector's findings on harm to living conditions at IR12.98-12.125 and also agrees with her conclusions at IR12.126-12.128, noting in particular that one property would, as a result of the proposed development, become an unsatisfactory place to live (IR12.126).

Additional Issues

18. The Secretary of State agrees with the inspector's detailed assessment relating to aviation issues at IR12.129-12.148 and with her conclusion at IR12.148 that the proposed development would not pose such a danger as to weigh heavily against granting permission.

19. The Secretary of State notes the benefits of the proposal as identified at IR12.149-12.155, notably that the proposed wind farm has the potential to deliver between 20,400 and 23,240 MWh of energy per year, with the potential to supply energy to between 4,650 and 5,250 homes, providing CO savings of up to 89,200 tonnes over the 25 year lifetime of the wind farm (IR12.154). These renewable energy benefits weigh significantly in favour of the proposal.
20. Further to the Inspector's reporting at IR12.151-12.153 on opinions and commentary regarding renewable energy, particularly wind farms, the Secretary of State endorses that these opinions, or others made public since the close of the Inquiry, do not represent policy so are not issues to consider in the decision making process. The extent of weight to be given to the material and relevant considerations in the case are a matter for the decision maker, being the Secretary of State in this case, to decide (12.161).
21. The Secretary of State notes the Inspector's views on the weight of public opinion in this case at IR12.156-12.161, and on other matters raised at IR12.162-12.166 and finds no reason to disagree with her conclusions.

The planning balance

22. The Secretary of State agrees with the Inspector at IR12.166 that, in the absence of any renewable energy policy in the AVDLP, permission for the Dorcas Lane wind farm should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, in line with the presumption in favour of sustainable development in paragraph 14 of the framework.
23. The Secretary of State agrees with the Inspector's assessment of the benefits of the scheme at IR12.167, and as outlined at paragraph 19, above, and further agrees that they attract great weight in the planning balance.
24. In accordance with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Secretary of State has special regard to the desirability of preserving the heritage significance of listed buildings and like the Inspector attaches considerable weight to the fact that the proposal would fail to preserve the settings of five Listed Buildings and the less than substantial harm caused by this (IR12.169).
25. The Secretary of State agrees with the Inspector that a number of residential properties would experience adverse visual effects as a result of the development. He further agrees that those identified specifically at Fairfield Farm would be so unpleasant as to render that dwelling an unsatisfactory place to live and this is a consideration that has a very great adverse weight (IR12.170).
26. On balance the Secretary of State concludes, like the Inspector, that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (IR 12.171). With regard to paragraph 98 of the Framework the adverse impacts cannot be made acceptable to warrant granting permission.

27. In addition, the scheme's conflict with the Development Plan as identified above, and additionally the conflict with policy GP.8 would not be outweighed by the presumption in favour of sustainable development contained in paragraph 14 of the NPPF.

Conditions and Obligations

28. The Secretary of State has considered the suggested conditions recommended by the Inspector at Appendix C to her report, the Inspector's explanation of these at IR11.1-11.10, national policy set out in the Framework, and the planning guidance. He is satisfied that the conditions recommended by the Inspector meet the tests set out at paragraph 206 of the Framework, however he does not consider that they overcome his reasons for dismissing the appeal.

Overall Conclusions

29. The Secretary of State agrees with the Inspector at IR12.172 and concludes that the identified harms are not outweighed by the scheme's benefits, that the scheme conflicts with the development plan and that it does not amount to sustainable development.

Formal Decision

30. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for the installation of four turbines up to a maximum of 125m in height, an anemometer mast, sub-station building, access tracks, electricity connections, transformer kiosks and temporary construction compound and storage area in accordance with application 11/02798/APP, dated 21 December 2011, which was refused by notice dated 20 March 2013.

31. This letter serves as the Secretary of State's statement under Regulation 21(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

32. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

33. A copy of this letter has been sent to Aylesbury Vale District Council and representatives of SDLT. A notification letter has been sent to all other parties who asked to be informed of this decision.

Yours faithfully

Richard Watson

Authorised by Secretary of State to sign in that behalf

Report to the Secretary of State for Communities and Local Government

by Jessica Graham BA(Hons) PgDipL

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

Date: 5 November 2014

TOWN AND COUNTRY PLANNING ACT 1990

AYLESBURY VALE DISTRICT COUNCIL

APPEAL MADE BY

FORCE 9 ENERGY LLP AND EDF ER

Inquiry opened on 24 June 2014

Land to the south of Dorcas Lane, south-west of Stoke Hammond and north-west of Soulbury

File Ref: APP/J0405/A/13/2205701

File Ref: APP/J0405/A/13/2205701**Land to the south of Dorcas Lane, south-west of Stoke Hammond and north-west of Soulbury**

- 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 Force 9 Energy LLP and EDF ER against the decision Aylesbury Vale District Council.
- The application Ref 11/02798/APP, dated 21 December 2011, was refused by notice dated 20 March 2013.
- The development proposed is a wind farm consisting of four turbines up to a maximum of 125m in height, an anemometer mast, sub-station building, access tracks, electricity connections, transformer kiosks and temporary construction compound and storage area.

Summary of Recommendation: That the appeal be dismissed.

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

AAL	Area of Attractive Landscape
AIL	Abnormal Indivisible Load
agl	Above ground level
asl	Above sea level
AOD	Above ordnance datum
AVDC	Aylesbury Vale District Council
AVDLP	Aylesbury Vale District Local Plan
CIHT	Chartered Institution of Highways and Transportation
CIL	Community Infrastructure Levy
DCLG	Department of Communities and Local Government
EIC	Evidence in Chief
ES	Environmental Statement
ha	Hectare
LCA	Landscape Character Area
LVIA	Landscape and Visual Impact Assessment
NPPF	National Planning Policy Framework
PPG	Planning Policy Guidance
RTPI	Royal Town Planning Institute
SDLT	Stop Dorcas Lane Turbines
SEI	Supplementary Environmental Information
SoCG	Statement of Common Ground
SoS	Secretary of State for Communities and Local Government
XX	Cross Examination

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1. Procedural matters

Throughout this report, references in round brackets are to documents (listed in Appendix B), while references in square brackets are to paragraphs within this report.

- 1.1 A local community action group known as "Stop Dorcas Lane Turbines" (SDLT) sought, and was granted, Rule 6 status under the relevant Inquiry Procedure Rules. SDLT has engaged fully in proceedings, and was professionally represented at the inquiry.
- 1.2 On 4 March 2014 I held a pre-inquiry meeting, the purpose of which was to consider the arrangements for the inquiry itself. Representatives of all three main parties were present. There was no discussion at that meeting of the merits or otherwise of the proposed development.
- 1.3 By letter dated 10 April 2014, the SoS directed that he would determine the appeal himself. The reason given for that direction was that "the appeal involves a renewable energy development".
- 1.4 The inquiry sat on 24, 25, 26 and 27 June, and 1, 2, 3 and 4 July 2014. An evening session was held on 1 July, in order to hear evidence from members of the public who were unable to attend the daytime sessions. The Rt. Hon. John Bercow MP addressed the inquiry on 3 July. I adjourned the inquiry on 4 July to receive closing submissions in writing, which were duly provided in accordance with the agreed timetable (PINQ 5, 6, 7 & 14) along with additional statements concerning aviation matters (PINQ 8, 10, 11, 12 & 13). The inquiry was then closed in writing.
- 1.5 I made an accompanied visit to the site and surrounding area on 15 July 2014, and extensive unaccompanied visits on 4 March, 23 June, 14 and 16 July, and 15 September.
- 1.6 At the inquiry, I identified the two main issues in this appeal as (1) the effect that the proposed development would have on the character and appearance of the area, including any impact on heritage assets; and (2) the impact on living conditions at Fairfields Farm, Holly Bar Cottage and Andrich Cottage. I explained that I would also need to advise the SoS on a wide range of other material considerations, such as the implications for aviation, and impacts associated with the access route.

2. The site and surroundings

- 2.1 The appeal site lies in open countryside, and consists of gently sloping agricultural land, predominantly arable fields, bordered by hedgerows with occasional mature trees. A shallow valley, containing a small stream, runs west to east through the centre of the site. The appeal site is located on the southern side of Dorcas Lane, to the south west of Stoke Hammond and north west of Soulbury. It lies in close proximity to the A4146, and the electrified main train line between London and Milton Keynes.
- 2.2 The principal settlements in the vicinity of the appeal site, measured from the nearest proposed turbine to the nearest part of each settlement, are Stoke Hammond (0.9km to the north-east); Soulbury (1.4km to the south-east);

Drayton Parslow (2.2km to the west); Water Eaton (2.3km to the north-east); Stewkley (2.4km to the south-east) and Newton Longville (3.2km to the north-west).

3. Environmental Information

- 3.1 The proposed development is EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended) ("the EIA Regulations"). The planning application was duly accompanied by an Environmental Statement (CD APP/02), which consisted of a Non-Technical Summary, and three volumes containing, respectively, text, figures and appendices.
- 3.2 Supplementary Environmental Information (CD APP/12) was provided by the appellant in December 2012, in response to the Council's request. Two further volumes of Supplementary Environmental Information (CD ENV/01) were submitted by the appellant in March 2014. At the inquiry I heard further evidence on a wide range of environmental matters, including the characteristics of the landscape, local infrastructure, the impact on biodiversity and its habitats, and the extent to which these could be mitigated.
- 3.3 I am satisfied that all of this represents the necessary environmental information for the purposes of the EIA Regulations, and I have taken this information into account in making my recommendations.

4. Planning policy and guidance

The Development Plan

- 4.1 The adopted Development Plan consists of the saved policies of the Aylesbury Vale District Local Plan (AVDLP) 2004. None of these are directly relevant to the provision of renewable energy.
- 4.2 The two saved policies cited in the Council's reasons for refusal are Policy GP8, which states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal, and Policy GP35, which states that the design of new development proposals should respect and complement (a) the physical characteristics of the site and the surroundings; (b) the building tradition, ordering, form and materials of the locality; (c) the historic scale and context of the setting; (d) the natural qualities and features of the area and (e) the effect on important public views and skylines.
- 4.3 Other policies of the AVDLP referred to in evidence are GP.53 and RA.8. Policy GP.53 states that proposals for development will not be permitted if they cause harm to the character or appearance of Conservation Areas, their settings or any associated views of or from the Conservation Area. Policy RA.8 defines Areas of Attractive Landscape and Local Landscape Areas by reference to the Proposals Map, and states that development in these areas should respect their landscape character.

The emerging Local Plan

- 4.4 The Council is working on a new Local Plan, but this is still in the initial stages of scoping and consultation, and the current Local Development Scheme puts the adoption date at June 2017. The emerging Local Plan therefore carries very little weight in the context of this appeal.

National planning policy

- 4.5 The National Planning Policy Framework (NPPF), published by the government in March 2012, is an important material consideration. There is no dispute that in the agreed absence of any Development Plan policies relevant to renewable energy, the decision-taking advice set out in the second limb of paragraph 14 of the NPPF is relevant [6.8; 8.6]. This provides that where the Development Plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
- 4.6 One of the 12 core principles set out at Paragraph 17 of the NPPF is that a good standard of amenity should always be sought for existing and future occupants of buildings. Another of the listed core principles is that the planning system should support the transition to a low carbon future in a changing climate, and encourage the use of renewable resources, for example by the development of renewable energy.
- 4.7 Paragraph 98 of the NPPF explains that applicants for energy development should not be required to demonstrate the overall need for renewable energy, and says it should be recognised that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; it goes on to say that renewable energy applications should be approved if their impacts are, or can be made, acceptable. The approach to be followed is set out in the National Policy Statements for Energy (EN-1) and for Renewable Energy Infrastructure (EN-3), per footnote 17 to paragraph 97 of the NPPF.
- 4.8 EN-1, the *Overarching National Policy Statement for Energy*, was published in July 2011 (CD PLA/06). Paragraph 2.2.4 explains that it is important for the planning system to ensure that decisions on renewable energy take account of the views of affected communities. The need for more electricity capacity to support an increased supply from renewables is set out at paragraph 3.3.10, while the urgency of that need is set out at paragraph 3.4.5.
- 4.9 EN-3, the *National Policy Statement for Renewable Energy Infrastructure*, was also published in July 2011 (CD PLA/07). Section 2.7 deals specifically with onshore wind. Paragraph 2.7.17 states 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. Such judgements should include consideration of the period of time sought... and the extent to which the site will return to its original state may also be a material consideration."

Other guidance

- 4.10 The *UK Renewable Energy Roadmap Update 2013* (CD PLA/22) was published in November 2013. It reiterates the Government's commitment to achieving the

UK's 15% renewable energy target by 2020, and paragraph 114 states that onshore wind has an important part to play in a responsible and balanced UK energy policy.

- 4.11 The Government's *Planning Practice Guidance* (PPG) (CD PLA/10) was issued in March 2014. The section on "renewable and low carbon energy" refers to the advice in the NPPF that all communities have a responsibility to help increase the use and supply of green energy, and explains that this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. Rather, the PPG notes: "As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them" (Ref 5-003-20140306). Subsequent paragraphs 14-31 cover the particular planning considerations that relate to wind turbines.
- 4.12 On 9 April 2014 the SoS issued a Written Ministerial Statement on local planning and renewable energy developments (CD PLA/24). Among other things, the statement explained that in publishing the PPG, the Government had been quite clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. It also advised that new planning guidance, to help secure the intended improvements in how communities are engaged, would shortly be published.
- 4.13 In December 2012 the Council published its *Guidance Note on Planning Applications for Wind Energy Developments* (CD PLA/16). This document has not been subject to public consultation, and has not been adopted as part of the statutory Development Plan. Its status is therefore that of an advisory note that provides guidance and information to those considering making a planning application for wind energy development.
- 4.14 A report entitled *Aylesbury Vale District Wind Turbine Development Capacity Report* (2012) (CD APP/08), carried out on behalf of the appellant, was submitted in support of the planning application. The Council was neither involved, nor consulted, in the preparation of this report. The Council subsequently commissioned an independent appraisal of the report, which concluded that there were a number of shortcomings that should be addressed before it could usefully provide a source of guidance for AVDC or other decision makers. I do not consider this Capacity Report to be of assistance in my consideration of the appeal.

5. The proposal

- 5.1 The proposed development consists of four wind turbines up to a maximum height of 125m to blade tip, an anemometer mast, a sub-station building, access tracks, electricity connections, transformer kiosks and a temporary construction compound and storage area. Connection to the grid would be achieved through the on-site sub-station and subsequently connection to the existing local distribution network.
- 5.2 There are two alternative access routes proposed. Route 1 would provide access to the appeal site via Hollingdon Lane, then follow field boundaries. This would involve works to Hollingdon Road to render it suitable for construction traffic and turbine deliveries (CD APP/12). Route 2 would involve the construction of a direct access to the site from the A4146 dual

carriageway. A condition is proposed which would require the appellants to provide written confirmation, before development could commence, of the route to be used for the construction and operation of the wind farm [11.4].

6. The case for the appellant

The following paragraphs summarise the appellant's case, which is set out more fully in its closing submissions (PINQ 14), supplemented by further documents concerning aviation matters (PINQ 8, PINQ 10, PINQ 12).

Identification of key issues

- 6.1 The appellant agrees with the Inspector's identification of the main issues. There were other matters which were raised in evidence, but which the appellant considers will not have a material influence on the outcome:
- (a) A number of interested persons raised issues of impacts on ecology and birds. However, what they said amounted to no more than assertions based on observation, without any impact evidence. The material in the ES is to be preferred, noting that Natural England made no objection to the proposed development.
 - (b) Mr Newing, on behalf of SDLT, gave some evidence on what he regarded as a lack of proper public engagement by the appellant at the pre-application stage. There is a clear difference of opinion between SDLT and the appellant. If there is a need to evaluate the position, the report of consultation can be found at CD APP/4.
 - (c) A number of local residents raised concerns about operational noise, but again this amounted to assertions without impact evidence. Given the lack of any objection by the Environmental Health Officer, and an agreement on conditions between the appellant and the Council, there is no issue here to be resolved.
 - (d) As is normal in this sort of inquiry, concerns about the impact of the development on house prices were raised. House prices of themselves are not a material planning issue, but there may be impacts which result in an effect on prices, and those impacts may well be material considerations.
- 6.2 Turning to the issue of public opinion, there were a large number of representations, both opposing and supporting the development. Public opinion is relevant if founded in relevant planning issues, but the planning process is not a game of numbers and is certainly not a plebiscite. As Mr Bercow MP acknowledged, the determination of this proposal is not simply a matter of public opinion.

The legal and policy framework

- 6.3 The appellant draws attention to two statutory provisions connected with the issues brought in evidence. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 is dealt with later in these submissions. As to section 72 of the same Act, the appellant's view is that this is not engaged in this appeal because it addresses only development within Conservation Areas

(APP 2, 3.4). There does not appear to be any dispute on this matter before the inquiry.

6.4 The AVDLP was adopted in 2004. The following policies were canvassed in evidence and/or in the Council's reasons for refusal:

- (a) Policy GP.8 was saved under the SoS's September 2007 Direction. The SoS observed that the saving of a policy does not indicate that it would now be endorsed if it were presented as a new policy (APP 3, 2.6).
- (b) Policy GP35 was also saved under the 2007 Direction. As Mr Frampton's written evidence makes clear, this policy is not relevant to the proposed development (APP 3, 4.3). Mr Nicholson, for the Council, argued for its application to the appeal; perhaps out of necessity, because there is no Renewables Policy within the AVDLP. GP.35 advises explicitly and exclusively on buildings, as does its reasoned justification. It cannot be sensibly applied to a proposed wind farm. Mr Nicholson cited various appeal decisions, but each of these involved housing or a mixed use development (LPA 1, 2.5).
- (c) Mr Billingsley, for SDLT, raised GP.53 (Conservation Areas), also a saved policy under the 2007 Direction. This is acknowledged to be relevant.
- (d) Mr Billingsley also raised GP.84 (Impacts on Public Rights of Way), a saved policy. The evidence of Mr Frampton is that it is not engaged here, since it concerns physical effects on public rights of way.
- (e) Mr Billingsley addressed Policy RA.8 (Advice on the Areas of Attractive Landscape designated in the AVDLP), a saved policy. Although Mr Frampton took the view that it probably did not apply, the reasoned justification with the policy seems to infer that impacts on AALs arising from development outside the designated areas may be taken into account. On balance, the appellant considers that Policy RA8 probably should be taken into account as relevant.

The emerging Local Plan

6.5 This is at an early stage, and is agreed to be of little or no weight in the appeal.

AVDC Guidance Note on Wind Energy Development

6.6 This document received no attention in the inquiry. It contains advice on issues to be addressed in wind energy development and on information required by the Council, but nothing useful is added to the advice in the AVDLP or in national guidance. It does however direct developers to consider both the Jacobs landscape character and sensitivity studies when considering a wind farm proposal.

The National Planning Policy Framework

6.7 While the decision making process must commence with section 38(6) of the 1990 Act, in wind energy appeals generally (and certainly in this appeal) the

NPPF can be acknowledged as giving the most relevant advice, and attracting greater weight for the purposes of section 70.

6.8 The appellant and the Council agree that in the absence of a renewable energy policy in the AVDLP, the second limb of the decision-making advice in paragraph 14 of the NPPF is engaged. It is also agreed between the appellant and the Council that the other key paragraph of the NPPF here is 98.

6.9 Other advice within the NPPF, of actual or contended relevance, is as follows:

(a) Paragraph 109 advises that the planning system “should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes...”. There was debate at the inquiry about the meaning of “valued landscapes”. The appellant suggests that there are two logical possibilities. Firstly, that the paragraph is badly written and that it is not possible to extract a sensible meaning from the phrase. Secondly, if the phrase is deliberate, then it can only mean something more than a landscape which is valued by those who live within it: if that was the meaning of the phrase there would be no need for the advice, since all landscapes are locally valued. If the phrase is to have any meaning at all, valued landscapes can only mean landscapes recognised by society through a planning designation. On that basis, the area of Dorcas Lane is not a valued landscape for the purposes of paragraph 109.

(b) The Council drew attention to paragraph 17 of the NPPF, which advises certain core planning principles. A point made by those opposing the development was that if it could not be said that the development would contribute to conserving and enhancing the natural environment, then it could not claim the benefit of support from the NPPF. The appellant considers that an absurd proposition: other core principles advise on the benefits of reducing pollution and encouraging the use of renewable resources. Taking a single phrase from within a large number of core principles which may always, to some extent, be opposing is not the right way to view the advice of the NPPF.

(c) Paragraph 97 of the NPPF is clearly of direct relevance here even though the primary context is the preparation of plans. Footnote 17 makes it clear that National Policy Statements EN1 and 3 are directly relevant to the determination of applications for wind energy development.

(d) Chapter 12 is obviously engaged in this appeal.

National Policy Statements EN1 and EN3

6.10 These documents were placed on the floor of the House, and therefore bear the imprimatur of the UK Parliament.

Planning Policy Guidance (March 2014)

6.11 The PPG does not change the policy advice in the NPPF, or within EN1 or EN3. At the most, it puts the gloss of the SoS’s current views on the advice in these documents. Issues which have been canvassed by the SoS in the PPG as of importance were always regarded as important in the determination of wind energy applications: nothing has changed. The Standard Note in the House of Commons Library of 14 May 2014 explains that nothing within the PPG is

intended to give communities a veto over wind energy development (APP 3, 2.24).

Landscape and visual effects

Approaches to assessment

- 6.12 There are just a few differences in approaches to assessment between Mr Stevenson for the appellant, Mr Bellars for the Council and Mr Billingsley for SDLT. The first relates to the nature of the changes that would result from the proposed development. Mr Bellars expressed concern that Mr Stevenson had, in addressing the nature of landscape and visual changes, wrongly taken into account the views of the public (the valency issue). However it is clear from Chapter 6 of the ES that Mr Stevenson reached his own professional view on the nature of such changes, having first identified significant landscape and visual effects, recognising quite separately and properly that others might take different views (CD APP/2 6.8.5 et seq).
- 6.13 Mr Stevenson and Mr Frampton, who both give evidence for the appellant, take slightly different views of the nature of landscape changes arising from the proposed development. The appellant contends that it would be fair to proceed on the basis that changes to landscape character and visual amenity would be adverse. This is not to say that Mr Stevenson is wrong, but that it must be right to make an assumption of a worst case. This approach follows that taken by numerous other Inspectors.
- 6.14 In connection with the issue of the development being temporary and reversible, Mr Nicholson referred in evidence to the decision of the SoS on the Asfordby scheme (CD INS/26) and to the report of the Inspector on the Nun Wood development (CD INS/21). It is clear from the advice in EN3 (CD PLA/7, 2.7.17) that in the Government's view, the time-limited nature of wind energy development (where a time-limiting condition is imposed) is an "important consideration" for both landscape and visual and cultural heritage effects. Here, the appellant has offered a 25 year operational life by condition, and has put forward a decommissioning condition. Thus the temporary quality of the development, and its secured reversibility, comprise an important consideration in the approach to be taken to the evidence and the planning balance.

Cumulative assessment

- 6.15 Wind farms forming part of the cumulative baseline may be established (operational), reasonably certain to proceed (those with planning permission), or less certain (projects at application stage). As Mr Nicholson agreed in cross examination, less weight should be given to those projects in the planning system than to the more established baseline. In this case there are no operational turbines within the cumulative baseline. There is a consented turbine, but that was part of a mixed use development which was itself refused on appeal; the single turbine may not proceed by itself, and therefore comprises a less certain part of the baseline. In addition there is a single proposed turbine, which will be the subject of an inquiry this autumn following the refusal of planning permission. There is also the proposed Salden wind farm, which remains an application before the Council.

Impacts on Landscape Character

- 6.16 The fundamental differences between Mr Stevenson, Mr Bellars and Mr Billingsley are well-defined and narrow. It is agreed between all of them that significant landscape character effects would extend to the north, south and west of the development up to between 2km and 2.5km. Finding significant landscape character effects from a development of this scale is no more than would be expected, and can be taken into the planning balance.
- 6.17 The appellant would urge caution about the weight to be given to Mr Bellars' landscape impact assessment. He acknowledged (xx day 1) that the assessment should be carried out on the basis of 360° views from any given point, and contended that this is what he had done. The appellant contends that he has, rather, made his assessment purely on a viewpoint basis. This is demonstrated by his treatment of landscape sensitivity at the various viewpoints. Mr Bellars initially maintained that he had adopted the same sensitivity for any viewpoint within a single Landscape Character Area (LCA), but it became clear that this was not so. Mr Stevenson maintains that the correct approach should be to assess the landscape impacts of the development on the whole of a Character Area, and not from a series of viewpoints, so that the sensitivity of a LCA to a particular type and scale of development should remain the same throughout the LCA.
- 6.18 Mr Bellars concludes that the landscape quality of the area generally is good, whereas Mr Stevenson concludes that the same general area is variable but generally of medium quality. The appellant contends that Mr Stevenson's evidence should be preferred, and draws attention to his evidence in chief concerning the landscape detractors noted in the Landscape Character Assessment (2008) for both LCA 4.9 and LCA 4.11, and to the cross examination of Mr Bellars on the same point.
- 6.19 Perhaps the key difference between Mr Stevenson and the other witnesses relates to the claims of Mr Bellars and Mr Billingsley that significant landscape character effects would arise within LCA 5.2 and LCA 6.1. With regard to LCA 5.2, the differences between Mr Stevenson and Mr Billingsley are based on the use by the latter of landscape guidelines within the Landscape Character Assessment (2008) which specifically reference views along the Ouzel Valley, and views up to the wooded slopes of the Greensand Ridge.
- 6.20 With regard to LCA 6.1 (the Brickhills Scarp), Mr Bellars and Mr Billingsley contend that significant landscape character effects will arise up to 3.5km to the east of the site. Mr Stevenson acknowledges significant visual effects from viewpoints in this area (notably VP4), but says that these are not landscape effects. Mr Bellars and Mr Billingsley have focused very strongly on views from the scarp, and have conflated landscape and visual effects.
- 6.21 In contrast, Mr Stevenson has conducted his landscape assessment, as advised by the GLVIA (Second Edition) (CD LAN/1) through an examination of the proposed development against the key characteristics of the area as recorded in the Landscape Character Assessment (2008). The key characteristics of LCA 6.1 do not include views. The noted distinctive features of the area do include long distance views from vantage points on the scarp, and the landscape guidelines for LCA 6.1 include "the management of views to the scarp". However, neither the distinctive features nor the landscape

guidelines are key characteristics for the purposes of a GLVIA assessment. Mr Stevenson's view – that there will be no significant landscape character effect experienced within LCA 6.1 – is to be preferred. The appeal site would be "over there" in a different LCT and a different LCA. There would be no conflict with the key characteristics.

- 6.22 An area including LCA 6.1 is within the Brickhills Area of Attractive Landscape (a Special Landscape Area). While there would be significant visual effects from viewpoints 4 and 5, the evidence of Mr Stevenson is that there would be no effect on the integrity of this SLA.

Summary – Landscape Character Effects

- 6.23 The evidence of Mr Stevenson is that significant landscape character effects would extend to about 2.5km in all directions. The spatial extent of such effects is no more than would be expected for any wind farm of this scale. It is noteworthy that detractors to the landscape quality recorded in the landscape Character Assessment (2008) are to the east of, and close to, the appeal site; within LCAs which extend some distance to the north, south and west.
- 6.24 It is also noteworthy that no evidence was heard, from Mr Bellars or Mr Billingsley, on publicly valued skyline views; the historical scale and context of the area; or on any conflict with existing building tradition or the "ordering, form and materials of the locality".
- 6.25 It can therefore be concluded that the Council's first reason for refusal is not well founded in terms of landscape character effects.

Visual Impact

- 6.26 The Council's first reason for refusal includes the contention that there would be impacts on the settings of Stoke Hammond and Hollingdon. It is clear that there is no policy or other guidance on the setting of these settlements. In any event, as agreed by Mr Bellars in cross examination, the real issue is not some concept of the setting of the villages, but visual impacts on individual residents and the residents of the settlements as a whole.
- 6.27 Mr Bellars agreed with Mr Stevenson that all significant visual effects could be found within 5km. Mr Billingsley took the same view, save for the case of Viewpoint 19 (Ivinghoe Beacon) (CD APP/2). This is surprising: as Mr Billingsley agreed in cross examination, panoramic views are available from this point at a distance of 14km from the development. The wind farm would be a very small element in the panorama, and Mr Stevenson maintains that at this distance there would be no possibility of any significant visual effects. The evidence of Mr Bellars and Mr Billingsley (except for Viewpoint 19) does not point to any noted public views where there would be significant effects. The appellant contends that the visual impacts of the proposed development are no more than could be expected from any wind farm of this scale.
- 6.28 It can therefore be concluded that the Council's first reason for refusal is not well founded in terms of visual impact.

Residential Amenity

- 6.29 The content of the Lavender Test is agreed between the three witnesses. The most authoritative exposition of this test is found in the decision of the SoS in the Burnthouse Farm appeal (CD INS/9, IR 229-232, DL 10). The test is whether or not a house could become widely regarded as an unattractive place to live. In essence that is a planning test. Mr Frampton visited all the properties to which he could gain access, and made his assessment of all properties where contentions had been made concerning the visual component of residential amenity. The appellant contends that his views should be accepted, leading to a finding that there would be no breach of the Lavender Test, such that the Council's second reason for refusal is not well founded.
- 6.30 So far as the other components of residential amenity are concerned, a condition has been offered to ensure the avoidance of any shadow flicker effect, and noise emissions are not in contention between the three main parties.

Heritage Assets

- 6.31 In the view of Dr Carter, who gave evidence for the appellant, the most relevant advice to which regard should be had in assessing the impact of the proposed development on the significance of heritage assets is English Heritage's Guidance on the Setting of Heritage Assets, issued in October 2011 (CUL 3). While this document now has a front sheet noting that the advice is under review, it still remains current. The appellant considers that guidance in EN3 concerning the temporary quality and reversibility of development [CD PLA/7, 2.7.17, 2.7.43) is also relevant to the context of cultural heritage assets.
- 6.32 Dr Carter approached his evidence on the basis of a methodology which is clearly set out in his written evidence (APP 2.1), and is based firmly on English Heritage's Guidance on the Setting of Heritage Assets.
- 6.33 The Council did not engage on this topic. The appellant considers that the evidence presented by Mr Billingsley amounted to little more than a visual impact assessment, applied to heritage assets. He made no proper attempt to define the significance of any of the heritage assets he addressed, nor to define the contribution of setting for the significance of those assets. Indeed, he acknowledged (xx day 3) that he had failed properly to record these matters in his evidence.
- 6.34 This can be demonstrated by reference to the evidence concerning the Church of All Saints, Soulbury. Dr Carter's approach was to define the significance of the asset (APP 2, 4.14), giving explicit attention to the contribution made by the asset's setting (APP 2, 4.15-4.17). On this basis he then examined the visual relationship of the asset with the proposed development (APP 2, 4.18-4.20), before dealing with the predicted effects (APP 2, 4.21-4.22). He took his earlier findings into a discussion of harm (APP 2, 5.6-5.7), before handing over to Mr Frampton, the appellant's policy witness, for a treatment of section 66 and the planning balance.
- 6.35 In comparison, Mr Billingsley took a wholly inadequate approach. He conflates and confuses the Listed Building and the Conservation Area (SDLT 1, 7.27), contrary to the guidance from English Heritage. He does not provide a proper

assessment of the significance of the Listed Building. He gives no reasoned view of the contribution of setting to significance. Even if he had done so that evidence would have been less than useful, since he did not define the significance of the asset. In any event his views on the contribution of setting were based on what could be seen of the church, and from where (SDLT 1, 7.28). He concludes that there would be an adverse impact on the setting of the Conservation Area, but totally omits any conclusion on the church (SDLT 1, 7.40).

- 6.36 All of the assets noted in SDLT's Statement of Case were addressed by Dr Carter in his written evidence. However, included in Mr Billingsley's proof of evidence was additional material relating to Drayton Parslow Conservation Area. Dealing with this orally in his evidence in chief, Dr Carter concluded that the proposed development would cause no harm to the significance of the asset, having regard to the contribution of setting to its significance.
- 6.37 It is clear that the approach determined by the Court of Appeal in its judgment on *Barnwell Manor* (CD JUD/1) involves giving "considerable importance and weight" to the desirability of preserving or enhancing the setting of Listed Buildings. If the development would cause harm to the setting of a Listed Building then there is a rebuttable presumption against the grant of planning permission. Whether or not the presumption is rebutted is a matter for the planning balance.
- 6.38 Dr Carter gave oral evidence in chief to the effect that he had visited every one of the heritage assets scoped into the assessment contained within the ES (ENV/01, Table 12.6) in so far as they were publicly accessible. He confirmed that on the basis of his site visits and his assessment, there would be no harm to any Listed Building save for Soulbury Church. He also concluded that there would be harm to to Soulbury Conservation Area and Stoke Hammond Conservation Area, but that the magnitude of adverse effect in all these three instances would be "slight", equating to the lower end of the range of "less than substantial harm".

Hollington Road – trees and access

- 6.39 Buckinghamshire County Council (as Highway Authority) now accepts that Hollington Road could be made adequate for the purposes of serving the proposed development, but the Council's fourth reason for refusal, which contends that harm would be caused to the character and appearance of the lane, remains at issue.
- 6.40 The issues relate to impacts on the landscape, visual amenity and trees. As regards arboricultural matters, Mr Popplewell gave evidence for the appellant. He has a degree in arboriculture, and extensive relevant experience. There was not really any competing evidence: Mr Bellars and Mr Billingsley focused on the landscape and visual effects of the removal of trees. The evidence of Mr Popplewell records that it would be necessary to remove 3 individual trees, and 9 trees from within the roadside edge of Groups G4, G5 and G6 (APP 4.1). There would be no loss of high value trees, only those of moderate and low value, as described in BS5837 (CD ARB 1). Mr Popplewell's Arboricultural Method Statement sets out measures for the protection of veteran tree 30 during the construction period, and detailed mitigation and monitoring proposals, which were not contested (APP 4.2). Mr Popplewell also gave attention to the effects

that the works required would have on landscape value, as required by BS5837 (APP 4, 4.48 et seq).

- 6.41 As recorded in evidence, the increase in the level of the road, shown as a worst case scenario in the chainage sections, was a maximum of 1.4m at pinch point 5. In accordance with the evidence of Mr Popplewell the appellant knows that it can reduce this increase of level in that area, but is happy to have the worst case scenario assessed.
- 6.42 Turning to the landscape and visual effects of the removal of trees and other vegetation along Hollingdon Road, Mr Bellars claimed that there would be a significant landscape character effect because of works at pinch points 4 and 5, and also significant effects in respect of the same works. Mr Stevenson disagrees. Even if Mr Bellars were right, the significant effects would be locally limited and there would be little which was adverse to take into the planning balance. Of relevance here is Mr Popplewell's evidence that the pruning required to roadside hedges is proportionately small and not visually consequential. The hedges would readily and quickly recover. The proposed pruning and tree removal would not alter the categorisation of any tree group for the purposes of BS5837: the tree groups would remain within the same quality bracket.
- 6.43 The appellant submits it is clear that a means of access for Abnormally Indivisible Loads (AILs) can be achieved which would be entirely acceptable in the planning balance. In any event, the planning application promoted two accesses. Mr McKay gave evidence for the appellant in relation to the alternative to Hollingdon Road, which remains a live proposal. A condition has been proposed requiring the appellant to make a choice of means of access prior to the commencement of development.

Aviation

- 6.44 Airspace in the UK is divided into classes (APP 5, s3). Within the area of the appeal site, airspace up to 5,500 feet asl is uncontrolled (Class G) airspace. Above that is Class A (controlled) airspace. The regulatory provisions concerning flights in uncontrolled airspace are set out in Mr Spaven's evidence for the appellant (APP 5, s.5), as is a description of the air traffic in the area of the appeal site, and the regulation of that traffic (APP 5, s.6).
- 6.45 Consultations were carried out by the appellant in accordance with CAP764 (CD AVI/13), and are described in detail in Mr Spaven's written evidence (APP 5, S.4). The objections of the GAAC have not changed since the pre-application objection letter dated 11 February 2013. They were answered in detail by Mr Spaven in his March 2013 response to a variety of aviation issues raised by objectors (CD APP/16). There is no objection to the proposed development from any aviation consultee within the meaning of CAP764, except Cranfield Airport. However, the Council also consulted the British Gliding Association, who objected on the basis of hazards to gliding activity. Neither the BGA nor Cranfield Airport appeared at the inquiry, although Dr Fopp of SDLT spoke to the concerns of both bodies. There is no reason for refusal relating to this issue.
- 6.46 The key issues requiring consideration by the decision maker are (a) impacts on the proposed radar at Cranfield Airport; (b) impacts on the Holmbeck Farm

airstrip; and (c) vertical constraints on general aviation activity that would be introduced by the construction of the development (APP 5, 7.3-7.4).

Cranfield Airport

6.47 The objection made by Cranfield Airport was on grounds of impact on a future radar. This point was specifically addressed in Mr Spaven's March 2013 response (APP 5, 3.7-3.9). It is clear that Cranfield Airport is a serial objector to wind energy developments on the basis of a long-anticipated radar. It is also clear that plans for the radar appear not to have advanced since 2008. Cranfield's objections to previously proposed wind farms have been uniformly unsuccessful, and there is no reason why its objection should be given any more weight on this occasion. Were a new radar to be installed, the new generation of radars can be wind farm resistant (CD APP/16 3.10).

Holmbeck Airstrip

6.48 An objection was made at application stage by Mr Perkins, the owner of the airstrip (CD AVI/29), to which a detailed response was made in the March 2012 report compiled by Mr Spaven (CD APP/6, s.7). Holmbeck Airstrip is outside the area within which consultation would be recommended under CAP764 (APP 5, Table 1). There has been no demonstration in evidence that the proposed development would cause any difficulty to the users of Holmbeck Airstrip.

Vertical constraints

- 6.49 At the inquiry, Dr Fopp graciously withdrew his contentions regarding the instrument approach to Cranfield (SDLT 2, 3.6.3). The aviation case for SDLT therefore rests on a single issue: the contended compression of the vertical airspace available to those who rely on Class G airspace.
- 6.50 Mr Spaven gave evidence in chief that in current circumstances (ie in the absence of a wind farm on the appeal site), he could not envisage any circumstances in which a prudent pilot would engage in general aviation flying activity below the level of 1300 ft asl. He noted that there would have to be a conscious decision to go below 1300 ft asl. This encapsulates the issue between the appellant and SDLT.
- 6.51 The appellant submits that certain key points have emerged from the evidence:
- (a) Contrary to Dr Fopp's written evidence (SDLT 2, 3.6.1), there is no restriction on the altitude at which aircraft may fly over the appeal site. Airspace above 2500 ft asl (the base level for the instrument approach route to Cranfield's runway 03 in the area of the appeal site) remains uncontrolled airspace. Pilots can enter that airspace even without contacting Cranfield Airport. That would be unwise, but pilots can call up Cranfield to establish if there is any expectation of instrument guided traffic in the area, so that they know whether or not it is safe to rise above 2500 ft asl. That is not airspace which is denied to general aviation pilots.
 - (b) The appellant finds it slightly alarming that Dr Fopp should be placing reliance on CAA guidance (CD AVI/5) rather than the Rules of the Air Regulations 2007 (CD AVI/13). There are some material differences

between the advice and the Rules; for example, the latter require not that helicopters should simply remain within sight of the ground, but that they should always have visibility of at least 1.5km. The appellant urges the Inspector not to use Appendix A to Dr Fopp's report, but to rely instead on the evidence of Mr Spaven and the 2007 Regulations.

- (c) Dr Fopp gave evidence that pilot instructors conducted lessons in the area of the appeal site. Mr Spaven, who has 12 years' experience as a light aircraft flying instructor, made it clear that in his view this was not prudent behaviour: pilots under instruction may need more space than those who are qualified, and an instructor would not wish to conduct lessons under an instrument approach route.
- (d) The appellant submits that there is ample uncontrolled airspace, both horizontally and vertically, in the area of the appeal site. Dr Fopp agreed (xx day 6) that there was as much Class G airspace available to the west of the settlements which are immediately to the west of the appeal site as in the area of the appeal site itself.

Dr Fopp gave evidence that there are those pilots who want to be free of the need to use radio and want simply to potter about in their leisure time, and therefore fly lower than, on Mr Spaven's evidence, would be prudent. Dr Fopp says that these are the pilots who would see a conflict with the proposed wind turbines. The appellant maintains that Mr Spaven has given a host of reasons why a prudent pilot would not fly below 13000 ft asl in the area of the appeal site, which include the fact that there are settlements all around the appeal site (bearing in mind the requirement under the 2007 Regulations to keep 1000 ft above the highest point of settlements); the presence of a variety of spot heights above 500 ft asl on the charts; and the fact that obstacles of 300ft or less are not marked on the charts.

- 6.52 In addition, the CAA Safety Sense Leaflet (CD AVI/6) specifically advises pilots not to plan to fly below 1500 ft agl, and advice given to flying instructors (CD AVI/19) refers to flights below 1500ft agl as "significantly lower heights than those normally used during the en route stage of a flight". For all of these reasons, the appellant contends that prudent pilots would not, except as a conscious decision to depart from the norm, fly at less than 1300 ft asl in the area of the appeal site; further, there is no evidence that the vertical extent of airspace would be materially and undesirably constrained by the proposed wind turbines, given the circumstances for general aviation flying in the area.
- 6.53 Closing submissions made on behalf of SDLT stated it to be common ground that airspace above and in the vicinity of the appeal site is well used. That is not admitted. Mr Spaven gave oral evidence of his recent experience of flying in the area (on a summer weekend, in very good weather) and gave the view that he did not see it as well used. Nor is it "common ground", as submitted by SDLT, that the area is used extensively for commercial traffic. No evidence to this effect was presented, and the point is not admitted. There is no commercial passenger or cargo traffic visiting Cranfield. The only evidence before the inquiry relates to business jet traffic, most of which is private not commercial (APP 5, 6.4). SDLT's closing submissions also state that routes using radio beacons pass "over or in close proximity to the appeal site". As stated by

Mr Spaven, and put to Dr Fopp in xx, this is wrong. These routes pass several kilometres from the appeal site.

- 6.54 It has not been remotely demonstrated that the proposed wind farm would cause an undesirable and material impact on general aviation traffic in the area. It might also be said that, if the SDLT concern is that this wind farm might increase the chances of aircraft conflicting with each other, the materiality of that impact should not be defined by a group of pilots who, on Dr Fopp's evidence, consciously switch off their radios or fly without radios, thus depriving themselves of the main sources of information on whether or not there are other aircraft in their vicinity.

Post-inquiry submissions on aviation

- 6.55 Dr Fopp's oral evidence to the inquiry went further than his written evidence in asserting that the proposed development would be unique, since there are currently no operational or consented wind farms involving turbines 125m to blade tip or larger, located directly beneath a promulgated instrument approach procedure to an airport in uncontrolled airspace but lying at least as close to adjacent controlled airspace as the current appeal site, in the south-east of England. Having had the opportunity to review that evidence, SDLT accepted that there were two existing wind farms which meet those criteria: Turncole and Middlewick, in Essex (PINQ 11).
- 6.56 In addition to these, the appellant has identified seven other cases in England, Scotland and Northern Ireland where the vertical "letterbox" into which VFR aircraft are channelled is narrower than the 960 feet calculated by Dr Fopp as being available over Dorcas Lane after construction of the wind farm (PINQ 10). Some of the wind turbines in these cases are smaller than 125m, but turbine size is not itself the determining factor in whether it has an effect of constraining the airspace above it; this will depend on the elevation of the terrain on which the turbine stands.
- 6.57 SDLT subsequently advised that on 18 July 2014, a Radio Mandatory Zone (RMZ) was promulgated around a substantial area of Southend airport, which will remain in place until a decision is made regarding the airport's application for controlled airspace (PINQ 11). In the appellant's view, the key question in relation to the relevance of the Turncole and Middlewick examples to this inquiry is not what the current airspace and traffic control arrangements may be, but rather what conditions prevailed at the time the decisions to consent these projects were made. At that time, there was no RMZ in place around Southend, nor any proposal to establish one. The planning permissions for the two developments were granted on the basis of a situation identical to that of Dorcas Lane: open, undifferentiated Class G airspace with an instrument approach procedure directly over, or immediately adjacent to, the proposed wind farm.
- 6.58 The appellant also notes that SDLT's statement that "any aircraft using the approach above the future wind farms will be told if the approaches are in use and the "letterbox" effect will not apply" (PINQ 13) is incorrect. The "letterbox" is a physical constraint; it does not depend on whether aircraft are in radio contact. While an RMZ will mean that aircraft will be given traffic information on other aircraft in the vicinity, it will remain the responsibility of each pilot to see and avoid other aircraft, just as it would at Dorcas Lane. CAA advice, as

published on aeronautical charts, is that all pilots flying within 10nm of the Cranfield instrument approaches are “strongly recommended” to establish radio contact with Cranfield.

- 6.59 Dr Fopp contended in evidence that the proposed wind farm at Dorcas Lane raises issues of National Interest in respect of general aviation. Seeking to restrict evidence in respect of this issue to a very narrow set of criteria, particularly in respect of limiting the search for similar situations to south-east England, seems to the appellant to be partial and therefore misleading. There are numerous cases of wind farms in close proximity to instrument approach procedures elsewhere in the UK (PINQ 10, Appendix 1).
- 6.60 The SDLT proposition that the currently proposed development would be a hazard to aircraft rests solely on its attributes as a vertical physical obstacle. Since many other types of development (eg chimneys, cranes, bridge towers, high buildings, terrain, radio and tv masts) can also create a vertical obstacle to air traffic, it is illogical and misleading to restrict the search solely to wind farms. Mr Spaven set out a number of examples of other types of obstacle that create similar or greater restrictions on available airspace in his 2013 report (CD APP/16, 4.17 & 4.30). The submissions on precedents of other wind farms should be set in that wider context.

Development Plan Policy Conclusions

- 6.61 On the evidence of Mr Frampton, there would be no unreasonable harm to the amenity of residents occasioned by the construction or operation of the development. If the Inspector were to conclude that there was a breach of the Lavender Test, this would be a matter to go into the planning balance, as envisaged in Policy GP8 of the AVDLP. GP8 is a curious policy since it is difficult to see how an unreasonable impact can go into the planning balance. If it were determined that the development would give rise to a breach of the Lavender Test then it would take a great deal to overturn that finding within the planning balance. In any event, the appellant contends that there would be no breach of Policy GP8.
- 6.62 The development control test within Policy GP53 is that there should be no harm. However, it is not known if what is meant by harm in GP53 is harm to a heritage asset as envisaged in the NPPF, noting that the AVDLP was published before the NPPF. If the Inspector were to find that the harm which Dr Carter identified in respect of one Listed Building and two Conservation Areas would amount to harm for the purposes of Policy GP53, then this is a matter to be taken into the planning balance. In any event, on the evidence of Mr Frampton Policy GP53 is not compliant with the NPPF, given the absence of a balance within policy and given the overall position that there is no renewable energy policy within the Local Plan, thus triggering a decision in accordance with the second limb of paragraph 14 of the NPPF.
- 6.63 If the Inspector determines that Policy RA8 of the AVDLP is relevant, the test of the acceptability of development is that there should be no adverse effect. This test does not sit happily alongside the advice in the NPPF, or the advice in EN1 and EN3. On the evidence of Mr Stevenson and Mr Frampton there would be no breach of Policy RA8 in any event.

- 6.64 Therefore the position in relation to S.38(6) is that there may be a breach of AVDLP Policy GP53, but that the weight to be given to this breach is immaterial, and consideration has to be carefully evaluated against paragraphs 14 and 98 of the NPPF.

The Planning Balance

- 6.65 There has recently been a great deal of rhetoric from some Ministers, and the SoS has on several occasions overturned the recommendation of professional, independent, appointed persons. Decisions should of course be made in accordance with policy and the evidence, as personally heard and evaluated by an Inspector who will have made a thorough site visit. That is the way the planning system works, and it would lose all credibility (and not just in relation to onshore wind) if it were to be supplanted by political whim and playing to a supposed audience.
- 6.66 Government policy has not changed since EN1, EN3 and the NPPF. With the gloss of the PPG this policy framework, together with the Development Plan and Government energy policy, is the correct policy framework for this appeal.
- 6.67 As to Government policy, the Renewable Energy Roadmap Update of November 2013 (CD PLA/22) provides sufficient energy policy context for this appeal, as set out in Mr Frampton's evidence (APP 3, 2.37-2.41). Figure 5 within that Update shows the acceleration in the rate of delivery of energy from renewable sources which is required in order to meet the 2020 Obligation. It reveals that the contributions from the heat and transport sectors are not increasing significantly, thus placing greater reliance on renewable electricity, including onshore wind, to achieve the quantity of energy from renewable resources required. The Update also refers to the consistently high levels of public support for renewables.
- 6.68 With regard to the possible breach of AVDLP Policy GP.53, acknowledged by the appellant above, that potential breach has to be looked at in the context of the Development Plan as a whole. On the evidence of Mr Frampton the appellant has demonstrated that the development would comply with the policy as a whole, but limited weight can be given to this conclusion in the absence of a renewable energy policy from the Development Plan.
- 6.69 Turning to S.66 of the Listed Building and Conservation Areas Act 1990, Dr Carter has identified some harm to three cultural heritage assets. However, his evidence is that in his view, the harm that would be occasioned to these assets is at the lower end of the scale. That judgment is material to the weight to be given to the presumption against granting planning permission which results from a finding of harm (CD JUD/1). The appellant submits that the presumption is handsomely outweighed in the planning balance by the need for, and benefits of, this development within the overall planning policy context.
- 6.70 Also relevant to the planning balance are the benefits of the proposal, as summarised by Mr Frampton (APP 3, 5.12), which carry significant weight.
- 6.71 Turning finally to the NPPF, the appellant submits that in the terms of paragraph 98, the proposed development should be approved because it has been demonstrated that such adverse impacts as arise (and which are inevitable with any wind farm of this scale) are acceptable, or can be made

acceptable through the use of appropriate conditions. With regard to paragraph 14, the development should be approved since the identified adverse local environmental impacts fall very far short of outweighing the benefits of the development, as assessed against the policies in the NPPF as a whole.

- 6.72 The appellant submits that the location of the development is appropriate, and that the development is at the right scale for this location.

7. The case for the Council

The following paragraphs summarise the Council's case, which is set out more fully in its closing submissions (PINQ 6).

The statutory and policy framework for decision-making

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires determinations to be made in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for the purposes of this section is the 2004 AVL. The relevant policies are GP8 and GP35 and, for the reasons set out below, the proposals are contrary to these.
- 7.2 The Council does not accept the appellant's contention that GP35 is irrelevant. This policy is quite clear in its application to "new development", which Mr Frampton, the planning witness for the appellant, accepted the proposal to be. However, the Council accepts that the AVL is silent on wind turbines as it does not contain any policies that specifically relate to renewable energy. It is therefore agreed that paragraph 14 of the NPPF is a material consideration in this appeal. It states that planning permission should be granted "unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole". Furthermore, paragraph 98 of the NPPF states that when determining decisions relating to proposals for renewable energy, a decision maker should "approve the application if its impacts are (or can be made) acceptable".
- 7.3 While the Council acknowledges the benefits of this particular proposal, it submits that its adverse impacts would significantly and demonstrably outweigh its benefits. The impacts of the proposal cannot therefore be made acceptable.
- 7.4 The Council accepts that the main benefits of the proposal are the contribution that it will make to the provision of energy from renewable sources, and the associated reduction in greenhouse gases this will achieve. It recognises the contribution the proposal will make toward meeting the binding EU target of 15% of all energy being generated from renewable sources by 2020. It agrees that if a median figure is taken, the proposal will provide electricity from a renewable resource for 6.25% of the District's housing stock (LPA 1, 3.6). It also agrees that substantial weight must be given to these benefits (LPA 1, 5.6).
- 7.5 The Council also accepts that benefits will accrue to the UK economy through investment and job creation, although these will be relatively small in nature and largely limited to the construction stage. It recognises that the proposals are reversible, however 25 years (leaving aside the potential for repowering) is still a prolonged period of time for a community to endure adverse impacts, and this has been recognised in recent Decision Letters.

- 7.6 The difficulty faced by the appellant is that while substantial weight must be given to these renewable energy benefits, they are nevertheless significantly and demonstrably outweighed by the harm to the character of the landscape and the adverse impact upon visual amenity that the proposals will cause, and the creation by the proposals of unacceptable living conditions for the occupiers of Andrich Cottage, Holly Bar Cottage and Fairfields Farm.

Impact on landscape character and visual amenity

- 7.7 Mr Stevenson, the appellant's landscape witness, agreed that the proposals would have a significant impact on landscape character and visual amenity. He had no option but to agree since his Landscape and Visual Impact Assessment (LVIA), which forms part of the Environmental Statement (ES), demonstrates and concludes that there would be numerous significant impacts upon both landscape character and visual amenity as a result of these proposals. The Council contends that the significant impacts on landscape character and visual amenity identified by Mr Stevenson's own analysis are sufficient in themselves to justify a refusal of permission. However Mr Bellars, the Council's landscape witness, considers that the true impacts of these proposals would, in reality, be even worse.

Significant impact on landscape character

- 7.8 Having considered the impact upon the character of the landscape from 26 representative locations, Mr Stevenson's written evidence concludes that "...there would be significant effects arising which would give rise to a wind farm landscape within and in the vicinity of the turbines and a locally characterising effect outwards where a local landscape sub-type would arise" (LVIA pp 6-46). This is further explained where he states "...Dorcas Lane Wind Farm is likely to lead to (a) a wind farm landscape within and perhaps up to c700-800m of the turbines followed by (b) a local landscape sub-type – Open farmland with Wind Farm in the local / District context. This is likely to be perceived as such perhaps up to c1.5km-2.5km from the wind farm or thereabouts..." As a result he concludes, unsurprisingly, that "there would be a significant change in local landscape character in the area..."
- 7.9 The detailed analysis that led to these conclusions is contained in Appendix 6.4 to the LVIA. In his oral evidence Mr Stevenson explained that he had carried out an assessment of the landform, landcover, landscape elements, perceptual impressions, features, characteristics, quality and value of the landscape. The LVIA records (CD APP/02 Appx 6.1 para 2.13) that the sensitivity of the landscape to change forms part of its methodology.
- 7.10 It is therefore beyond doubt, and Mr Stevenson agreed, that the sensitivity of the landscape was taken into account in his assessment of whether the impact of the proposals on character is significant or not. He accepted that his analysis showed that the landscape was sensitive to change in the locations where a significant impact on character would occur, and this was up to a distance of 2.5km from the proposed development. It was also agreed that the Aylesbury Vale District Wind Turbine Capacity Report is not a substitute for an objective assessment of the change that would arise from a specific development proposal, and it is therefore the site-specific assessment that has been carried out which should be used to assess the effect this proposal would have on landscape character.

- 7.11 Mr Stevenson accepted that were the Council to undertake a review of its Landscape Character Assessment with the proposed wind turbines in place, the current Landscape Character Areas (LCAs) of "Newton Longville – Stoke Hammond Claylands" (LCA 4.9) and "Mursely-Soulbury Claylands" (LCA 4.11) would change, up to 800m from the wind turbines, to a new LCA comprising a new wind farm landscape. Up to 2.5km from the turbines, the current LCAs would change to a new LCA of "Newton Longville – Stoke Hammond Claylands with wind farm sub-type" and "Mursley-Soulbury Claylands with wind farm sub-type".
- 7.12 Mr Stevenson's analysis demonstrates that these significant changes to landscape character would occur between three location points radiating outwards from the appeal site. These points lie to the north-west to a distance of 2.4km (location 13); to the east to a distance of 1.6km (location 15) and to the south east to a distance of 1.4km (location 18) of the appeal site (CD APP/02, figure 6.4, Appx 6.1). He also agreed that there would be a significant change in character to the north east up to a distance of 0.76km (addendum location VP6).
- 7.13 It can therefore be confidently concluded, on the evidence of the appellant's own assessment, that there would be a significant impact to the landscape character of the appeal site, and the area surrounding it, up to a distance of 2.5km. This change would be so fundamental as to change the nature of the LCAs in which the appeal site is located, up to that distance.
- 7.14 Mr Bellars explained that in his view there would be a significant change to landscape character over a further 10 locations (LPA 2, paras 97-205). For example, Location 4 lies 3.5km from the appeal site, in the Brickhills Scarp LCA. One of the distinctive features for this area identified in the LCA for the Brickhills Scarp, is long distance views from the scarp looking out over the flatter claylands within which the appeal site is located. Location 4 is a prime example of this characteristic, providing panoramic views. The photomontages demonstrate very clearly that placing four very large wind turbines in this view would dominate the flat landscape, and breach the skyline. This would clearly affect the landscape character from that location.
- 7.15 Mr Bellars' evidence for the Council is that the impact of the change to landscape character will extend over a greater area to the north east (locations 24, 26 and 4), south east (location 17) south (location 16) and south east (location 14) and at a much greater distance of 3.5km (location 4) to that identified by Mr Stevenson. The Council submits that Mr Bellars' evidence on the extent of the significant change to landscape character is to be preferred: the proposal would have a significant impact on landscape character over a wider area than that identified by Mr Stevenson.

Significant impact on visual amenity

- 7.16 Mr Stevenson's LVIA (CD APP/02 p6-53) and his written evidence (APP 1, 6.31) demonstrates that there would be a significant impact upon visual amenity, over a distance up to 4-5km from the appeal site, from nine of the 26 viewpoints originally assessed (LPA 2, para 227) and from 3 of the 4 additional viewpoints assessed in the Addendum to the Environmental Statement. These viewpoints, which are in locations that surround the appeal site on all sides, include 3 from the Brickhills Scarp at distances of 3.5km, 3.8km and 4.9km

respectively (Viewpoints 3-5). Mr Stevenson agreed his assessment demonstrates that there would be a significant impact on visual amenity to the north east of the appeal site in the vicinity of the Great Brickhills area; to the north in Stoke Hammond; to the east in the Drayton Parslow area and to the south/south east in the Hollingdon and Soulbury area.

- 7.17 The Council submits that the significant impact on visual amenity identified by Mr Stevenson is sufficient to justify a refusal of permission. However, there are four additional viewpoints where Mr Stevenson states there "may possibly" be significant visual impacts (LPA 2 para 228), and where Mr Bellars is quite clear that there most certainly will be a significant visual effect. The Council considers Mr Stevenson's approach unhelpful to the decision maker: rather than sitting on the fence, a landscape expert needs to reach a definitive conclusion one way or the other. Moreover, applying the precautionary principle, if an expert concludes that there "may possibly" be a significant visual effect, he or she should assume that there will in fact be one for the purposes of the assessment. But Mr Stevenson flatly rejected this suggestion.
- 7.18 On the face of it, there is only one viewpoint in the Stewkley area (Viewpoint 16) from which there is a clear difference of opinion between Mr Stevenson and Mr Bellars as to whether or not there would be significant visual impact. Mr Bellars' reasoning is set out in his written evidence (LPA 2 para 25). Mr Stevenson agreed that the photomontage / wire frame shows that the wind turbines would be grouped together in this view point, and therefore be seen as jumbled together. In any event, on a proper analysis of Mr Stevenson's assessment, there is no material difference between him and Mr Bellars. Mr Stevenson accepts that there "may possibly" be a medium impact on visual amenity in winter from this viewpoint. This impact, combined with a high sensitivity of user, gives rise to a significance of effect in winter of "moderate/major", which is regarded as significant. Applying the precautionary approach of taking the worst case in relation to seasonal effects, as recommended by GLVIA 2 (CD LAN/01 p18), would mean that there is a significant visual impact from this viewpoint too.

Effect on residential visual amenity for properties outside the settlements

- 7.19 The appellant's LVIA assessed the effect of the proposals on residential amenity from a representative range of individual and small clusters of residential properties. In total 53 locations were assessed outside the settlements. The LVIA concluded that "...it is assessed that residents at the great majority would experience a significant visual effect in one way or another since the assessment not only has had regard to the potential effect on the visual component of residential amenity as may be experienced from within the building but also had regard to the potential effect with respect to external amenity space and the access/egress from or on to the highway" (CD APP/02 Appx 6 p 6-52). Indeed the assessment goes further, and also concludes "Although not specifically addressed in Appendix 6.5 the great majority of residents at the locations shown on figure 6.5 would experience a significant visual effect having joined and then travelled along the public highway (depending on direction of travel)".
- 7.20 The Council agrees with this assessment. It can therefore be confidently concluded that those living in these 53 properties will have their visual amenity

significantly affected when either inside their homes, or outside in their gardens, or when travelling to and from their homes on the public highway.

Effect on residential visual amenity for properties within settlements

- 7.21 The appellant's LVIA also assessed the effects the proposal would have on the visual amenity of those within the settlements near the appeal site. It acknowledged that significant visual effects would be experienced within the range of "up to c4.0km – 5.0km or thereabouts of the nearest turbines assuming open views to a reasonable proportion of the wind farm", and identified the settlements thus affected as Stoke Hammond, Soulbury, Stewkley (North and South End and Central), Drayton Parslow, Newton Longville, Water Eaton and Great Brickhill. (CD APP/02 Appx 6 p6-53)
- 7.22 In respect of Stoke Hammond, the LVIA concludes that the most significant visual effects would relate to residents entering the village from the south, or approaching the village along Newton Road prior to crossing the railway. In respect of the Hollingdon and Grove Farm, the LVIA notes that when walking or driving out from both complexes, all residents would be subject to significant visual effects.
- 7.23 The Council agrees. Therefore it can be confidently concluded that the residents, workers, visitors and travellers of, to, and through these settlements would have their visual amenity significantly affected by these proposals.

Effect on recreational visual amenity

- 7.24 The appellant's LVIA (CD APP/02 ch 6 s6.9.3) and Mr Stevenson's written evidence (APP 1, 7.21 – 7.27) demonstrate that there will be a significant visual impact on the visual amenity of those using the tracks, trails and footpaths in the area within 4-5km of the appeal site. This includes, but is not limited to, the circular walk between Stoke Hammond and Great Brickhill which utilises the local footpaths and part of the Milton Keynes Boundary Walk and the Greensand Ridge Walk. It also includes that part of the North Buckinghamshire Way that lies between Stewkley and Soulbury.
- 7.25 The analysis in the LVIA concludes that *the significant visual effects are more likely to be experienced in parts of the landscape in the range up to c4-5km. This would be relevant to (a) local residents/walkers, riders and those enjoying other recreation interests and for whom the landscape is or may be a major contributor to enjoyment and (b) those using sections of minor roads in the area to access other attractions and those passing through the area on the A and B roads.*
- 7.26 The Council agrees. It can therefore be confidently concluded that these proposals for four wind turbines would have a significant impact on the visual amenity of those residents and visitors enjoying recreational pursuits in this area, and on those travelling through and visiting it.

Whether the identified significant impacts are beneficial or adverse

- 7.27 It is the collective view of Mr Bellars, Mr Billingsley (landscape witness for SDLT) and Mr Frampton (planning witness for the appellants) that the landscape impact of these proposals should be regarded as adverse. The

preponderance of expert opinion supports that conclusion. It is also noteworthy that this is the approach taken by decision-makers considering proposals for wind turbines. For example, Inspectors have concluded that "In simple terms it seems to me that a man-made intervention of the scale proposed cannot have anything other than a negative impact on the intrinsic value of a landscape" (LPA 2, para 104) and "As a result the intrinsic character of this part of the landscape would be fundamentally changed. In simple, objective terms, an intervention that leads to this magnitude of change cannot be deemed protective of the intrinsic character and beauty of the countryside so affected" (LPA 2, para 116).

- 7.28 Contrary to the above, Mr Stevenson concludes that these large man-made structures will have a beneficial effect on both the landscape character and visual amenity of the area. He is alone in holding this opinion. Even Mr Frampton, the appellants' own planning witness, disassociated himself from Mr Stevenson's view and preferred the approach taken by Inspectors that the impact is adverse (xx day 8).
- 7.29 Mr Frampton sought to dilute the difference between himself and Mr Stevenson by suggesting that the harm to landscape character and visual amenity would be limited. But that is not a tenable position. If the impact on character and visual amenity would be significant – and all the landscape witnesses here, including Mr Stevenson, agree that it would – and if the impact would be adverse, the only conclusion that can logically follow is that the impact would be both significant and adverse. Therefore there would be significant, not limited, harm.
- 7.30 In reality, Mr Stevenson takes an approach that is referred to as "valency", namely that some people like wind turbines and therefore the effect should be treated as beneficial. Any fair reading of the LVIA reveals that it is permeated by the concept of valency. However, Mr Stevenson vehemently declared that while this is referred to in the LVIA, he had not taken such an approach. He maintained that his assessment of whether the impact was beneficial or adverse was an objective one, and not based on whether he, or other people, liked wind turbines. He explained that he had considered the criteria and questions contained in Appendix 6.3 of the LVIA in reaching his conclusion that the effects would be beneficial. Any cursory reading of these criteria and questions reveals how subjective they are.
- 7.31 The Council submits that the answer given to questions such as "is the image sensitive/domineering; exciting/mundane; sculptural/utilitarian" really does depend on whether the person answering does or does not like wind turbines. Moreover, Mr Stevenson explained that these are the self same design criteria and questions he had used for the evolution of the siting of the wind turbines within the appeal site. It is self fulfilling to apply the criteria and questions and answer them in a positive way in respect of the siting of the four wind turbines, and then ask the same questions again to determine whether the effect of the proposals is beneficial or adverse.
- 7.32 It is Mr Stevenson's eccentric approach which leads him to consider that the significant landscape impact of these proposals is beneficial. He stands alone in this approach, which should be rejected, and a firm conclusion reached that the landscape impact will be both significant and adverse.

Hollington Road

- 7.33 The planning application was refused because, among other reasons, it failed to show that an access could be provided via Hollington Road without harming the character and appearance of this typical rural lane.
- 7.34 The component parts of the wind turbines would need to travel as "Abnormal Indivisible Loads" (AILs). These AILs comprise, for each turbine, three blades which are each 45m long; the bottom tower section, and the nacelle. These components require specially designed vehicles. There would be about 32 AILs, in addition to other construction traffic. (CD TRA/13 p.13; TRA/11 p.1)
- 7.35 In May 2011, prior to submission of the planning application in December 2011, the appellants commissioned a transport survey (CD APP/11) to assess 3 route options for bringing the AILs to the appeal site. The survey concluded that the Hollington Road option performed the worst, in transport terms, of the three routes assessed. The May 2011 survey did not identify the totality of the works that would be required to Hollington Road but recognised the difficult geometry of the road, its narrowness, steepness at bends and high verges, the need for passing bays, its unsuitability for HGVs (let alone AILs) and the need for a detailed assessment of the weak culvert.
- 7.36 However this route did have one advantage over the other two surveyed: it did not require the agreement of third parties to carry out highway works needed to transport the AILs to the appeal site. The reality was, and remains, that the Hollington Road route is the currently proposed route for the AILs not because it is the best route, or an appropriate route to use, but because third party land is not required to carry out works to it.
- 7.37 It was not until the submission of Supplementary Environmental Information (SEI) in February 2014, 2 years after the application was submitted and 5 months after the appeal was lodged, that the appellants for the first time identified the works that would be needed to Hollington Road and sought to assess their impact. It was not until the day that Mr McKay gave evidence that intelligible plans, explaining these impacts, were produced.
- 7.38 While the appellants' evidence refers to five "pinch points" the reality is that highway works would be required to the entire length of Hollington Road, up to the point where it enters the appeal site. The works would comprise:
- road-widening and resurfacing together with tree-pruning at the junction of Hollington Road with Bletchley Road;
 - the widening of substantial sections of this rural lane by up to 1.5 – 2m, to achieve a uniform width of 4.1m, and further increases in the eastern end of the road where it bends to enable manoeuvring of large vehicles, together with "trimming" and pruning of vegetation and trees along its route;
 - structural works to the bridge over the culvert which are as yet unknown, since detailed work to ascertain the precise nature of what is required has not been carried out;
 - the creation of lay-bys to enable vehicles to pass; and

- the filling in of a substantial section of the eastern part of the lane in order to raise it by up to 1.4m, to enable the AILs to oversail the verges (plan 47066753-201).

- 7.39 Mr Popplewell, the arboriculturist who gave evidence for the appellants, explained that the highway works to Hollingdon Road “may” give rise to the need to prune 16 trees, 3 tree groups, one woodland group and four hedges. He said that this would involve the lopping of overhanging and other branches, and that the visual effect of this pruning exercise would last for up to 5 years. The Council submits that in the absence of any evidence to the contrary, and applying the precautionary principle, it should be assumed that it will be necessary to carry out this pruning. Given the abundance of vegetation and the extent to which it overhangs the lane, the Council considers that the effect of this pruning will be both significant and substantial in terms of its effect on the character and visual amenity of the lane.
- 7.40 Mr Popplewell agreed that he had assessed the landscape qualities of the affected vegetation, and concluded that 12 of the 16 trees, 2 of the 3 tree groups and the woodland group to be pruned had such qualities. The Council submits that it is inevitable that the landscape qualities of these identified trees and groups would be adversely affected by the required pruning for a period of up to 5 years.
- 7.41 The rural nature of the lane is self evident, and a photographic record of that nature can be seen in the further survey work carried out by the appellants dated June 2013 (CD TRA/13). These photographs demonstrate that the lane is a typical rural lane in the countryside: it is narrow, steep, has high verges and is overhung with substantial vegetation. It is wholly unsurprising that when assessed in May 2011, the use of this lane to transport the AILs was found to be the worst of the three options considered. The Council contends that the required highway works to Hollingdon Road, together with the necessary pruning, would fundamentally affect the character and appearance of the lane in a manner which would be both significant and adverse.

Living conditions at Holly Bar Cottage, Andrich Cottage and Fairfields Farm

- 7.42 It is agreed by all 3 main parties that the visual residential amenity of the occupiers of these properties would be significantly affected. It is also agreed that the appropriate test to apply to these properties is as follows. Firstly, will the wind turbines be present in number, size and proximity so that they will create an unpleasantly overwhelming and unavoidable presence in main views from the house or gardens so that, secondly, there is every likelihood that the properties will be widely regarded as unattractive and unacceptable places in which to live (LPA 2, para 109).
- 7.43 Both Mr Stevenson and Mr Frampton for the appellants assert that this test is not satisfied in respect of each of the three properties. Mr Stevenson relies on the LVIA, and Mr Frampton relies on his written evidence. However, neither the LVIA (CD APP/02 Appx 6.5 ref 31 and 53) nor Mr Frampton’s written evidence (APP 3, 4.51 – 4.61) analyses firstly, what the main views are from these houses and gardens or, secondly, how many of the wind turbines would be seen in these views. Both witnesses accepted this was so (xx day 8). Each witness relies on the other’s assertion, with the only difference being that Mr Frampton has gone inside the properties. Therefore the appellants’ experts’ opinion on

this matter amounts to no more than mere assertion, which has no foundation on any forensic or evidential assessment applying the relevant test. As evidence, it can therefore attract no weight.

- 7.44 The only evidence before the inquiry that assessed what the main views from the properties are, and what will be seen from them, is produced by the Council's witnesses and the witnesses appearing for SDLT. The appellants did not challenge that evidence either through the oral evidence of their own witnesses, or through cross examination, and this unchallenged evidence must be taken to be agreed. The Council submits that it is perhaps not surprising that the appellants steered well clear of this issue in their evidence and cross examination, because the analysis produced by Mr Bellars and Mr Nicholson demonstrates the following.

Andrich Cottage

- 7.45 This property is half of a pair of small semi-detached cottages (LPA 1.3). The closest of the proposed wind turbines would lie 740m from its front elevation. The rooms in the front part of the cottage, from which the main views are enjoyed, comprise the home office (from which one of the occupiers works) and the sitting room on the ground floor, both of which have a small window, and from the two larger bedrooms (one of which is the main bedroom) on the first floor, which also have a small window each. The rear aspect of this cottage is compromised by the activities that take place in a large area just beyond its small garden, which are unsightly, and consist of lawful but non-conforming uses in a poor state of repair.
- 7.46 Mr Bellars' analysis (LPA 2.6) demonstrates that the view through the home office window would look out over all four wind turbines, which would be seen in combination. The Council submits that all of the main views from the property, enjoyed through the four small windows in its front elevation, would be dominated by the four rotating wind turbines. So would the small front garden, located immediately outside the front door. When using the main rooms of their house, namely the office, sitting room and bedroom, the occupiers would not be able to get away from the wind turbines which would be seen rotating from each window of each room. The turbines would also be ever present when the occupiers were coming out of or going in through their front door. The Council therefore contends that the presence of the proposed wind turbines would be both unavoidable and unpleasant to these occupiers, and would be likely to create an unattractive and unsatisfactory cottage for them to live in.

Holly Bar Cottage

- 7.47 This property is the other half of the pair of semi-detached cottages, and so the closest of the proposed wind turbines would also lie 740m from its front elevation. The rooms in the front part of this cottage, from which the main views are also enjoyed, comprise a through-lounge and dining room on the ground floor, which has two small windows, and on the first floor, a craft room (which doubles as a guest bedroom) and an office also used for crafts (which also doubles as a guest bedroom). Both of these upstairs rooms have a small window. Thus all the habitable rooms of this cottage which are used during waking hours, and which have small windows providing the main views from the cottage, face toward the proposed turbines. Moreover, while this cottage

has a rear garden, there would be a clear view from this garden towards the wind turbines due to the location of the driveway, and the open gap in the garden which would afford this view from the seating area within it.

- 7.48 Mr Bellars' analysis (JB 2.9) shows that from the lounge and dining room window, all four wind turbines would be visible and would be seen rotating in combination. The Council submits that the four wind turbines would be seen through all the small windows of all the habitable rooms of this cottage which are used during waking hours, and that these views would be dominated by the turbines, as would an important part of the rear garden aspect, in addition to the small garden area outside the front door. When using the main rooms of their house, namely their lounge and dining area, office and craft room, the occupiers would not be able to get away from the wind turbines which would be seen rotating from each window of each of these rooms. The turbines would also be ever present when the occupiers were coming out of or going in through their front door or using their rear garden. The Council therefore contends that the presence of the proposed wind turbines would be both unavoidable and unpleasant to these occupiers, and would be likely to create an unattractive and unsatisfactory cottage for them to live in.

Fairfields Farm

- 7.49 This is a large property, recently redeveloped. The main aspect of the house faces out directly toward the appeal site, as does the garden aspect. Currently, each of the main rooms enjoys the open aspect and view over open countryside. At ground floor level the kitchen, dining room and lounge all face out toward the site of the proposed wind turbines, as do the two largest bedrooms at first-floor level. The closest of the wind turbines would be 800m away. The Council submits that three of the four wind turbines would be ever present in the main views from this property and its garden, which currently enjoy a largely open aspect. They would be unavoidable and overwhelming, and would result in an unattractive and unsatisfactory place in which to live.

Cumulative effects

- 7.50 The SEI produced by the appellants assesses the cumulative impacts of Dorcas Lane, Double Arches, with Salden and Bletchley wind farms added. It is agreed that there would be significant cumulative effects from ten viewpoints (LPA 2, para 302). However, Mr Nicholson is of the view that little weight can be attached to this, given the early stage in the planning process that Salden and Bletchley wind farms have reached.

Conclusion and the balancing exercise

- 7.51 In light of the above, the Council submits that it is beyond doubt that these proposals would result in a significant adverse impact upon the landscape character of this locality up to a distance of 3.5km from the appeal site. These proposals would also result in a significant adverse impact upon the visual amenity of those who live, work, recreate, visit and travel through this area up to a distance of 5km. The proposals would also have a significant adverse impact on the character and visual amenity of Hollingdon Road, and render three properties unattractive and unsatisfactory places in which to live.

- 7.52 Clearly these proposals are contrary to AVLP Policies GP8 and GP35. Furthermore it is quite clear that in applying paragraph 14 (and paragraph 98) of the NPPF, the adverse impacts of these proposals significantly and demonstrably outweigh the benefits identified at the start of these closing submissions – even though those benefits must be given substantial weight – and the proposals cannot therefore be made acceptable.
- 7.53 Moreover, Mr Frampton accepted, as indeed he had to, that if the proposed development were to result in any property becoming an unattractive and unsatisfactory place in which to live, that would in itself be enough to constitute an adverse impact sufficient to significantly and demonstrably outweigh the benefits of the proposal within the terms of paragraph 14 of the NPPF. This is because the Lavender test recognises that it is not in the public interest to create such living conditions over a period of 25 years. In this appeal, there is not one but three properties that would suffer from such living conditions. The effect on each property, of itself, justifies a refusal of planning permission.
- 7.54 For all the reasons set out above, it is clear that planning permission for these proposals should be refused.

8. The case for SDLT

The following paragraphs summarise the case made by SDLT, which is set out more fully in its closing submissions (PINQ 5), supplemented by further documents concerning aviation matters (PINQ 8, PINQ 11, PINQ 13).

- 8.1 SDLT agrees that the main issues identified by the Inspector are the principal issues arising from the Council's reasons for refusal of planning permission. It would however add, as a further principal issue, the impact on the safety of aviation using the airspace above, and in the vicinity of, the appeal site.

The statutory and policy framework for decision-making

- 8.2 It is common ground that the Development Plan, for the purpose of this appeal, comprises the 2004 AVDLP. It is also common ground that Policies GP.35 and GP.8 are relevant to the determination of the appeal (CD PLA/11).
- 8.3 Policy GP.35, which relates to the first main issue, seeks to ensure that the design of new development both respects and complements a number of key factors including physical characteristics of the site and surroundings, historic scale and context of the setting, the natural qualities and features of the area and effect on important public views and skylines. For the reasons given by Mr Billingsley, the landscape witness for SDLT, and referred to below, it is submitted that the appeal proposal fails to meet this policy and its objectives.
- 8.4 Policy GP.8 provides that planning permission will not be granted where proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefit arising from the proposal. The approach set out within GP8 is entirely consistent with the NPPF (paragraph 9) and in particular contains within it a requirement to balance adverse effects against benefits. Again, for reasons given by Mr Billingsley and set out below, a conflict with GP.8 arises.

- 8.5 SDLT submit that the proposed development fails to comply with both of these policies and as such, pursuant to s.38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should be refused unless material considerations are such as to rebut that normal presumption.
- 8.6 With regard to material considerations, it is also common ground that the AVDLP contains no policies directed at renewable energy provision. Since the AVDLP is silent in respect of renewable energy provision, it is accepted that paragraph 14 of the NPPF is engaged and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies contained within the Framework. SDLT submit, for the reasons set out below, that substantial adverse impacts arise from the development which outweigh the benefits of renewable energy generation substantively and demonstrably such that the presumption within paragraph 14 of the NPPF is displaced and planning permission should be refused.

First main issue: The impact on the character and appearance of the area, including effects on heritage assets

Impact on landscape character

- 8.7 In terms of the extent and significance of impact on landscape character, there is a substantial element of agreement between the appellant, the Council and SDLT.
- 8.8 As to the extent of the assessment of landscape impact, the appeal site is located within the Undulating Clay Plateau LCA of Aylesbury Vale. However, its context also embraces the Ouzel Valley to the east and the Greensand Ridge rising above the Clay Vale. All of these landscape character areas need to be considered. Mr Billingsley considers that there would be significant landscape character effects extending toward 3 km to the west, north and south of the appeal site and to 3.5 km to the east, from the Ouzel Valley and Greensand Ridge.
- 8.9 The landscape character of the area most affected by the proposed development – to 3.5 km of the site – is considered to have a medium-low capacity to accommodate a group of four 125 m high turbines. The most sensitive features include the varied and enclosing topographical form, the prominence of skylines and particularly the inter-visibility with the Greensand Ridge to the east.
- 8.10 Notwithstanding the large measure of agreement in respect of the extent and significance of landscape impact, there is substantial disagreement as to the effect of that impact. Mr Stevenson, landscape witness for the Appellant, considers that the introduction of the turbines would have a positive effect on landscape character. Mr Bellars, for the Council, and Mr Billingsley disagree. They consider that in a landscape which is currently relatively unaffected by large scale commercial turbines, the appeal proposals would represent a dominating, alien and substantially adverse effect in the landscape and its character.
- 8.11 SDLT submits that these adverse effects would be particularly acute in respect of:

- i) the protected landscape of the Greensand Ridge to the east which is designated as an Area of Attractive Landscape ("AAL") within the AVDLP (saved policy RA8, CD PLA/11 p 178) and from which long range views to the west are a conspicuous and identified landscape character feature. AALs are "areas that make a special contribution to the appearance and the character of the landscape within Aylesbury Vale" (CD PLA/11 para.10.27). The Local Plan seeks to protect AALs including in respect of "development proposed beyond the boundaries but having a significant impact upon views to or from the SLAs" (SLAs - Special Landscape Areas - include Areas of Attractive Landscape (CD PLA/11 para.10.17)). The Appellant, though Mr Frampton, accepts the AAL designation and the guidance at AVDLP 10.19 to be material; and
 - ii) other areas of higher ground in the surrounding landscape, including the ridge on which Hollingdon and Soulbury sit, and where the landscape character is more intimate and modest. In these locations the skylines, local valleys, smaller organic fields, residential properties, recreational facilities and heritage landmarks give rise to an elevated sensitivity to change which is sensitive to the scale and type of development which the appeal proposal would bring.
- 8.12 The highway works to make Hollingdon Road suitable for construction traffic, through widening, raising and vegetation loss, would also, for the reasons set out in evidence, so fundamentally alter the character of that rural road as to give rise to a significant direct effect on the character of Hollingdon Lane and that of the adjoining land.
- 8.13 SDLT recognises that of course there have been human interventions in the landscape over the centuries, in the form of the canal, railways and new roads in particular. However, the influence of these interventions is confined to a narrow linear corridor which generally reflects the underlying landforms. These features would provide no foil for the proposed turbines and their extensive influence on landscape character over a wide area.
- 8.14 SDLT considers that the appeal proposal would be deeply damaging to the existing landscape character of the area. Mr Stevenson's view that in fact the effect is significant but positive is wholly inexplicable even on the most cursory examination of the photomontage which he himself produces. It runs contrary to the individual and collective views of Mr Bellars and Mr Billingsley, based as they are on a measured and systematic approach to assessment and, most tellingly of all, Mr Stevenson's assessment and conclusion does not reflect the views of Mr Frampton, who considers that harm (albeit, in his view, limited harm) would be caused by the proposed development. Mr Stevenson's assessment and conclusion should not be accepted.
- 8.15 SDLT submits that the significant and adverse effect on landscape character arising from the development, of itself, represents harm of such a degree as to justify refusal of planning permission in its own right in NPPF terms. It amounts to a breach of AVDLP GP.35. It gives rise to a clear conflict with several of the Core Principles within the Framework (SDLT 1, 3.5) as well as failing to respect the approach of the NPPF to securing good design, including

by failing to “add to the overall quality of the area” and to “respond to local character ... and reflect the identity of local surroundings” (NPPF para.58). As is made plain by the Framework at paragraph 97, the need to “ensure that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts” applies as much to renewable energy proposals as to any other form of development; a matter emphasized by the SoS in his written Parliamentary response of October 2013 (SDLT 3.1).

Visual impact

- 8.16 As with landscape impact, there is a general measure of agreement between the Appellant, the Local Planning Authority and SDLT about the extent and significance of visual impact, namely that the visual impact of the development would be extensive and would be significant. The Appellant, in its ES, acknowledges significant impact on 12 of the 26 receptors which were assessed (Viewpoints 3,4,5,6,12,13,14,15,17,18,25 and 26) (CD APP/02). These include the majority of the viewpoints within 5 km of the site. SDLT agrees that the impact from these receptors would be significant. Mr.Billingsley however considers that in addition, the visual impact of the development when viewed from ES viewpoint 19 – Ivinghoe Beacon – would be significant. Although it lies a distance of some 14 km from the appeal site, the very high sensitivity of this location, and the uninterrupted view afforded from the Beacon over the Vale of Aylesbury in clear weather conditions, mean that the effect of the development on this landmark view would be significant.
- 8.17 SDLT, through Mr Billingsley, has, in addition, identified a further range of representative viewpoints – views A to P in Mr Billingsley’s evidence – from which significant visual impacts would be experienced. These views comprise views from the surrounding landscape (SDLT 1, 6.5-6.14) as well as in particular views from important and popular recreational facilities including waymarked routes (in particular the Cross Bucks Way (SDLT 1, 6.20), the Three Locks Golf Club (SDLT 1, 6.23), Soulbury Cricket Ground (SDLT 1, 6.22) and users of and visitors to the Grand Union Canal and its towpath (SDLT 1, 6.4). The Appellant has not sought to challenge the materiality of these views or the significance of visual impact arising from the development as assessed by Mr Billingsley.
- 8.18 The important point of difference between the Appellant on the one hand, and the Council and SDLT, concerns whether these significant visual effects are adverse or otherwise. Although plainly a matter of judgment, the judgment of Mr Billingsley and Mr Bellars coincides in that they consider that, given the baseline context, the effect of the scale, form and movement of the proposed structures would combine to result in a strongly adverse impact on the visual amenity of those visiting and using the countryside, typically over an area of up to 4km of the appeal site. As with impact on landscape character, adverse visual impact would be particularly acute from the rising and higher ground of the Greensand Ridge to the east and from viewpoints on the ridge to the south in the vicinity of Hollingdon and Soulbury.
- 8.19 The views currently enjoyed from the former are wide and panoramic (SDLT 1.1, viewpoints A, B & C). The presence of four large turbines would become the main focus of attention in the prospect of what is currently an expansive rural, attractive and tranquil environment. For the avoidance of doubt, fleeting

views of trains and vehicles currently are modest and do little to disrupt the pleasing views to the west from the Greensand Ridge. The Stoke Hammond By-Pass has been constructed in cutting over much of its length and incorporates extensive landscape screening which serves to soften considerably its visual (and landscape) impact.

- 8.20 With regard to the rising ground to the south, the identified viewpoints from this direction are up to 25 metres above the base of the turbines with the result that the viewer's perception would be much more closely related to the presence of the rotating blades than of the spaces below the blades and between the towers. In such locations the receptor enjoys a grandstand view out over the undulating Vale. With the development, this prospect would become dominated by the turbines, giving rise to what SDLT considers would be a particularly disturbing and dominating effect.
- 8.21 Mr Billingsley, in his proof of evidence, has systematically and comprehensively assessed the visual effect of the development on receptors and viewpoints to the east (including the Greensand Ridge), to the south (including from the settlements of Soulbury and Hollingdon), to the west and northwest (including from Drayton Parslow) and the north (SDLT 1, 6.5–6.14). Mr Billingsley's approach and conclusions as to harm reflect and largely match those of Mr Bellars, for the Council. These assessments reflect logic and common sense and should, it is submitted, be preferred to Mr Stevenson's conclusion, for the Appellant, that no material harm would arise.
- 8.22 Visual harm will be significant, it is agreed, and will also be substantively adverse. SDLT submits that this impact too gives rise to a clear basis in its own right for dismissal of the appeal.

Impact on cultural heritage

- 8.23 The Appellant, through the evidence of Dr Carter and through the assessment in its ES, accepts and acknowledges an adverse effect in the setting of several listed buildings: notably All Saints Church, Soulbury (APP 2, 4.22), St. Luke's Church, Stoke Hammond (CD ENV/01 p12.41) and Hill Farm (also known as Hollingdon Grange) (CD ENV/01 12.6.2, 12.34–12.35).
- 8.24 There is an issue between the Appellant and SDLT as to the extent of this effect and degree of harm, considered further below. However, and in application of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, this adverse effect is not only relevant but is a matter to which "great weight" (CD JUD/01 para 29) must be given in the planning balance. Neither SDLT nor the Appellant contends that the harm to heritage assets is "substantial" in NPPF terms. As such, in policy terms, para.134 of the Framework is engaged and harm must be "weighed against the public benefits of the proposal".
- 8.25 With regard to the impact and degree of harm, in respect of All Saints, Soulbury, Dr Carter concludes that longer range views of the Church "contribute to the appreciation of the Church as a focal point in its wider parish" and included within this are views from Burcott Road and Leighton Road to the south of Soulbury (as shown on Viewpoint CH9 within vol.2 of the

supplementary ES) (APP 2, 4.15). Similar views would be enjoyed of the Church from footpaths which lead off these roads and Leighton Road in particular (APP 2, 4.17). From these views, the Church tower “stands out on the skyline” and “signals the location of the village” (APP 2, 4.20). Dr Carter considers that the “turbines would appear as prominent features adjacent to the church tower in the skyline, competing for visual dominance with the church tower. This visual relationship would diminish the appreciation of the church tower as a landmark within its parish” when seen from the views, such as CH9, to the south (APP 2, 4.21).

- 8.26 SDLT respectfully agree. The difference between the Appellant and SDLT is as to the impact of these effects. Mr Billingsley considers the impact to be major/moderate adverse. Dr Carter considers the impact to be slight in terms of magnitude and of minor significance. It is submitted that Dr Carter’s overall conclusion as to magnitude and significance of impact does not sit consistently with his own assessment as to the dominating effect of the proposed development on the longer views of the church which, Dr Carter accepts, form part of its setting. Mr Billingsley’s assessment should be preferred and to this “great weight” is required to be attached.
- 8.27 With regard to St Luke’s Church, Stoke Hammond, Dr Carter accepts again that longer range views of the church from the A4146 form part of the setting of the asset (APP 2, 4.8) (and see CD ENV/01 VP24 and SDLT 1.1 VP J) and that the “turbines would appear as prominent features in this view, introducing an element of visual competition with the church tower” (APP 2, 4.12). SDLT agree. Mr Billingsley notes that the rotating blades of all four turbines would be visible in this view breaking above the deciduous vegetation and he considers that there will be clear harm caused by the contrast in scale of the turbine blades, their movement and effect on the important sightlines of the church when approaching Stoke Hammond along the A4146 (SDLT 1, 7.26). A major/moderate adverse effect will arise. Dr Carter’s assessment of an effect of negligible magnitude and significance is not, it is submitted, consistent with his own description of effects. Mr Billingsley’s assessment is to be preferred.
- 8.28 Likewise, in respect of Hill Farm (Hollington Grange), the hilltop setting of this asset as appreciated from Hollington Road (SDLT 1.1, VP J) forms an important part of its significance as an asset. The visual competition of the full rotating blades in this view would create a dominant influence and harm the setting substantially leading to a moderate to significant adverse effect (SDLT 1, 7.33-7.34). Dr Carter’s assessment is that there will be no effect in the setting of this asset (APP 2, 4.28). This assessment does not accord with the Appellant’s ES where adverse effect is identified in respect of Hill Farm (CD ENV/01, 12.6.1). This adverse effect must be given great weight and, if Mr Billingsley is correct, all the greater weight in the planning balance.
- 8.29 With regard to conservation areas, Dr Carter accepts an adverse effect on the significance of the Soulbury Conservation Area and the Stoke Hammond Conservation Area (APP 2, 4.29-4.49). Dr Carter also appears to accept an adverse effect in Drayton Parslow Conservation Area (in oral evidence). SDLT again agree albeit that the extent of harm in respect of Soulbury and Stoke Hammond is considered by Mr Billingsley to be somewhat greater (SDLT 7.26, 7.30, 7.35). Dr Carter’s assessment of no effect on Great Brickhill Conservation

Area does not sit consistently with the conservation area statement which identifies the "fine views across the Ouzel Valley from Lower Way opposite the Duncombe Arms PH" as of importance. This is the very same view as comprises ES viewpoint 24 where the turbines would become a substantial presence.

- 8.30 The Appellant's ES itself assesses the impact on this view as "significant". This, it is submitted, is entirely right. For it to be suggested by Dr Carter that no harm will arise in heritage terms save when this view is blocked (as Dr Carter and Mr Stevenson suggested) is not tenable. The Conservation Area and this notable and important view is capable of being harmed in qualitative terms by the introduction of discordant features into the view without the view being obscured. This is precisely the effect that the turbines would cause. The harm to the Great Brickhill Conservation Area must also be added to the planning balance.
- 8.31 By way of conclusion, it is submitted that harm will arise to the setting of three listed buildings, two of which are Listed Grade II*. This harm must be given "great weight" in the planning balance. Moreover, an adverse effect will arise, it is common ground, in respect of Soulbury, Stoke Hammond and Drayton Parslow Conservation Areas and also, in SDLT's view, to the Conservation Area at Great Brickhill. These adverse effects must also be weighed in the balance against the development.
- 8.32 During cross-examination of Mr Billingsley, it was suggested for the Appellant that (a) Mr Billingsley had not properly considered the impact on conservation areas separately from impact on listed buildings within those conservation areas, and (b) that Mr Billingsley had not considered the impact of the development on the "significance" of heritage assets as required by the NPPF. There is nothing in either point. With respect to (a), Mr Billingsley plainly considered conservation areas and listed buildings within those areas as separate heritage assets (see e.g. SDLT 1, 7.26 & 7.30). Moreover, Mr Billingsley's approach mirrors that in the Appellant's ES (see e.g. CD ENV/01 12.35 – 12.36). With regard to (b) and as made plain in re-examination, Mr Billingsley directly and expressly addressed the impact of development in the "significance" of heritage assets (e.g. SDLT 1, 7.23).

The effect of the development on the living conditions of local residents

- 8.33 It is common ground that the impact of the proposed development on residential amenity concerns the visual impact of the proposed development on the amenity of the occupiers of several homes, to the south, north and east of the turbines.
- 8.34 It is also common ground that the appropriate threshold for the assessment of the impact in this respect is the so-called "Lavender test". It is common ground between SDLT and the Council that the impact of the proposed development from three properties – Fairfield's Farm, Holly Bar Cottage and Andrich Cottage – would be so harmful as to conflict with the Lavender test; the development would become an "unpleasantly overwhelming and unavoidable presence in main views" from these houses and (in respect of Fairfield's Farm in particular) their gardens, and as a result there is "every

likelihood that these properties will come to be widely regarded as unattractive and thus unsatisfactory ... places to live”.

- 8.35 Fairfields Farm, Holly Bar Cottage and Andrich Cottage are all orientated such that principal views from within main rooms at ground floor level and at first floor level are directed towards the appeal site. The closest turbine would be just 812m from the façade of Fairfield Farm and 760m from its garden (SDLT 1 6.43). Turbine four would stand 773m from Holly Bar Cottage and Andrich Cottage, with those two houses approximately 20 metres higher than the base of the turbines (SDLT 1, 6.50). Fairfields Farm has recently been substantially renovated and, in part, rebuilt (for the avoidance of doubt, planning permission for the rebuilding and renovation works to Fairfields Farm was granted before public notice of the application for planning permission for the turbines was given by the Council) and through these improvement works expansive additional internal views have been introduced towards the west and therefore towards the proposed turbines. The garden of Fairfields Farm too has an open and unremitting view towards the west.
- 8.36 The occupants of Fairfields Farm, Holly Bar Cottage and Andrich Cottage have all produced detailed evidence as to the particular uses which they currently make of their homes and garden. SDLT through Mr Billingsley has produced photomontages which are representative of the view of the development from the vicinity of each property (SDLT 1.1 04-07, 20-23). There has been no challenge to the reliability of these images.
- 8.37 Ultimately, the assessment of the extent of impact on the amenity of residents of these, the most affected homes, is a matter of judgment for the Inspector. However Mr Billingsley’s assessment, which reflects that of the Council, provides a compelling basis to conclude that the impact is unacceptable.
- 8.38 SDLT, through Mr Billingsley, has identified a major significant adverse effect on the amenity of occupiers of Dorcas Farm (SDLT 1, 6.53-6.54); of Holly Grange (SDLT 1, 6.58-6.60) and of Kings Farm (SDLT 1, 6.61-6.66). Although becoming “significantly less attractive” as homes, in none of these cases does Mr Billingsley consider that the threshold is passed such that the impact of the proposed development will render these properties “unattractive places to live”. The harm to these properties however is a matter which contributes toward the balance as a factor which weighs against planning permission being granted for the proposed development.
- 8.39 As such, on the basis of the evidence of Mr Billingsley and Mr Bellars, it is submitted that the effect on residential amenity at Fairfields Farm, Holly Bar Cottage and Andrich Cottage are so significant and adverse that planning permission Policy GP.8 of the AVDLP is breached and so that the proposed development should be refused on the basis of this impact.

Impact on aviation

- 8.40 The issue between SDLT and the Appellant is a narrow but important one.
- 8.41 It is common ground that the airspace above and in the vicinity of the appeal site is well used. It is used extensively for commercial traffic and for

recreational flights, as well as for training and in particular for those being introduced to the instrument approach to Cranfield Airport. This is all common ground. The range of aircraft using the airspace is wide and varied and includes fixed-winged aircraft of various capacities, helicopters, gliders and hot air balloons. Again this variety in form of aircraft is agreed.

- 8.42 Moreover, there are a variety of typical movements and routes which take place over and in the vicinity of the appeal site. First, as Dr Fopp for SDLT made plain, there are those who will choose to use the line features comprising roads, the railway and canal who will pass just to the east of the appeal site. Dr Fopp explained that use of line features as a visual aid remains commonplace. Secondly, there are several visual and radio beacons which involve passing over or in close proximity to the appeal site. Thirdly, the instrument approach to Cranfield Airport involves aircraft passing directly over the appeal site.
- 8.43 The effect of the proposed development is plain. It would introduce a substantial vertical constraint in the form of the turbines and the clearance required by law above them, which would in turn reduce to a narrow "letter box" the available airspace between the upper limit of clearance above the turbines and the lower limit of the instrument approach to Cranfield. Aircraft passing through this airspace would be confined to this narrow "letterbox".
- 8.44 SDLT's concern relates to two matters. First, the vertical and horizontal constraints imposed by the presence of the turbines would lead to the numerous and varied aircraft within the airspace above and around the appeal site being constrained spatially still further. This is a serious concern in an area which is so well used by a variety of aircraft of differing speeds and manoeuvrability.
- 8.45 Secondly, the area is used by many recreational pilots who are not following defined routes and, contrary to Mr Spaven's contention, would not be expected already to be at an altitude which exceeds the future legal clearance of the turbines. Indeed, Mr Spaven, for the Appellant, accepted that such flights may be expected. It is these flights which would be forced in future into the "letter box" above and around the appeal site, therefore adding further to the congestion within that space.
- 8.46 These are adverse effects which fall to be considered in the planning balance and, given that they concern matters of public safety, should be given substantial weight.

Post-inquiry submissions on aviation

- 8.47 Dr Fopp's oral evidence to the inquiry went further than his written evidence in asserting that the proposed development would be unique, since there are currently no operational or consented wind farms involving turbines 125m to blade tip or larger, located directly beneath a promulgated instrument approach procedure to an airport in uncontrolled airspace but lying at least as close to adjacent controlled airspace as the current appeal site, in the south-east of England. Having had the opportunity to review that evidence, SDLT

accepted that there were two existing wind farms which meet those criteria: Turncole and Middlewick, in Essex (PINQ 11).

- 8.48 The geographical limitation to examples in south-east England was not by accident; it was chosen specifically because the south east has a greater density of controlled airspace, and air traffic, than other parts of the country. Much greater care must therefore be taken to avoid hazards. SDLT objects to the appellant's submission of examples elsewhere in the country (PINQ 10, Appendix 1) because they were presented out of the blue, with no opportunity to investigate the specific circumstances applicable in those areas.
- 8.49 SDLT subsequently discovered that on 18 July 2014 a Radio Mandatory Zone (RMZ) was promulgated around a substantial area of Southend airport, which is to remain in place until a decision is made regarding the airport's application for controlled airspace. As a consequence, all pilots will have to carry a radio and communicate with Southend Air Traffic Control, and so would be told if the approached were in use: thus the "letterbox" effect would not apply. SDLT therefore maintains that the Dorcas Lane site is the only site in the south-east of England which is in uncontrolled airspace and directly under an Instrument Approach (PINQ 13).
- 8.50 The appellant is incorrect in stating that there was no proposal to establish some form of control around Southend Airport at the time of the Turncole planning application (PINQ 12). That application received consent in February 2014. Southend has been consulting on the possibility of establishing Class D (controlled airspace) for over a year. SDLT submits that the reason no objections were made regarding the aviation safety aspects of the two wind farms at Middlewick and Turncole was that Southend and Dorcas Lane are complete opposites in terms of "chokepoints" and "letterboxes". Such points of congestion do not exist at Southend, but they would at Dorcas Lane.

The overall planning balance

- 8.51 Plainly, the appeal proposal, through the introduction of four substantial turbines, would generate a quantum of renewable energy. There is no dispute that this is a benefit, and one which accords with the objective of national planning policy. However, this benefit must be weighed against the substantial landscape, visual and amenity harm which would arise as a consequence of the development, as well as harm to heritage assets and the risk to aviation.
- 8.52 Moreover, in his Ministerial Statement of 10 October 2013, the SoS recognised concern had been expressed that insufficient weight was being given, in the context of proposals for renewable energy provision, to local environmental considerations including in respect of landscape, heritage and amenity matters. This statement is plainly a material consideration in the determination of the appeal. These local environmental considerations are all issues raised in the present appeal and, as such, due weight must be given to these matters in the context of the letter and the spirit of the SoS's guidance. Moreover, the SoS makes clear that the "views of local communities should be listened to".

- 8.53 The SoS has repeated this advice in his written statement to Parliament made on 9 April 2013 (CD PLA/24). It is not suggested that this means that such views override other planning considerations. However neither, following the Ministerial statement, is it "business as usual" in terms of the account to be taken of the views of the local community in reaching planning decisions. On the basis of the SoS's written statement, it is submitted that, where the views of local communities are directed at local environmental considerations – landscape, heritage and amenity impact in particular- and those views are properly grounded in evidence, such views serve to increase the weight which should be attached to these local environmental considerations when striking the planning balance.
- 8.54 Here, the position could not be clearer. The local community is squarely against this development. They have expressed their opposition on proper planning grounds and supported that opposition with expert evidence of a substantial nature. The SoS is plainly alert to ensure that such views, and the basis of such views, are properly accounted for in the planning process and as such the opposition of the local community here and the basis and reasons for that opposition must be given substantial weight.
- 8.55 As acknowledged at the beginning of these submissions, in accordance with paragraph 14 of the Framework, the identified adverse impacts must substantially and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. It is submitted that the adverse effects of the development meet this test – it is not here a close run thing – and the proper conclusion is that planning permission should be refused.

9. Other representations made at the inquiry

Oral representations made in addition to those of the main parties are summarised below. Some speakers provided written copies; these have been attached as Inquiry Documents, with references provided.

- 9.1 **Mr M Newing** raised concerns about the adequacy of the consultation undertaken, which included a request that the existing guidelines be given significantly more teeth. He explained that the potential for noise disturbance is a major concern for many residents, as is the impact on house prices. He also submitted that "social golfers" choose a course because of the scenery, such that in transforming the view from the Three Locks golf course, the proposed development would affect its attractiveness. He emphasised the importance of mediaeval churches, as landmarks and centrepieces of villages, and the harm the turbines would cause to their settings. (INQ 19)
- 9.2 **Mr D Perry**, speaking in his capacity as the chairman of Drayton Parslow Parish Council, also raised concerns about the consultation process, including the lack of engagement by the appellant, and costs to the time, emotional energy and financial resources of the communities affected. He observed that none of those who supported the development lived near it. He noted that the Parish Council's rigorous polling of local residents had resulted in an unprecedented response, more than ten times that normally experienced, with 92% rejecting the proposed development. He advised that residents are profoundly upset that their good intentions towards renewable energy in

principal are being hijacked, with what they feel to be scant regard to the spirit of Government policy requiring engagement with local communities (INQ 20).

- 9.3 **Mr M Rowe** advised that he has lived in Drayton Parslow for 30 years, and has been involved in the village community. He stated that since the Government's chief climate adviser has claimed Britain does not need any more wind turbines to meet renewable energy targets (as reported on the Daily Mail website: extracts provided by Mr Rowe [INQ 21]), the appellant's statements about the need for the proposed development are misleading. The Government's clear intention is that communities should have the ability to influence such decisions. He also expressed concern that aviation issues have not been properly taken into account.
- 9.4 **Ms S Fu** and her family moved to the area 7 years ago, choosing to live there because it is a place of outstanding beauty. She expressed concern that the turbines would dominate the landscape to the rear of her property, thereby harming its residential amenity and reducing its value. She submitted that this would be a massive and wholly inappropriate industrial development, designed for remote areas not small pieces of land between villages. She expressed concern about the inadequacy of the consultation undertaken by the appellant, the efficiency of the turbines, and the potential for further turbines on adjoining land. She also pointed out that guidelines in Scotland suggest a 2km separation distance between turbines and residential properties. (INQ 25)
- 9.5 **Mr Gurney** has lived and farmed in the area for over 40 years. He has seen many changes to the landscape in that time, such as new roads, railway and housing. In his view those alterations do not compare to massive structures that would loom over the landscape, causing distraction in work and leisure time. He also expressed concern about the large volume of construction traffic that would cause noise and disturbance when passing Rectory Farm and the adjoining outbuildings which have been converted to offices and a children's nursery. The road is in a poor state of repair, and the crossroads adjacent to the farm is an accident blackspot.
- 9.6 **Mr I Parrott** is from a family which has farmed in Hollingdon and Soulbury since 1921. He expressed concern about the amount of traffic that would be forced to drive through the village of Hollingdon while the proposed works to Hollingdon Road were carried out. If this were to happen at harvest time, the movements of heavy farm machinery associated with 4 different farmers could cause mayhem; at other times of year, similar problems could arise with cultivators, fertiliser deliveries and other equipment. He also raised concerns that upgrading Hollingdon Road could mean that lorry drivers using satnavs might try to drive through it, and that if the road improvements were removed after the turbines were delivered, the future delivery of any replacement components might require further road closures and improvements. (INQ 26)
- 9.7 He also spoke on behalf of the Soulbury village cricket team, which was formed 150 years ago. He explained that the pitch used since the 1940s is on a flat field and is not surrounded by overbearing buildings or structures; he could not think of a suitable replacement in Soulbury. There are at least 20 games a year on the pitch, and the cricket club is a central part of village life in Soulbury. He expressed concern that the proposed turbines would dramatically reduce the quality of any game on the Soulbury pitch, since the

rotating blades would be directly in the line of sight of players and spectators. This distraction would be dangerous for the batsman and wicket keeper when the bowler bowled from the turbine end of the wicket. The square could not be moved to a different angle, as then the ball would be hit toward houses.

- 9.8 **Mr D Jackson** lives in Hillersdon Chase, Stoke Hammond. His property, and that of his neighbour, face south towards the appeal site and would be in the zone affected by shadow flicker. He noted that red kites have been observed flying over the proposed location of turbines 3 and 4, and pointed out that the blades of turbine 2 should be kept at least 50m from the adjacent copse, to protect the bat population. He also expressed concern about the impact that low-frequency sound levels emitted by the turbines would have upon bees. (INQ 27)
- 9.9 **Ms Salsbury-Potter** has lived in Stoke Hammond for 40 years. Her garden which is within 1200m of the proposed wind farm, has a large pond which attracts ducks, herons and bats and she is concerned that this wildlife would be affected by the proximity, noise and shadow-flicker of the turbines. She also expressed concerns that wind is an unreliable source of power, and that the access roads to the appeal site are unsuitable for the transportation of equipment. (INQ 28)
- 9.10 **Ms H Coey** spoke to the statement concerning Hollingdon Grange submitted as part of SDLT's evidence. (SDLT 4)
- 9.11 **Ms N Kempster** said that the majority of turbine components are manufactured abroad and transported to the UK, a process which produces vast amounts of CO₂, as does constructing access roads, making electricity connections, filling pits with concrete to form foundations, the use of heavy plant to erect the turbines, and their eventual demolition and scrapping. She advised that the proposed turbines would be totally inefficient, as the area has some of the lowest wind speed records in the country. She then described how she and her family have planted 700 trees at Holly Grange, all now absorbing and locking in CO₂. (INQ 30).
- 9.12 **Mr A Nash** spoke to the statement concerning Dorcas Farm submitted as part of SDLT's evidence. (SDLT 11)
- 9.13 **Mr P Thorogood** spoke to the statement concerning King's Farm submitted as part of SDLT's evidence (SDLT 10), and provided additional supporting evidence (INQ 32).
- 9.14 **Mr R Heath** spoke to the statement concerning Hollingdon Grange submitted as part of SDLT's evidence. (SDLT 7)
- 9.15 **Mr G Peppiatt** said that the Vale of Aylesbury is defined, to a large extent, by panoramic views from within the Vale and from surrounding higher ground. The introduction of the proposed turbines would introduce a completely alien element into a scene that has been preserved over centuries. Together with the proposed wind farm at Salden, they would create a corridor of eight turbines stretching across the Claylands, so that from some viewpoints there would appear to be one large wind farm. This would adversely affect 150 km² of countryside, and from many dwellings and viewpoints, including Drayton Parslow and Newton Longville, the experience would be one of being surrounded by wind farms. (INQ 34)

- 9.16 **Ms L Mead** lives at Holly Bar Farm, where she breeds pedigree Southdown sheep. She spends a lot of time in the fields behind her bungalow preparing the sheep, and from there would be able to see the turbines at all times. She suffers from migraine attacks with aura, and is concerned that the movement of the blades, and the hum and glisten of the turbine, would bring on attacks which last several days. She is also concerned that barn owls living in an old oak on the western boundary of her field may be disturbed by the proposed construction; that the temporary closure of Hollingdon Road might prevent her from transporting her sheep by HGV; and that changing the character of the lane might encourage its use as a high-speed shortcut, and for fly-tipping. (INQ 35)
- 9.17 **Mr G Noble** spoke on behalf of the residents of Stoke Hammond, and described the proposed turbines as massive industrial structures that they believed to be totally inappropriate in a village and countryside setting. They would dominate the skyline and be visible from almost everywhere in the village. He detailed the reasons why Stoke Hammond attracts many visitors, and expressed the view that the turbines would not add to its charm and character. (INQ 36)
- 9.18 **Ms S Piddock** has lived in Drayton Parslow for 26 years and brought up her family there. She is concerned that the turbines would be visible for miles around, completely dominating and ruining the landscape, and that because they would be huge and intimidating, local walkers would be forced to abandon the countryside and drive out to walk footpaths elsewhere. She believes the wind industry has been overheated for too long, as a result of over-generous subsidies, and that Government policy needs to catch up. (INQ 37)
- 9.19 **Mr I Whipp** advised that the outcome of the Newton Longville Community Steering Group's survey was that over 90% of the villagers did not support the imposition of wind turbines in close proximity to the village boundaries. He expressed concern about the lack of consultation by the appellant, and the worrying ease with which natural landscapes and rural heritage can be changed and lost for ever if care is not taken. He urged the use of alternative renewable energy options, rather than gigantic industrial turbines which overpower the landscape and subject local inhabitants to the effects of noise and possible health issues. (INQ 38)
- 9.20 **Mr S Lambros** lives in Drayton Parslow and expressed concern that if the Dorcas Lane turbines were built the turbines would be visible from the front windows, and audible when the wind blew towards his house; if the Salden Chase turbines were also built, these would be visible from the back windows, and audible when the wind blew in the opposite direction. This would result, in effect, in living in the middle of a wind farm. He expressed the view that the proposed development was not in anyone's interests other than the appellant company, its shareholders, and the landowner. (INQ 39)
- 9.21 **Mr P Smith** spoke in his capacity as Chairman of Stewkley Parish Council. He explained that the Parish Council is aware of the increased urgency to combat climate change, but that this does not mean the need for renewable energy overrides environmental protection and the planning concerns of local communities. It agrees with AVDC that the adverse impacts of the scheme significantly outweigh the benefits. The turbines would be grossly out of scale with, and damage, the landscape. Visual intrusion and noise disturbance are

also cause for great concern, and the widening of Hollingdon Road, with the loss of trees and hedgerows, would urbanise this route and be a scar on the landscape (INQ 40).

- 9.22 **Mr N Ledger** lives in a property in High Street North, Stewkley, which currently has an uninterrupted view across pasture land in the valley between the back garden and Great Brickhill. This would no longer be the case if the proposed turbines were erected. He feels that this would constitute an act of theft of visual amenity, and that in the absence of valid reasons why the proposal should be located on the appeal site, the development is about opportunistic greed. (INQ 41)
- 9.23 **Ms H Turner** is a Stoke Hammond resident who was born and bred in the village. Her parents farmed Tyrells Manor Farm, which included 200 acres of Grade 2 farmland along Dorcas Lane, and worked hard and invested heavily to improve the soil structure. She fears that farmland surrounding the turbines would become substandard once more because of the down-draft. She is concerned that the introduction of turbines would ruin the peaceful countryside landscape, and that widening Hollingdon Lane would destroy wildlife habitat. Her husband is concerned that since Stoke Hammond is a turning point for regional and national gliding competitions, and the instruments in gliders are not as sophisticated as in civil aircraft, the turbines could well cause a crash if gliders lost height rapidly. (INQ 42)
- 9.24 Ms Turner also spoke on behalf of Ms M Allen, who suffers from epilepsy and is unable to cope with flickering shadows, certain lights and flash photography. Her home would face toward the turbines and be in their shadow, and she is concerned that she would have to keep her curtains closed 24 hours a day. She feels that the application for turbines so close to her home is discrimination against her personally, and violates her human rights.
- 9.25 **Mr S Maltby** expressed concern that the noise from the turbines could affect the quality of life, health, and sleep of he and his wife; that shadow-flicker from the turbines would prevent his current enjoyment of looking towards the setting sun, and cause problems for his wife's mother who visits regularly and suffers from epilepsy; that the turbines would be totally out of character in the landscape; that they might kill local wildlife, including red kites and bats; that construction traffic would have a major adverse effect on the quality of life of local residents and visitors; and that property prices in the area would crash. (INQ 43)
- 9.26 **Mr O Schneidau** has lived with his wife on the south-east boundary of Newton Longville for the last 48 years, with unspoilt views across to the Chiltern Hills, and expressed concern that the turbines would be directly in their line of sight. He said that the existing met mast on the appeal site reflects the sun from late afternoon to dusk; the turbines would do so to a much greater extent. He also expressed concern about the hazard the turbines would present to light aircraft, helicopters, other amateur flying devices, and flocks of wild geese. (INQ 44)
- 9.27 **Mr A Humphreys** spoke about the effect the proposed development would have on the Three Locks Golf Club in Great Brickhill. The Club operates a "pay and play" system, which means that golfers can play there without having firstly to pay membership or joining fees. He produced reviews supporting his

assertion that golfers are prepared to travel some distance to play the course, and that the scenery and location are major factors behind this. He said that while it would be technically possible to continue to play golf there if the turbines were erected, for the first 6 holes at least they would create sufficient visual distraction to make any round of golf much less enjoyable. He explained that the Golf Experience is about landscape, scenery and aesthetics, and that these play a part in deciding which course to play. He expressed concern that the turbines would tarnish golfers' experience of this course, resulting in reduced revenue, a poorer quality course and eventually the potential closure of the amenity, with consequent job losses. (INQ 45)

- 9.28 **Ms C Richards** explained that her involvement is very personal: she does not want her home, or those of her neighbours, overlooked by monstrosities of the industrial age. She takes the view that ecology must begin at home, and objects to the development on the grounds of the damage it would wreak on her home, by curtailing opportunities for her children to play in, and cycle along, Hollingdon Road (INQ 46).
- 9.29 **Mr Richards** expressed the view that the efficiency of a site is important in the planning process. Wind speed determines the energy capture at a site. He noted that the wind database speed for the area was in the bottom 2% of the whole of the UK, and that because of the physical location of the site – set low, surrounded by the Greensand Ridge and the Stewkley ridge – it is in the wind shadow. He also noted that the estimated output had been reduced from between 21,024 MW – 24,598 MW in the planning application to between 20,400 MW and 23,240 MW in the update for the appeal, and queried whether the proposed 2.0MW turbines were appropriate for a 126m blade height. (INQ 47)
- 9.30 **Mr M Cunningham** is one of the joint owners of the old RAF station in Stoke Hammond, which now houses 3 tenant businesses, between them providing 13 full-time and 7 part-time jobs. The premises would be 250m-270m from the nearest turbine, and he is concerned that they would be virtually untenable if the development were to go ahead, due to noise, visual impact and shadow flicker. This would deprive his family of income. He explained that the valley is his home, and that he finds the landscape as constant and consoling as his family. He described the proposed development as the fourth in a series of fights that local families had been obliged to undertake in order to preserve their back yard; the other three being WW1, WW2, and a proposed airport expansion at Wing.
- 9.31 **Ms S Levkouskis** spoke firstly of her personal concerns about the development, which I do not summarise here, but which the SoS can find detailed in Inquiry Document 48. She also set out her concerns in respect of aviation issues, including her view that the appellant had failed to follow the processes and guidance in PPS22 and CAP764; had not consulted sufficiently widely or adequately; and alleged inaccuracies in Mr Spaven's evidence. She provided copies of correspondence with Cranfield Airport, and other relevant supporting material. She also submitted a letter from Champagne Flights Ltd of Aylesbury, Hot Air Balloon Operators, which sets out concerns about the impact the proposed development would have on their business, on the character and appearance of the area, and on aviation safety generally. (INQ 48).

- 9.32 **Ms G Turner** is a Stoke Hammond resident, and also a student at a London University. She expressed concern that the proposed turbines would destroy the local environment for very little benefit, and open the floodgates for more. She was also concerned that some of the technology had not been proven in terms of its safety impacts.
- 9.33 **Mr P Rawcliffe** is concerned that the proposed turbines would make the area far less attractive to visitors from urban areas, walkers, cyclists and horse riders, who enjoy the countryside and its attractions. He was also concerned that spoiling the views would adversely affect the viability of the only public house in Stoke Hammond, and so possibly lead to the loss of this valuable community facility. (INQ 49)
- 9.34 **Cllr J Blake** said that if the concept of "Localism" is to have any impact at all, it should involve listening to the wishes of local residents. Many had contacted her about the proposed development, but only one person contacted her to support it. She commended the planning officers report to Committee, and expressed her agreement that the development would be out of keeping with its surroundings, and adversely affect residential amenity, in ways that would be impossible to mitigate. She considered these reasons sufficient to outweigh the perceived benefits, and urged that the wishes of the residents be heard.
- 9.35 **Mr R Paris** is a commercial air pilot. He expressed concern about the congestion of the airspace in the vicinity of the appeal site, which he described as an area of intense activity. He explained that aircraft maintaining the necessary distance above the proposed turbines, while flying beneath the 'platform' of the Cranfield instrument approach, would be restricted to a slot between 1,500 and 2,500 ft.
- 9.36 **Cllr N Blake** said that he had followed the application carefully, and could not see any benefits that would outweigh the harm it would cause to the landscape, the visual amenity of nearby residents, and the enjoyment of leisure users. He also said that the proposed works to Hollingdon Road would spoil it for ever.
- 9.37 **Mr M Wilde** lives at Ridge Farm, and explained that the turbines would be in direct view. He expressed concern about the effect the turbines would have on the farm's Livery Yard; the horses might get spooked by shadow flicker, and this could be dangerous for novice riders. He reported that some of the liveryies had said they would leave if the turbines were erected, and this would have a bad impact on business. He also expressed concern about the impacts of manufacturing turbine components in China, and the potential for noise and flicker from the turbines to adversely affect health.
- 9.38 **Mr B Scott** lives in Stewkley, in a house that his wife's family have occupied continuously since the 16th Century. He considers that the proposed turbines would be excessive, disproportionate, and would constitute unacceptable progress in this rural area. He advised that the development would put paid to the pleasure that he and others derive from walking and cycling the roads, paths and byways surrounding Stewkley to enjoy the quiet and simple serenity of the countryside. (INQ 50)
- 9.39 **Mr C Marsh** shares the concerns expressed by other residents, but chose to focus at the inquiry on the site's ability to generate electricity and reduce CO2

emissions. His detailed submissions are attached as Inquiry Document INQ 51, with supporting material at INQ 74.

- 9.40 **Mr N Tidey** travels frequently past the 10 wind turbines installed at Langford in Bedfordshire, and enjoys seeing them gently rotating. In his view they combine an elegant modern structure with high-tech engineering to produce electricity without emissions. He expressed concern that Britain is being left behind with wind generation, and that units are not being manufactured in the UK. He noted that in 1926 an Act of Parliament was produced, enabling Britain to have a national grid, which was opposed by many notable people at the time on landscape grounds. (INQ 52)
- 9.41 **Mr G Hirst** considers that the proposed wind farm would not spoil any views, which largely consist of Milton Keynes and little countryside. He would welcome the sight of turbines spinning round, knowing that they were producing clean and renewable energy and not burning through the world's resources. He expressed concern that those who support the proposal would not speak up, because they feared intimidation by those who oppose it. He asserted that the majority of the UK population is in favour of wind power, and against other energy solutions such as fracking. (INQ 53)
- 9.42 **Ms V Harvey** is the coordinator of South Bedfordshire Friends of the Earth. She expressed concern that many wind farms are being turned down. In her view the landscape around the appeal site is not very sensitive, and not more attractive than Cornwall; noise levels from the bypass and the A5 mean the area is not tranquil, and it is intensively farmed, so is not a rich source of biodiversity. She referred to various surveys which have concluded that wind farms are popular, and do not harm tourism. She expressed concern that in an atmosphere where newspapers run endless articles about greedy wind farm developers, allege the inefficiency of wind turbines, and disagree with the scientific basis of climate change, their readers can hardly be expected to view the proposed development impartially. She also expressed concern about intimidation of those supporting the proposal by those who oppose it. (INQ 54)
- 9.43 **Mr R Perkins** is the owner and operator of Holmbeck Airfield. He explained that pilots under tuition, and experienced pilots, all use the Class G airspace for practised forced landings north of Holmbeck, and glider pilots use Holmbeck for outlandings when unable to maintain height. General air traffic keeps low to stay below the Cranfield ILS, and paragliders tracking back from Holmfield maintain a height of around 600ft. The Holmbeck circuit, which maintains a height of 800ft, is close to the Dorcas Lane appeal site. His concern is, primarily, safety: he said it was a fact that aircraft and wind turbines do not sit well together. He provided a list kept of all types of aircraft passing Holmbeck within a radius of approximately 0.5 mile, from 0700 to 1900 on Sunday 7 August 1994, which amounted to 313 in total. He said that numbers have undoubtedly increased since then. (INQ 55)
- 9.44 **Mr D Swain** is a local farmer of long standing, who is concerned that the proposed wind turbines could have an adverse effect on his herd of pedigree cattle, and perhaps cause them to abort.
- 9.45 **Mr T Mears** said that with his scientific and business background, it was apparent to him that the proposed development had little to do with greenness or saving the planet, and everything to do with money. Local people would

have to pay inflated energy bills and suffer the visual blight of a scar on the landscape, as well as the disturbance of construction traffic. He also expressed concern about the impact on bats and birds, risks to health, and reduced property values. (INQ 56)

- 9.46 **Mr R Waters** is a resident of Great Brickhill, and explained that on Lower Way there is a gap in development from which people are currently able to enjoy the view, looking down over the area where the turbines would be. He said that people would be unlikely to come to watch the turbines, and the amenity of the village would be reduced by their presence. This could potentially lead to a loss of jobs in the leisure and tourism industry.
- 9.47 **Mr M Turner** said that the developer had shown disrespect and disregard for local residents, and had held meetings further afield to try and get support from people who were in favour of renewable energy in principle, but would not really be affected by the development. He expressed concern about the accuracy of the photomontage connected with viewpoint 2, since it was taken from steeply sloping land such that the viewing height from the ground floor rooms of his house on Hillersdon Chase would be 8-9 ft higher than the level of the photograph, and more of the turbines would be visible than is shown. He said that the Prime Minister's office has stated that developments should be approved only if local communities want them, and this community does not want this development. (INQ 57)
- 9.48 **Mr M Chapman** said that in terms of architecture, history and setting, the local area is as important as anywhere else in the country. He explained that local residents were not "NIMBYs" but had valid, objective reasons for believing that Dorcas Lane is the wrong site. He expressed concern that a commercial pro-wind marketing company had encouraged people who lived miles from the site to write letters in support of the development. He said that RAF Stoke Hammond appears to have been built as the long-range receiver station for Bletchley Park, and while its involvement in the Bletchley Park story has yet to be publicly recognised, as worldwide interest grows it would be a shame if this site was dwarfed by, and unapproachable because of, the four proposed turbines. (INQ 58)
- 9.49 **Mr J Pope** lives in a house 1.2km from the proposed turbines. He explained his concern about the adverse health impact of shadow flicker caused by the proposed turbines. He referred to the planning balance required by the NPPF, and expressed the view that the harm that must be weighed against the benefit included, in summary, the strength of local opposition; the contravention of 3 national and 12 local planning policies; blighting the landscape, homes and jobs; killing bats and red kites; failing to protect cultural heritage assets and their settings; risks to public safety; the lack of a properly assessed access route; health risks; and the pollution caused by mining and refining the rare earth metals required for turbine motor hubs.
- 9.50 He said that the only benefit argued by the appellant was the contribution the development would make toward helping the Government meet renewable energy targets by 2020. He provided a copy of an e-mail dated 2 June 2014 from the Prime Minister's Office which contains the phrase "All of the projects needed to meet Britain's renewable targets have already received consent under the existing planning regime", and expressed the view that this means

there is no need for the currently proposed development, such that there would be no benefit to it and nothing to justify a presumption in favour of sustainable development. (INQ 59)

- 9.51 **Mr J Bercow MP** considers that the proposed turbines would violate the NPPF, in that they would harm the landscape and the amenity of residents. He emphasised the overwhelming strength of opposition to the scheme in his constituency, and described this as reflecting the strong planning concerns of local people. He described the proposal as grossly visually intrusive and unlikely to make much of a contribution in terms of renewable energy, and said that in some quarters it was thought to be a hazard to aviation. He explained that he would not normally attend public planning inquiries, but on this occasion had been prompted by a burning sense of injustice. He stressed the salience of revised guidance, and the Written Ministerial Statement that the need for renewable energy should not override the views of the local community. He described this as providing a strong hint to decision makers that they should be giving more weight to the views of local communities.
- 9.52 **Ms J Taylor** was upset by the campaign to stop the wind farms on the grounds that it would spoil the natural beauty of the area. She said that while the area provides glimpses of lovely rural England, it also contains views of bypasses, pylons, ugly modern buildings and the sprawl of Milton Keynes. She believes the fight over "natural beauty" to be a smokescreen for "we don't want more tall structures visible from our community", and said that a large, silent group of local residents did not find the structures offensive and would be happy to have a wind farm in their neighbourhood. She pointed out that the debate about renewable energy should be for everyone, and should not be influenced by the opponents who shout the loudest. She believes that we have a duty to protect Stewkley and the ancient surrounding villages from the encroaching natural dangers of climate change, and that this means cleaning up our energy. (INQ 67)
- 9.53 **Mr K Barry** lives in Linslade and enjoys walking in the countryside in and around the proposed location of the turbines. In his view the area is not a rural idyll, since the landscape is dominated by the view of Milton Keynes and partially blighted by the Stoke Hammond bypass, but he still considers it to be an attractive area in which to walk. He advised that the presence of the proposed turbines would not deter him from walking the local paths and enjoying the surrounding countryside. He considers that the greatest threat to the area is posed by global warming and resultant climate change, and that tackling this should overrule any minor impact the turbines may have on the landscape. (INQ 68)

10. Written representations

- 10.1 A large number of responses to the proposed development were received by the Council at the application stage (collected in Folder TP 1), and further representations were received by the Planning Inspectorate at the appeal stage (collected in folder TP 2).
- 10.2 Many of the concerns and comments set out in these written representations are similar to those dealt with in the evidence of the Council and SDLT, and/or subsequently articulated by others who spoke at the inquiry, as outlined above, so I do not repeat those matters here. Other matters raised in written

representations were the potential for the turbines to interfere with television and radio signals; the need to use agricultural land for food production; the failure of the proposed development to provide any additional long-term employment for the area; and concerns that the local community should not have to bear the costs of decommissioning the turbines.

11. Conditions

- 11.1 The three main parties helpfully collaborated to produce an annotated list of suggested conditions (INQ 69), which then formed the basis for a discussion session at the inquiry. Following that discussion, they produced a set of conditions (PINQ 9) which, with the exception of the final wording of condition 19 on that list, were agreed between them.
- 11.2 Should the SoS be minded to grant planning permission for the proposed development, I consider that nearly all of the conditions agreed between the appellant, the Council and SDLT would be necessary and reasonable. I have however amalgamated and amended some of those conditions, in accordance with discussions at the inquiry, to improve clarity and concision and to ensure they accord with the tests and guidance set out in the NPPF and Circular 11/95: *The Use of Conditions in Planning Permissions* (to the extent that the latter remains extant). My suggested conditions are set out at Appendix C. In the following paragraphs, numbers in brackets refer to the conditions there listed.
- 11.3 Given the difficulties that might be encountered with procurement, and the number of conditions that require approval before commencement, I agree with the parties that a five-year commencement period would be appropriate (1).
- 11.4 The Site Layout Plan is the only approved plan, and the appellant argued persuasively that the standard Plans condition would not be strictly relevant. Nevertheless, in the interests of certainty and precision I consider it reasonable to attach a condition requiring the development to be carried out in accordance with this approved plan (2), since that assists with the interpretation of the necessary conditions to establish which of the two alternative access routes would be used (11), and to ensure that the flexibility provided for micro-siting would not result in adverse impacts for residential amenity or for wildlife (18).
- 11.5 The proposed development is intended to be temporary, rather than permanent, and conditions would therefore be needed to secure its removal, and the restoration of the site, after 25 years in order to keep its adverse impact to a minimum (3 and 4). Similarly, I consider that a condition would be necessary to secure the removal or repair of any turbine which ceases to operate (5). Conditions (6) and (7) are proposed in the interests of aviation safety, to ensure that potential hazards are duly notified and recorded. It is not necessary for these conditions to require that the operators of individual airfields are notified, but it would remain open to the operators of those airfields to make arrangements with the Council for notification if required.
- 11.6 Given the lack of detail in the approved Site Plan, conditions requiring the Council's prior approval of the design and finish of the turbines (8) and the dimensions and materials of the sub-station, anemometer mast and

transformer kiosks (9) are needed to help limit the visual impact of the development. For similar reasons conditions are necessary to restrict the use of lighting to the minimum necessary (10), and also to specify the maximum height of the turbines and require the blades of all to rotate in the same direction (17). In addition, condition (16) requires cables linking the turbines and the on-site sub-station to be laid underground. I note AVDC's point that this requirement should extend to the entire length of the connection between the turbines and the grid connection, but share the appellant's view that such a condition, worded in this way and involving land outside the appellant's control, would fail the relevant tests at paragraph 206 of the NPPF.

- 11.7 Construction traffic is likely to cause some disruption, and would require a range of measures to ensure safe access, and minimise the impact on other highway users. To this end, a condition requiring the Council's prior approval of a detailed Construction Traffic Management Plan is needed (12). Conditions requiring the Council's prior approval of a Construction Method Statement (13), together with details of the temporary construction compound and associated structures and equipment (14), are also needed to help minimise the level of disruption caused to nearby occupiers, as are conditions establishing schemes to deal with any problems with shadow flicker (21) and television or radio interference (22) that may arise as a consequence of the proposed development. I have amended the wording of condition 21 to reflect SDLT's concern that nearby business premises, as well as dwellings, may suffer the adverse impacts of shadow flicker.
- 11.8 For similar reasons, I recommend a condition restricting the hours during which construction work and deliveries may take place, while allowing some flexibility (provided prior warning is given) for the delivery of unusually large components (15). I understand SDLT's initial concern that a start time of 0700 is quite early, but in my experience that is not unusual, and can be helpful in terms of spreading out vehicle movements rather than concentrating traffic in the morning peak hours. In any event, I understand that the hours set out in condition (15) are now agreed.
- 11.9 The noise condition agreed between the parties (23), while complex, is necessary to protect nearby residents from any unacceptably adverse impact on their living conditions. At the inquiry, there was a discussion as to whether this protection should extend to requiring operations to cease if the noise limits were found to have been breached. I understand the appellant's concern that requiring operations to cease entirely might be a disproportionate response, but equally there is force in SDLT's argument that a requirement to address any exceedance of noise limits is a logical consequence of a condition which deals, minutely, with how to establish whether such exceedance has taken place. I have therefore included an additional paragraph (i), in terms previously considered acceptable by the SoS¹, requiring the prompt submission of a mitigation strategy in the event that noise limits were breached. If the strategy could not be agreed, or none was submitted, it would remain open to the Council to consider enforcement action in the usual way.

¹ CD INS 26, Condition G, DL paragraph 24

11.10 Conditions would also be needed to minimise the ecological impact and to safeguard wildlife and its habitat (19), and to ensure that the potential for any archaeological implications is duly investigated (20).

12. Inspector's conclusions

- 12.1 It is common ground, between all three main parties, that since there is no renewable energy policy in the Development Plan, the second limb of the decision-making advice in paragraph 14 of the NPPF is engaged. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. [4.5]
- 12.2 It is therefore necessary to identify the various adverse impacts and benefits associated with this proposal, and weigh them in the balance.

First main issue: the effect on the character and appearance of the area

- 12.3 There is a wealth of evidence before me concerning the effect that the proposed development would have on the character and appearance of the area. This includes the oral, documentary and photographic submissions from the Council's, appellant's and SDLT's professional landscape witnesses; the Landscape and Visual Impact Assessment that formed part of the ES, and some subsequent updates to that material; national, regional and local assessments of the landscape character; and representations made by local residents and visitors to the area. (LPA 2-2.3; SDLT 1-1.10; APP 1-2.1; CD APP/02; CD APP/12; CD ENV/01; CD LAN/1 – LAN/24)
- 12.4 The conclusions of Mr Stevenson, the appellant's landscape witness, were criticised by the Council and SDLT for lacking objectivity [7.28, 8.10]. This criticism related to the final part of the approach he had taken as author of the ES Visual and Landscape Assessment: having concluded that significant visual and landscape effects would arise within specified geographic limits, he went on to assess whether those effects would be adverse, neutral or positive, and took into account the consideration that change within a landscape can be viewed positively or negatively by different individuals. Mr Stevenson maintained under cross examination that his conclusions were the result of exercising his own professional judgment, and I do not doubt that [6.12].
- 12.5 Nor do I think (and it was not suggested) that disagreement over this part of Mr Stevenson's approach undermines the usefulness of the ES Visual and Landscape Assessment. That document clearly sets out the basis for identifying the visual and landscape effects that would be caused by the proposed development, and beyond that, the landscape evidence for all three main parties was given by experienced professionals well able to explain and justify their respective judgements on whether those effects would be negative or positive. I also had the benefit of hearing the evidence rigorously tested.
- 12.6 My own assessment, then, is informed by all of this evidence, and observations of, and from, the appeal site and the surrounding area that I made during my accompanied and unaccompanied site visits. For ease of reference I have adopted the same approach as the three landscape witnesses in undertaking separate considerations of, firstly, the landscape impacts and secondly, the visual impacts of the proposed development. I then go on to look at the effect the proposal would have on heritage assets.

Landscape impacts

- 12.7 Landscape impacts are the effects that the proposed development would have on the landscape fabric, character and quality, and so the assessment of these concerns the degree to which a scheme would become a significant or defining characteristic of the landscape.
- 12.8 The appeal site lies in open countryside, and consists of gently sloping agricultural land, predominantly arable fields, bordered by hedgerows with occasional mature trees. A shallow valley, containing a small stream, runs west to east through the centre of the site. Beyond the Stoke Hammond bypass and west coast mainline railway to the north-east, there is the lower ground that follows the Ouzel Valley, after which the land rises quite dramatically up the Brickhills scarp to about 150m AOD at the Greensand Ridge. To the west of the appeal site, the land rises more gently, eventually reaching a similar elevation at approximately 150m above Drayton Parslow and Stewkley. These areas of higher ground provide some visual containment of the wide claylands plateau in which the appeal site lies, and the undulating landform within the plateau creates more localised ridges, such as that which runs from Stewkley towards Soulbury to the south of the appeal site. [2.1]
- 12.9 The landscape character of the area has been assessed in various publications at national, regional and local scale, and there is general agreement that for the purposes of considering the current proposal, the local-level detail of the Council's *Aylesbury Vale Landscape Character Assessment* (2008) is the most appropriate (CD LAN/10). This sub-divides the district into local character areas (LCAs), and the appeal site straddles two of them: turbines 1 – 3 would lie within LCA 4.9 "Newton Longville – Stoke Hammonds Claylands", while turbine 4 would be in LCA 4.11 "Mursley – the Soulbury Claylands".
- 12.10 The main difference between these two LCAs is that the Mursley-Soulbury Claylands area is more exposed, as it covers a shallow clay ridge, eroded by an incised network of shallow valleys and intervening ridges, which includes the higher ground around Hollingdon, Soulbury and Drayton Parslow. The appeal site lies at the lower end of the shallow slope to the ridge, and as I saw at my site visit, the transition between the two LCAs is not immediately apparent on the ground. Indeed they share many of their key characteristics: these include the gently undulating or rolling landform, clay soils in mixed agricultural use, a nucleated settlement pattern and parliamentary enclosures. Both have an irregular field pattern, mature hedgerow boundary treatments and small, dispersed pockets of woodland.
- 12.11 By any measure, the introduction of four 125m high wind turbines would have a profound impact on the existing character of the landscape. In the immediate area, the turbines would be the defining landscape element and would be determinative in landscape character terms; in the wider surrounding area, they would remain a major contributor in defining character over quite some distance. This is recognised in the ES LVIA, which acknowledged that "Given developer, assessor and local planning authority experience, it was accepted from the outset that the proposed wind farm at Dorcas Lane would give rise to significant visual and landscape effects" (CD APP/02 p 6-1). That being the case, the evidence of the three main parties focused on the extent of these effects, and whether they should be regarded as adverse, neutral or beneficial.

- 12.12 The approach taken in the LVIA was to assess the landscape character impacts of the proposed development from 26 representative viewpoints, later supplemented, at the request of the Council, by additional assessments at 3 further viewpoints, and Hollingdon Road. Significant landscape character impacts were identified at six of them. This informed the appellant's view that significant landscape character effects would extend to about 2.5km in all directions [6.16].
- 12.13 Mr Bellars (for the Council) carried out his own assessment of the impacts on the identified representative viewpoints, using the criteria employed by the LVIA, and concluded that there would be significant landscape character impacts on an additional nine viewpoints. Most of these fall within the 2.5km range accepted by the appellant, apart from Viewpoint 14 at Drayton Parslow (2.6km from the nearest turbine) and Viewpoint 4 at Great Brickhill (3.5km from the nearest turbine). Mr Billingsley (for SDLT) also carried out a careful assessment of landscape character impacts, and concluded that they would extend out towards 2km to the west, north and south and 3.5km to the east. (SDLT2 para 5.36) The distance of 3.5km to the east was informed by his conclusion, like Mr Bellars, that there would be a significant landscape character impact at Viewpoint 4. [7.14; 8.8]
- 12.14 In respect of Viewpoint 14, the LVIA assessment found that the broader Claylands would accommodate the proposed wind farm, which would have a sense of being "over there" rather than "here", with existing elements and patterns of the landscape being very substantially maintained. However, as I saw at my site visit, there is no distinct alteration in landscape character between the observer and the appeal site; the intervening treescape is integral to it, and does not, in my view, function as a buffer that separates "here" from "over there". I consider that an observer at this Viewpoint would be within the range where the wind farm would be co-determinant of landscape character, and therefore agree with the Council that the wind farm would have a characterising effect on the landscape at this point 2.6km from the nearest turbine.
- 12.15 In respect of Viewpoint 4, however, there is a clear distinction between the character of the landscape in which the observer is located (the elevated slopes of the Brickhill scarp), and the character of the landscape in which the wind farm would be located (the undulating claylands of the vale below). I agree with the ES assessment that the change brought about by the presence of the wind farm would not be perceived as having a direct effect on the character of the Brickhill Ridge landscape, but rather as altering the character of the flatter landscape below. [6.21]
- 12.16 Mr Bellars points out that the claylands landscape in which the turbines would be sited provides the setting for views out from the Brickhills Area of Attractive Landscape (AAL), and contends that the introduction of prominent and uncharacteristic elements, such as the turbines, would alter perceptions of character. Mr Billingsley notes that one of the "distinctive features" of the Brickhills Scarp LCA, as recorded in the AVLCA, is "long distance views from vantage points on the scarp", and that one of the "guidelines" in the AVLCA is to "encourage the protection and management of views to the scarp from surrounding lower and publicly accessible land." [7.14; 8.11]

- 12.17 However, these points have more to do with visual impact than landscape impact. There is no dispute that the proposed wind farm would have a significant visual impact on Viewpoint 4; this is recorded in the LVIA, and I return to it below. But while the availability of panoramic views to the west from vantage points on the Brickhills scarp are part of the landscape character of this area, it does not follow that changes to the content of that view will necessarily affect the character of the landscape area in which the vantage points themselves are located. In this case, the proposed turbines would be an eye-catching modern addition to the fields, buildings, trees, pylons and other components of the expanse of landscape visible. But their presence would not affect any of the key characteristics of the Brickhills scarp LCA, and similarly, the extent to which they might be visible in views to the scarp from surrounding lower and publicly accessible land would not affect the character of the scarp itself.
- 12.18 The parties also disagreed about the extent to which the development would affect the character of Hollingdon Road. This is one of the two alternative access routes to the appeal site that have been proposed, and its use would involve carrying out works to the 575m stretch between its junction with Bletchley Road and the access to the appeal site, in order to render it suitable for the "Abnormal Indivisible Loads" necessary for the delivery of turbine components. [6.40; 7.38; 8.12]
- 12.19 This section of Hollingdon Road currently has the distinct character of a narrow, minor rural road, typified by its sunken appearance between banks topped by high hedges, which tightly frame the lane to either side. In many parts there are trees and groups of trees incorporated in, or close to, the hedges which overhang the lane and contribute to the sense of enclosure. The proposed works would include road-widening and resurfacing at the junction with Bletchley Road; structural works to the bridge over the culvert, the extent of which is not yet known; the widening of substantial sections of the lane by up to 1.5 – 2m, to achieve a uniform width of 4.1m; the creation of lay-bys to enable vehicles to pass; and the filling-in of a substantial section of the eastern part of the lane in order to raise it by up to 1.4m. The evidence of the appellant was that the works required may also include the pruning of 16 trees, 3 tree groups, one woodland group and four hedges, and would include the lopping of overhanging branches. Together, all of these alterations would, in my view, have a significant effect on the character of the road. [6.40; 7.38]
- 12.20 Taking all of this into account, I conclude that the proposed turbines would exert a characterising influence over the landscape that would extend out to 2.6km west, in the direction of Drayton Parslow, and out to 2.5km in all other directions. Within this range the scale, and moving blades, of the turbines would make them such dominant features of the landscape that they would fundamentally alter its character, to such an extent that new categorisations of landscape character would be required. Mr Stevenson accepted that were the Council to undertake a review of the AVLCA with the proposed wind farm in place, the current Newton Longville – Stoke Hammond Claylands and Mursely-Soulbury Claylands LCAs would change, up to 800m from the wind turbines, to a new LCA comprising a new wind farm landscape. Up to 2.5km from the turbines, the current LCAs would change to a new LCA of "Newton Longville – Stoke Hammond Claylands with wind farm sub-type" and "Mursley-Soulbury Claylands with wind farm sub-type". [7.11]

- 12.21 A development proposal that leads to this magnitude of change cannot, in my judgement, be said to accord with the NPPF's aims of recognising the intrinsic character and beauty of the countryside, and protecting and enhancing the natural environment (paras 17 and 7). I conclude that it would be harmful to the character and appearance of the landscape of the appeal site itself, and to the substantial area around it identified above. In addition, the associated access works would harm the character of Hollingdon Road. [7.27]
- 12.22 However, as to the degree of harm that would be caused, there are some further factors to be taken into consideration.
- 12.23 The change to the character of the landscape would be long-term, as distinct from permanent, and would be reversible. The permitted operational life of the proposed wind farm would be 25 years, which would be defined by condition. Another condition would require the development to be decommissioned and removed from the site, and the site to be restored to its former state, within 12 months of the expiry of that period. [11.5]
- 12.24 The Council drew my attention to an appeal decision by the SoS, concerning a proposal for a single 67m high wind turbine, in which he noted his Inspector's view that the harm to the landscape would be temporary and reversible, and observed that "the scheme duration of 25 years would be a substantial period for those who would have to endure any adverse effects and the reversibility of the scheme should not be an influential factor in determining this appeal", and then went on to conclude that there would be a limited degree of harm to the landscape. The Council interpreted this to mean the SoS was of the opinion that in assessing the landscape impact of proposed wind turbines the level of harm should not be influenced by the "reversibility" of a scheme, since any person observing significant changes resulting from development proposals would reasonably regard 25 years as a substantial portion of a lifetime. [6.14]
- 12.25 I do not agree with the Council's interpretation of this decision, which seems to me to conflate landscape impacts with visual impacts. In my interpretation, the SoS was there alluding to the visual impacts of the scheme, as perceived by the humans affected; it must be right that in the context of the human lifespan, 25 years is such a substantial length of time that the removal of the turbines after 25 years is not a consideration which would reduce the significance of the harm caused. But where, as here, the specific impacts on the character of the landscape (as opposed to visual impacts, which I return to later below) are at issue, the timespan against which the duration of the development should be measured is the length of time for which the host landscape itself has subsisted, and will endure.
- 12.26 In that context, the time-limited period for which the turbines would subsist is not a consideration that would reduce the magnitude of the harm caused to the character of the landscape during their operational life, but it does reduce the significance of that harm. This interpretation accords with the government's advice, set out in EN-3, that the time-limited nature of wind farms is likely to be an important consideration when assessing landscape impact. [4.9]
- 12.27 Similarly, the majority of the proposed structural works to Hollingdon Road are proposed to be temporary, and a programme for their removal after the construction period would be secured by condition. The evidence of the

appellant is that the level of tree loss to accommodate the proposed works would be low, and would not substantially alter the character or value of the tree groups; the impact to trees would be limited to the short term because regeneration within, and new growth on the edge of, tree groups in response to increased light will tend to reinstate the outward appearance of groups over a period of a few years. I accept the professional opinion of the appellant's arboriculturalist that the magnitude of change would be approximately consistent with other generally accepted tree management practises in the rural context, such as the flailing of hedges, re-pollarding or coppicing of trees and the removal of individual defective trees. All of this serves not to obviate, but to reduce, the degree of harm caused to the character of Hollingdon Road. [6.42]

- 12.28 In summary, I find that the proposal would harm the character and appearance of the landscape. However, there are mitigating factors that would combine to reduce the overall degree of harm.

Visual impacts

- 12.29 Visual impacts concern the degree to which the proposed development would become a feature of views, and the effect this would have on the people experiencing those views. Visual impacts may therefore occur at a variety of locations where people are present, such as settlements, recreational areas and establishments, public rights of way, and individual residences. The approach taken in the ES LVIA was to identify, in liaison with the Council, representative viewpoints at a range of distances and in a range of directions from the appeal site, and to assess the visual impacts at each. [7.16; 8.16]
- 12.30 The landscape witnesses for the appellant, the Council and SDLT all agreed that there would be significant visual impacts at locations up to 5km from the appeal site. [6.27]
- 12.31 Mr Billingsley considered that there would be one exception to this, in that significant visual impacts would also be experienced at Ivinghoe Beacon, some 14km from the nearest turbine. I appreciate that the views from this location at the end of the Ridgeway footpath are very popular. However, the separation distance involved would mean that the turbines appeared as small components of the panoramic views available, and in my judgment would not have a significant visual impact. I therefore find that significant visual impacts would be limited to locations up to 5km from the appeal site. [8.16]
- 12.32 In considering residential properties outside the settlements, the ES assessed the visual impacts of the proposed development at 53 locations, covering a representative range of individual dwellings and small clusters of dwellings. The assessment concluded that residents at the great majority of them would experience a significant visual effect, having regard to views from within the buildings, from their external amenity spaces and from their accesses to the highway. It also found that residents at the great majority of these locations would experience a significant visual effect when travelling on the public highway. [7.19]
- 12.33 Part of the assessment involved seeking to identify any properties where the visual impact of the proposed development would, or could, render occupation unacceptable by converting the property into one which would come to be

widely regarded as an unpleasant place to live: none were identified. The Council disagreed with that finding, and identified 3 properties (Holly Bar Cottage, Andrich Cottage and Fairfields Farm) which, in its view, would be so regarded. SDLT agreed with the Council, and identified further properties about which it had concerns. I deal with the visual impacts on all of these dwellings separately below, as part of the second main issue (the impact on living conditions). [12.92 et seq]

- 12.34 Turning to visual amenity within the settlements, the ES acknowledged that significant visual effects would arise, and these would be experienced within the range of up to 4 – 5km of the nearest turbines, assuming open views to a reasonable proportion of the wind farm. Significant visual effects were identified at the settlements of Hollingdon, Stoke Hammond, Soulbury, Stewkley, Drayton Parslow, Newton Longville and Great Brickhill. [7.21]
- 12.35 Significant visual effects would also be experienced from public vantage points, local footpaths and bridleways, long distance walking routes and cycle paths, the A4146 and more minor local roads. In the case of Hollingdon Road, there would be significant visual impacts arising not only in respect of views towards the turbines, but as a consequence of the alterations to the road itself. [7.24; 8.17]
- 12.36 The Three Locks Golf Course lies on the slopes that rise up toward Great Brickhill. There are panoramic views west out over the vale, toward the proposed wind farm, such that golfers playing this course would experience significant visual impacts. The Three Locks Public House lies alongside the Grand Union Canal, in a popular and easily accessible location. The external seating area associated with the pub extends northwards along the canal beyond the building, and from there, a significant visual effect would arise. In addition, Soulbury Cricket Club has a square which is orientated on a north-west south-east axis, in order to prevent balls being hit towards houses. This means that batsmen facing north-west, and spectators in the pavilion, would be looking directly toward the proposed wind farm. The moving blades of all four would be visible, and would give rise to significant visual effects. [8.17, 9.7]
- 12.37 As to whether the impact of all these identified significant visual effects would be harmful, neutral or beneficial, Mr Stevenson is not wrong to say that there is a wide range of public attitudes toward wind turbines. Some admire them as elegant beacons of hope and progress: others detest them as ugly industrial machines that blight the landscape. My task, in writing this report, is to make as objective an assessment as possible of the changes to views which would occur. I therefore consider it appropriate to proceed on the precautionary basis that the changes would be perceived as adverse; an approach that was, very fairly, accepted by the appellant. [6.13]
- 12.38 However, in assessing the degree of harm that would be caused by these acknowledged adverse visual impacts, there are a number of other factors to be taken into consideration.
- 12.39 The visual impacts of the proposed development would not be universal within the 5km radius of the appeal site, nor experienced to the same degree throughout. Many of the houses in the settlements would have no views of the turbines. While the adverse visual impact from elevated public vantage points would be particularly acute, views from many of the identified roads and public

rights of way would be intermittent, due to varying degrees of screening provided by the local landform, tree groups and hedges. Motorists would experience significant visual effects for relatively brief periods in the context of their overall journeys. Walkers covering a long distance along the promoted recreational footpaths would not have their overall experience characterised by the proposed wind farm, although of course the same would not hold true for residents using sections of those longer routes for walks around their local area. [8.18, 8.20]

12.40 The landscape that would be affected by the proposed development has already been the subject of extensive human influence. This is evident from its relatively intensive agricultural management and associated agricultural infrastructure; the many rural settlements around the appeal site; vertical structures such as pylons and telegraph poles; other infrastructure such as the network of roads and the Grand Union canal; and the visible and audible presence of the Stoke Hammond bypass and west coast mainline railway. While pleasant, it is not a landscape that is particularly tranquil, and neither is it wild or remote. In a landscape so heavily influenced by human activity, I do not consider that the proposed wind turbines, well-recognised products of human technology, would appear "alien". [8.10].

12.41 The final design and appearance of the proposal is also a consideration. The precise model is not yet known, but choice can be exercised to ensure that the wind turbines used would be simple, functional structures with balanced proportions. A well-chosen colour finish can allow a recessive visual quality, and the same considerations of design and finish would apply to the anemometer mast. Simple, functional designs for the substation building and transformer kiosks would help to prevent them appearing incongruous. All of these are matters which could be controlled by appropriately worded conditions. [11.6]

12.42 I depart, at this point, from the 'precautionary principle' in order to consider objectively whether the adverse visual impacts would be likely to have further consequences for recreation in the area.

12.43 I understand the concerns of local residents, and businesses, about the potential impact on the number of visitors to the area but I have seen no empirical evidence that the visibility of turbines from recreational walking or cycling routes reduces the number of users. Given the broad range of public opinion outlined above, it is possible that some visitors might choose to walk an alternative route in order to avoid the turbines, but it is also possible that others may choose a route specifically to see them. Similarly, there is no evidence to indicate that the Three Locks Public House would be likely to suffer a downturn in trade as a consequence of significant visual impacts on views towards the wind farm from part of its outdoor seating area. [9.17, 9.18, 9.33]

12.44 I heard persuasive evidence from golf players that for many, golf is largely an opportunity to enjoy the countryside. But again, while some players may dislike the turbines, others may consider them an added attraction; there is no sound evidential basis to conclude that business at the golf course would necessarily suffer as a consequence of the proposed development. [9.1, 9.27]

12.45 The situation at Soulbury Cricket Club is somewhat different. Thanks to the athleticism of Mr Bellars, I saw at my site visit that for batsmen facing north-

west, the rotating blades of all four turbines would be in visual conflict with the bowler's arm. This would remain the case even if wickets were varied within the square. The use of screens would provide only limited mitigation, since the movement of the blades would still be visible above them. In my judgment there would consequently be a marked reduction in the recreational enjoyment afforded by this facility, and this adds weight to the harm caused. [9.7]

- 12.46 In summary, I find that the proposed development would have harmful visual impacts at locations up to 5km from the appeal site. However, there are some mitigating factors which would reduce the overall degree of harm.

Cumulative impact

- 12.47 Cumulative landscape effects can occur if the presence of additional wind farm development is sufficient to extend the geographical limits of existing character effects, or if the added presence of non-contiguous wind farm development is sufficient to combine local characterising effects into a more substantial and continuous landscape sub-type, or to transform the local landscape character area. In this case, there are two other wind turbines to take into account which, although not yet operational, have received consent: one at Quarrendon (121m to tip), and one at Double Arches (149m to tip).
- 12.48 A single turbine at Bletchley (90m to tip) and 4 turbines at Salden (115m to tip) are proposed, and the SEI establishes that these would lead to significant cumulative effects when considered in conjunction with the current proposal added to the existing baseline. However, I agree with the Council that little weight should be attached to this, given that the Bletchley turbine and Salden wind farm have only reached an early stage in the planning process. Should this current appeal succeed, it would then be for the decision makers assessing the Bletchley and Salden proposals to determine whether, with the turbines of this scheme in place, the cumulative impacts arising from those additional turbines would be acceptable. [7.50]
- 12.49 As to cumulative landscape effects arising from the current proposal in conjunction with the Quarrendon and Double Arches turbines, the Quarrendon turbine would be 14km away, to the north-west of Aylesbury, in a markedly different type of landscape. The outer limit of its possible characterising effect would lie more than 11km from the nearest of the currently proposed turbines, and no significant cumulative landscape character effects would arise. The Double Arches turbine would be closer, at 7km away, but would be located in a quarry area in the Wooded Greensand Ridge landscape type. In combination with the surrounding land use, contrasting elevation and landscape character, this would still be sufficient distance to ensure that no significant cumulative landscape character effects would arise. (CD APPP/02, ENV/01)
- 12.50 Turning to cumulative visual impacts, the ES found little likelihood of significant "combined in combination" or "combined in succession" visual effects, but identified that significant visual impacts would occur sequentially with respect to the passage through the landscape. Such effects may arise to parts of journeys from the south-west cutting north-eastwards across country on minor roads; from place to place for those making journeys between the A4012 and the Brickhills and onwards to places such as Old Linslade and beyond (and vice versa); and for those passing north-south through parts of

the landscape from Bletchley around to Mursley and across to Wing (CD ENV/01).

- 12.51 This type of sequential visual impact, which by its nature is only experienced by those moving through the landscape, has arguably less of a harmful impact than the 'static' cumulative visual effects that arise when a householder is able to see more than one wind farm in the view from a window. Nevertheless, sequential impacts may be experienced on a daily basis by those commuting to school or work, and for the reasons set out above, it should be assumed that the impacts would be perceived as adverse. This harm therefore needs to be added to the adverse visual impacts I have identified above. [[12.37]

Cultural heritage

- 12.52 The Statement of Common Ground records the Council's and the appellant's agreement that there would be no significant adverse effects on any heritage assets. SDLT it accepts that the harm to heritage assets would be "less than substantial" in the terms used by the NPPF, but contends that for seven of these assets, the degree of harm would be greater than that identified by the appellant, such that it should carry more weight in the overall planning balance.
- 12.53 It is common ground between all three main parties that no designated heritage assets would be physically altered by the proposed development. Rather, it is the indirect effect of the development, in terms of its impact on the setting of heritage assets, that needs to be considered. English Heritage has issued detailed guidance on the *Setting of Heritage Assets* (CD CUL/03) which explains that "setting is not a heritage asset, or a heritage designation. Its importance lies in what it contributes to the significance of the heritage asset." Assessing the effect of the development proposal therefore involves identifying the significance of each heritage asset, establishing the contribution its setting makes to its significance, and then using this information to assess and quantify the extent of any harm that would be caused to that significance. It does not necessarily follow that the more important the heritage asset, the greater the magnitude of impact: what is key is the extent to which its significance derives from its setting. [6.31; 8.23]
- 12.54 The heritage assets concerned are the Church of St Luke in Stoke Hammond, a Grade II* Listed Building; All Saints Church in Soulbury, also a Grade II* Listed Building; Hollingdon Grange (listed as Hill Farmhouse), a Grade II Listed Building; Stoke Hammond Conservation Area; Soulbury Conservation Area; Great Brickhill Conservation Area and Drayton Parslow Conservation Area. I consider each in turn.

St Luke's Church, Stoke Hammond

- 12.55 The Church of St Luke, which dates from the 14th Century, lies at the northern end of the village of Stoke Hammond. The majority of its significance as a heritage asset, and the reason for its designation, lies in the architectural and artistic interest of its medieval fabric and construction. The church also has historic interest as the physical and spiritual focus of the parish of Stoke Hammond.

- 12.56 Views of the church from within the churchyard, as well as from the footpath to the north-west and the School Lane approach from the east, allow appreciation of its architecture at close range. The only direction from which longer range views exist is the approach to the village from the north. Set on a rise of locally higher ground, the church is relatively modest in scale and so its central tower, while clearly discernible amid the surrounding mature trees, does not have quite the same "landmark" quality as more prominent spires and towers. Nevertheless, views from the approach road enable an appreciation of the historical role of the church as the physical focal point of the parish.
- 12.57 The proposed wind farm would lie some 1.1km to the south-west of the church. The turbines would not be visible from the church or its immediate surroundings, but would be seen together with the church tower in views from the northern approach to the village along Fenny Road. While the views would not be continuous, the rotating blades of all four turbines would be visible as prominent features above the deciduous vegetation to the right of the church, introducing an element of visual competition with the church tower [8.27]
- 12.58 In my judgment the presence of the turbines, whose functional aesthetics are clearly and immediately distinguishable from ecclesiastical architecture, would not usurp or obscure the historical role of the church. Nor would they affect its architecture and fabric. They would, however, reduce the limited extent to which it appears the physical focal point of the village, and in that respect the alteration to the setting of this heritage asset would cause a very small amount of harm to its significance.

Church of All Saints, Soulbury

- 12.59 The Church of All Saints lies at the southern end of the village of Soulbury, at the top of a south-east facing slope. The chancel and aisles date from the 14th Century, although I note from the List entry that the origins of the church may be earlier. The tower at the west end was added in the 16th Century. Like the church of St Luke, the majority of its significance as a heritage asset, and the reason for its designation, lies in the architectural and artistic interest of its medieval fabric and construction: the church also has historic interest as the physical and spiritual focus of the parish of Soulbury. I note that the chancel contains an important series of monuments to the Lovett family of Liscombe Park, in the Soulbury parish (SDLT 12).
- 12.60 The church is set in a churchyard that occupies an open, hilltop position, and is visible in various short-range views from within Soulbury as a dominant building that forms the focus of the south end of the village. Approaching from the south, the church is in a commanding position at the top of the hill, in an open setting surrounded by pasture. Longer range views of the church are available from within an arc to the south of the village, extending from the vicinity of Winscott Farm in the south-west to the footpath approaching Soulbury from the east. The church, in particular its tower, stands out as a prominent feature on the skyline in views from the roads and public footpaths in this sector, at a range of up to 1km. In these views it functions as a landmark, signalling the location of the village.
- 12.61 The proposed wind farm would lie some 1.7km to the north-west of the church. From the approach road to the south, there would be no change in

views at close range because the turbines would be concealed by the steeply rising landform to the north-west. However, in longer range views the turbines would be seen in close proximity to the church tower, with the tips of their blades reaching a height greater than that of the tower [8.25].

- 12.62 The presence of the proposed turbines would not diminish the architectural or artistic significance of this Grade II* Listed Building. Their prominence and proximity to the church tower in views of the skyline would, however, diminish appreciation of the church tower as a landmark for the village. This would in turn detract from the historic role played by the church as a physical focal point for the parish. I consider that this would cause a small amount of harm to the overall significance of this heritage asset.

Hollington Grange

- 12.63 The farmhouse at Hollington Grange is a historic vernacular building, set on a rise of locally higher ground. I note the view of Mr Billingsley, for SDLT, that this localised hilltop setting contributes to the significance of the asset and that the setting of the property is a key part of its interest. I agree that the setting of the farmhouse does make a positive contribution to its significance, but that contribution is not large. The major part of this heritage asset's significance, and the reason for its designation, lies in the architectural interest of its surviving early fabric. This includes the 16th – 17th Century timber frame, some re-used panels and a door on the ground floor, and a winder staircase [8.28].
- 12.64 The setting of the farmhouse includes horse paddocks to the west and south, and converted farm buildings to the east. While clearly not a 16th – 17th Century farming landscape, this rural setting allows the historic function of the building as a farmhouse to be appreciated. In my judgment the location of the building on a local area of high ground plays a part in this, reflecting the farmhouse's historic association with, and control over, the surrounding agricultural land.
- 12.65 The proposed wind farm would lie 1km to the north of Hollington Grange, and in views from the approach to the property along Hollington Road, all four turbines would be visible to the left of the farmhouse. They would distract from the visual prominence of the heritage asset in views from the approach, but this would not greatly affect the legibility of the building as a historic farmhouse, and its architectural significance would remain intact. I therefore conclude that the proposed development would have only a very limited adverse impact on the significance of this heritage asset.

Stoke Hammond Conservation Area

- 12.66 The Stoke Hammond Conservation Area is in two parts, which cover an area centred around the medieval Church of St Luke in the northern part of the village, and an area to the south, concentrated around the central junctions with Newton Road. The growth of modern housing development around these historic cores means that they are now physically and visually detached from the surrounding countryside. Apart from the vantage point of the churchyard at the northern end of the village, open views of the surrounding landscape are restricted by the built form. The setting of the Conservation Area therefore contributes very little to its heritage significance: that significance instead lies largely in the architectural interest of individual buildings (some of which are

Listed), the relationships between them, and the historic character and appearance of the village.

- 12.67 The proposed wind farm would be located 1km to the south-west. Views of the turbines from the northern part of the Conservation Area would be blocked by existing development, so the character and appearance of this part of the Conservation Area would be unaffected. In the southern part of the Conservation Area, there are some locations (such as the Village Green) from which the blades of the turbines would be visible above the roofs of the intervening houses. The presence of these rotating modern structures would be at odds with the historic character of the Conservation Area, and in this respect would cause a small amount of harm to the significance of the Conservation Area. [8.29]

Soulbury Conservation Area

- 12.68 Like Stoke Hammond, Soulbury was originally established as a rural farming community. Development is grouped along the central High Road, and the Conservation Area covers most of the settlement. Its heritage significance lies in the architectural interest of the individual buildings (some of which are Listed), the relationships between them and the historic character and appearance of the village.
- 12.69 At the northern end, the setting of the Conservation Area makes little contribution to this significance since the focus is internal, toward the Green, and there is little connection with the wider landscape. However, the southern end of the Conservation area is more open, and its hillside location enables views in to and out from the village. Views out from the churchyard at the top of the hill, from Chapel Street and from the High Road adjoin the Boot Public House, create a strong visual connection between the Conservation Area and the adjoining agricultural land. The Conservation Area can also be appreciated in views from the roads and footpaths that approach Soulbury from the south and east, in which the village can be seen laid out on the hillside, with the church as its focus. The setting of this part of the Conservation Area therefore makes a distinctive contribution to its significance.
- 12.70 The proposed wind farm would lie 1.5km to the north-west of the Conservation Area. From the northern end around the Green, the turbines would be screened by housing so that views, and the character, of this part of the Conservation Area would be unchanged. However, in views from the south and east approaches to the village, the southern end of the Conservation Area, including the church, would be seen in combination with the turbines in the background. The scale and movement of these modern structures would distract attention from the village, and conflict with the historic character of the settlement. I conclude that this alteration to the setting of the southern part of the Conservation Area would thereby cause a moderate amount of harm to the significance of the Conservation Area as a whole. [8.29]

Great Brickhill Conservation Area

- 12.71 The Great Brickhill Conservation Area covers three separate parts of the village, which occupies a prominent hilltop site. The heritage significance of the Conservation Area lies in the architectural interest of individual buildings (some of which are Listed), the relationships between them, and the historic

character and appearance of the areas covered. The small central part of the Conservation Area on Lower Way, around the former Duncombe Arms public house, affords fine panoramic views to the west, across the Ouzel Valley; similar views can be obtained from the outer western edges of the two larger parts of the Conservation Area. The availability of such views is part of the character of the Conservation Area, and so contributes to its heritage significance.

- 12.72 The proposed wind farm would be located around 3.5km to the west of Great Brickhill, and all four turbines would be clearly apparent within the panoramic views out over the vale. Their presence would alter the *content* of the view, in that they would be an eye-catching modern addition to the fields, buildings, trees, pylons and other components of the vast expanse of landscape visible. But their presence, at this distance, would not alter the *nature* of that view, in that they would not preclude or obscure any part of it, curtail its extent, or change its panoramic quality. It is the availability of the view, rather than its composition, which contributes to the character and thereby the significance of the Conservation Area. That availability would not be affected by the proposed development, and so neither would the significance of the Conservation Area [8.30].

Drayton Parslow Conservation Area

- 12.73 Drayton Parslow has two distinct areas of historic development, and the Conservation Area is consequently in two parts. On the crest of the hill at the south-western end of the village is Church End. At the north-eastern end of the village is a concentration of historic properties around the junction of Main Road and Highway, and along Main Road towards Love Row. The heritage significance of the Conservation Area lies in the architectural interest of individual buildings (some of which are Listed), the relationships between them, and the historic character and appearance of the area.
- 12.74 As to the setting of the Conservation Area, there are several areas of important open space, including the churchyard and the field that runs parallel to Main Road to the west of Love Row, which provide attractive settings to the buildings and create the impression of the countryside encroaching into the village. The Council's Conservation Area Appraisal (SDLT 1.9) notes a number of identified views into and out from the Conservation Area. These create a direct visual relationship with the adjoining agricultural land, and also provide longer-range views of the landscape beyond. The open spaces and views are part of the character of the Conservation Area, and so contribute to its significance.
- 12.75 The proposed wind farm would lie some 2km to the east of Drayton Parslow. Two of the turbines would be visible in views out over the field that lies parallel to Main Road in the northern part of the Conservation Area, and one of the turbines would also be visible in views from the churchyard. While the presence of these modern structures would not fundamentally alter the overall historic character of the Conservation Area, they would, where visible, detract from it. I therefore find that the proposed development would have a small adverse impact on the significance of this heritage asset. [8.29]

Other Heritage Assets

- 12.76 Since the completion of the Historic Environment Assessment that formed part of the appellant's original Environmental Statement in 2011 (CD APP/02), the Court of Appeal has clarified that Parliament's intention in enacting S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 was that decision makers, when conducting their balancing exercise, should give "considerable importance and weight" to the desirability of preserving Listed Buildings, or their settings, or any features of special architectural or historic interest which they possess (CD JUD/01).
- 12.77 The 2011 Environmental Statement identified a number of other Listed Buildings, in addition to those which were a cause of concern to SDLT and have been considered above, whose setting would be affected by the proposed development. At the inquiry, therefore, I asked the Cultural Heritage witnesses for SDLT and the appellant to assess whether any of these effects would amount to a harmful change to the setting of those Listed Buildings, such as would need to be weighed in the planning balance. Mr Billingsley, for SDLT, stood by the content of his proof of evidence. Dr Carter, for the appellant, considered that a degree of harm may be caused to the settings of three additional Listed Buildings identified in the 2011 ES: Liscombe Park, The Church of the Holy Trinity in Drayton Parslow and the Old Rectory in Drayton Parslow. I included these in my site visits.
- 12.78 Liscombe Park house (Listed Grade II*) and the associated chapel and coach house (Listed Grade II) lie within the remaining elements of a 17th Century designed landscape. The house is located on high ground in the centre of the parkland, facing north by northwest, and is approached along tree-lined avenues from the north-west or north-east. The principal designed view of the house from the approach survives, and there is also a designed view toward the Church of All Saints in Soulbury from the main elevation of the house, through a gap maintained in the mature vegetation that borders the parkland. Much of the heritage significance lies in the architectural and historic interest of the buildings, particularly the main house, but the parkland setting and designed views also make important contributions to significance (CD APP/02 12-31).
- 12.79 The proposed wind farm would lie some 2.5km to the north west. The turbines would not be seen together with the house and buildings in views from either of the two approaches, and would not intrude into the gap in vegetation that affords the designed view of All Saints Church. The turbines would be visible as background features in views out from the main house over the well-preserved areas of parkland immediately to its north and the countryside beyond, but the agricultural land lying between the parkland and the wind farm would provide visual separation, as would the extensive planting at the edges of the parkland. I conclude that the change to the setting of Liscombe Park would not be harmful, and would not detract from its overall significance as a heritage asset.
- 12.80 The Church of the Holy Trinity in Drayton Parslow is Listed Grade II*. It is set back from the north-western edge of Main Road within a small churchyard, bounded by mature trees that frame long distance views of the building. The chancel and west tower date from the 14th and 15th Centuries, but the

Conservation Area Appraisal notes that the building may have its origins in the 12th Century. The majority of the significance of the church as a heritage asset lies in the architectural and artistic interest of its fabric and construction, but it also has historic interest as the physical and spiritual focus of the parish of Stoke Hammond (SDLT 1.9).

- 12.81 In addition to the close range views from within the surrounding Conservation Area, the church can be appreciated in long distance, filtered views from the footpath towards Salden near Mursley, and from the footpath north of Merrymead as it crosses the B4032. Were the wind farm to be constructed, the turbines would be seen in conjunction with the church tower from these viewpoints. The distances involved mean that neither the turbines nor the church tower would be prominent features in these views, but nevertheless the visual competition provided by the turbines would reduce the extent to which the church was viewed as the physical focal point of the village. This would cause a very small amount of harm to its significance.
- 12.82 The Old Rectory at Drayton Parslow is also Listed Grade II*. Now a private house, it was constructed as a Rectory in the 18th Century. It is a double-piled, two-and-a-half storey building with a steeply pitched roof, set a short distance back from the south-eastern edge of Main Road. Its significance as a heritage asset derives primarily from the architectural, artistic and historic interest of its fabric, but its physical and historic relationship to the nearby church, in the context of the village and the surrounding countryside, also contributes to its significance (SDLT 1.9).
- 12.83 The scale of the Old Rectory, and its proximity to the church on elevated ground at the southern end of the village, means that it would also be partly visible in the combined views of the turbines and church tower from the viewpoints discussed above. The presence of the turbines would alter the historically close visual relationship between the church and rectory by introducing a third, discordant, modern structure. This alteration to the existing setting would thereby have an adverse impact, albeit only a very small one, on the heritage significance of the Old Rectory.

Conclusions in respect of Cultural Heritage

- 12.84 Paragraphs 133 and 134 of the NPPF provide that development resulting in substantial harm to the significance of designated heritage assets² should not be permitted unless it would be necessary to achieve substantial public benefits that would outweigh the harm. Where less than substantial harm would result, this should be weighed against the public benefits of the proposal. The NPPF does not define what is meant by "substantial harm" for the purposes of paragraph 133 and 134, but the PPG provides some guidance. It states that "In general terms, substantial harm is a high test, so it may not arise in many cases. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed." On the basis of all the considerations I have set out above, I agree with SDLT and the appellant that in each instance, the harm that the proposed wind farm would cause to

² Listed Buildings and Conservation Areas are defined as "designated heritage assets" for the purposes of the NPPF

the significance of the designated heritage asset would be less than substantial. [6.38; 8.24].

12.85 In reaching this conclusion I have had regard to the Government's advice in EN-1, which explains that onshore wind turbines are generally consented on the basis that they will be time-limited in operation. It goes on to say that account should therefore be taken, when considering any indirect effect on the historic environment such as the effects on the setting of designated heritage assets, of the length of time for which consent is sought (CD PLA/07 2.7.43). The change in the setting of heritage assets caused by the presence of wind turbines is both reversible and time-limited. While this consideration does not reduce the magnitude of the harm caused for the duration of their operational life, it does reduce the significance of that harm in any assessment of acceptability. [4.9]

Conclusions on the first main issue

12.86 I have found that the proposed development would harm the character of the landscape. The Council and SDLT contend that on that basis, it would conflict with Policy GP.35 of the AVDLP. The appellant argues that GP.35 advises explicitly and exclusively on buildings, as does its reasoned justification, and so it cannot be sensibly applied to a proposed wind farm. [6.4]

12.87 I can find nothing in the wording of Policy GP.35 itself, or its accompanying advisory text, to support the appellant's interpretation. The Policy specifically addresses itself to "new development proposals...", not merely "new buildings..." and the first paragraph under each sub-heading in the advisory text does likewise. The proposed wind farm is clearly "development" for the purposes of the relevant statute: if it were not, the appellants would not be in the position of having to seek planning permission for it. [4.2]

12.88 I therefore find that Policy GP.35 is relevant to the current development proposal. I also find that since the proposal would not respect or complement the physical characteristics of the site and the surroundings, or the natural qualities and features of the area, it would conflict with the aims of that policy.

12.89 SDLT argued that the proposal would also conflict with Policy RA.8 of the AVDLP, which requires that development proposals in the District's Areas of Attractive Landscape should respect their landscape character, and states that development that adversely affects this character will not be permitted. In so far as the supporting text deals with development proposals beyond the boundaries of the AAL, it simply advises that any such proposals which would have a significant impact on views to or from the AAL should be judged against the objective of protecting the special character, appearance and enjoyment of the area. I have noted that the proposed development would have a significant impact on views from the Brickhills AAL, but have determined that it would not harm the character of that AAL. I therefore conclude that there would be no conflict with Policy RA.8. [4.3, 8.11]

12.90 I have found that the proposed development would affect the setting of five Listed Buildings. This would cause a small amount of harm to the heritage significance of All Saints Church in Soulbury. It would also cause a very small amount of harm to the heritage significance of St Luke's Church in Stoke Hammond, to Hollingdon Grange, and to the Church of the Holy Trinity and the

Old Rectory in Drayton Parslow. In each case, while the harm caused would be less than substantial in the terms of the NPPF, the provisions of S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 mean that the desirability of preserving Listed Buildings, and their settings, must be given considerable importance and weight in the overall planning balance. There would however be no conflict in this respect with any Policy in the AVDLP, since the relevant policies were not saved.

- 12.91 There is, however, an AVDLP Policy relevant to Conservation Areas. Since I have found that the proposal would cause a small amount of harm to the characters of the Stoke Hammond and Drayton Parslow Conservation Areas, and a moderate amount of harm to Soulbury Conservation Area, it follows that the proposed development would conflict with Policy GP.53, which states that such proposals will not be permitted if they would cause harm to the character or appearance of Conservation Areas. As the appellant notes, the position that S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged in this appeal was not in dispute. [4.3; 6.3]

Second main issue: Living conditions

- 12.92 I now return to the visual impact that the proposed development would have on specific residential properties [12.33]. It is worth noting at the outset that the planning system exists to regulate the development and use of land in the public interest. In most cases, the outlook from a private property is a private interest, not a public one: in other words, there is no "right to a view" that would protect private views from development that would adversely affect them. However, the question of public interest may be at issue where a development proposal would have such a severe adverse impact on the outlook from a private residence that it would render it an unsatisfactory place to live, for future as well as current occupiers.
- 12.93 This point was specifically addressed by my colleague, Inspector Lavender, in an appeal decision in 2009 (CD INS/01). He wrote: *...when turbines are present in such number, size and proximity that they represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden, there is every likelihood that the property concerned would come to be regarded as an unattractive and thus unsatisfactory (but not necessarily uninhabitable) place in which to live. It is not in the public interest to create such living conditions where they did not exist before.* The SoS subsequently adopted this approach in an appeal decision in 2011 (CD INS/09, DL 10). He said that when assessing the effect on visual outlook, it is helpful to pose the question "would the proposal affect the outlook of these residents to such an extent, i.e. be so unpleasant, overwhelming and oppressive that this would become an unattractive place to live?"
- 12.94 All three main parties agree, as do I, that this "Lavender Test" is the appropriate approach to adopt in the current case [6.29; 7.42; 8.34].
- 12.95 As discussed above, the appellant's application of the Lavender Test concluded none of the residential properties in the vicinity of the wind farm would come to be widely regarded as an unpleasant place to live as a consequence of the proposed development. However, the Council's reasoned assessment was that Fairfields Farm, Holly Bar Cottage and Andrich Cottage would become unattractive places in which to live (CD COR/02 14.30). SDLT commissioned its

own Residential Amenity Assessment, which agreed with the Council as to the effect on those three properties, and found that while two others (Dorcas Farm and Holly Grange) would not fail the Lavender Test in this way, but they would become significantly less attractive places to live (CD COR/04 Appx4 p10). In his subsequent proof of evidence for this inquiry, Mr Billingsley for SDLT added Kings Farm to this second category (SDLT 2, 6.61 – 6.66).

- 12.96 I shall therefore consider firstly the visual impact that the proposed development would have on Fairfields Farm, Holly Bar Cottage and Andrich Cottage; then turn to Dorcas Farm, Holly Grange and Kings Farm, and other properties that were specifically drawn to my attention; then after that, look at some of the other concerns raised by local residents in respect of living conditions.
- 12.97 My considerations have been assisted by the visual material prepared by the parties, and my own observations made during accompanied visits to the properties and unaccompanied visits to their surroundings. My attention was drawn to the findings of other Inspectors in other appeals, and to the approach, in other jurisdictions, of specifying “minimum separation distances” between turbines and dwellings. However, assessments of visual impact need to be undertaken in the round, and with careful attention to site-specific circumstances. Separation distance is important, but so too are factors such as topography; the specific layout, scale and number of turbines proposed; the orientation and layout of the dwellings; the arc of view in which the turbines would appear; the existence of any intervening screening, and the extent to which views would be available between and beyond the turbines. Comparisons with other consented schemes, decisions and guidance are therefore of very limited assistance. [9.4]

Fairfields Farm

- 12.98 The current large, two-storey house at Fairfields Farm, a replacement dwelling for which planning permission was granted in 2011 before submission of the application for the proposed wind farm, was nearing completion at the time of my site visit. Its front elevation faces north-east, towards Newton Road, the Stoke Hammond bypass and the West Coast mainline railway. To provide some screening from these, the owners maintain a substantial coniferous hedge that visually contains the property in this direction.
- 12.99 As a consequence, and also to take advantage of the sunny aspect and views over the landscape beyond, the accommodation within the house is orientated toward the south-west. On the ground floor, the circulation space and small spaces such as a utility room, WC and study face north east while the larger habitable rooms, including the lounge and dining room, have floor to ceiling windows facing south west. At first-floor level, the four bedrooms all have windows facing south-west.
- 12.100 The main garden, which incorporates an open-air swimming pool, extends about 50m forward from the south-west elevation of the house. It is bound by a hedge maintained at a height of around 2m, while the south-eastern area of lawn is defined by a coniferous hedge closer to 4m in height which helps, along with a number of trees, to screen views of the A416 and railway line in this direction.

- 12.101 The closest of the proposed turbines would lie just over 800m from the south-west elevation of the house, and all four would be visible in views from all the main living areas on the ground floor of the house, from all but one of the bedrooms upstairs, and from the main outdoor amenity space. The bases of the towers would be screened by the boundary hedge and other intervening vegetation, but the full extent of the rotating blades would be visible. The turbines would be relatively tightly grouped, such that the arc of view they occupied would be only about 24°, but this would unhappily coincide with the most open views over the boundary hedge, where the presence of mature trees to either side would serve to frame, and focus, views towards the turbines. It would also result in a degree of overlap between the blades of turbine 1 and turbine 2 (the latter lying some 1.3km from the house), which would aggravate the visual distraction caused by the movement of the blades. [7.49; 8.33]
- 12.102 I consider that the turbines would therefore appear as unduly dominant and obtrusive components of the view from the main living spaces, and garden, of Fairfield Farm. Bearing in mind that the visual amenity of the house and garden is almost exclusively derived from their south-west facing aspect, and that the layout of the rooms would provide no opportunity to reconfigure their usage to reduce the visual impact of the turbines, I conclude that the presence of the proposed turbines would be unpleasantly overwhelming and unavoidable. As a result, this property would become an unattractive and unsatisfactory place in which to live.

Holly Bar Cottage

- 12.103 Holly Bar Cottage and Andrich Cottage are a pair of brick-built, two-storey terrace cottages, constructed in the 19th Century, which lie at the western end of Hollingdon. They are set approximately 20m higher than the bases of the proposed turbines. The front elevation and small front garden of each faces north, overlooking Hollingdon Road, the hedgerow and scrub on the far side of the road, and beyond that the arable fields in which the appeal site lies. There are longer range views towards the Greensand Ridge and Milton Keynes in the distance, and the existing windfarm at Petsoe Ridge can be made out on the far horizon, at a distance of around 22km away.
- 12.104 The ground floor of Holly Bar Cottage is arranged as a single living space, comprising a dining and living area on the northern side, and a kitchen on the southern side. There are two windows in the northern elevation and two in the south elevation, together with a set of fully-glazed patio doors opening on to the rear garden. The ground-floor living space is also served by two windows in the eastern elevation. Upstairs, the master bedroom faces south, with two windows overlooking the rear garden. On the northern side are a guest bedroom and a study/craft room, each with a small window facing north. The attractive, enclosed cottage garden to the rear provides the principal external amenity space for Holly Bar Cottage. It contains a garage, accessed by the drive that runs alongside the eastern elevation of the house, and various seating areas and tables used for outside dining and relaxation.
- 12.105 The closest of the proposed turbines would lie some 740m from the north elevation of Holly Bar Cottage, and the rotating blades and most of the towers of all four turbines would be visible in views from the north-facing ground floor windows serving the living and dining area, and in views from the

first-floor guest bedroom and study/craft room. They would occupy a fairly narrow arc of view, of about 27°, but the alignment of turbines 2 and 4 would result in a degree of overlap between the blades, aggravating the visual distraction caused by their movement. The proposed wind farm would clearly have a substantial impact on the outlook from the north-facing windows of the property. [7.48; 8.35]

12.106 I understand that the current occupiers like to use the two north-facing upstairs rooms for craft activities and studying, and frequently look out of the windows into the distance so as to rest their eyes. I appreciate that the turbines would constitute a visually distracting (and to the current occupiers, unattractive) addition to the scenery, but being slender structures, they would not preclude or obscure views of the wider landscape around and beyond. (SDLT 4)

12.107 On the ground floor, the south-facing windows and patio doors provide an additional source of light, and visual amenity, which would be unaffected. The presence of the turbines would not, therefore, have such a visually intrusive effect upon this space as would be the case if (as at Fairfield Farm, for example) it was served only by a full height window facing toward the wind farm. Views of the turbines from the rear garden would be almost completely shielded by the house and intervening vegetation; glimpses of turbine blades might be possible in the limited northward views available from the garden through the gap afforded by the driveway, but it would be a relatively straightforward matter to arrange the seating and dining areas so as to avoid any such glimpses. The turbines would not be seen in views from the main bedroom or the kitchen. [7.47]

12.108 I conclude that while the proposed turbines would be conspicuous in the outlook from the north-facing windows of the property, their visual impact would not be so oppressive or overwhelming as to render Holly Bar Cottage an unattractive and thus unsatisfactory place to live.

Andrich Cottage

12.109 The ground floor of Andrich Cottage is laid out such that the front door leads directly into a study, which has a single window facing north toward the appeal site. This opens into the adjoining dining/living room, which has a single window facing north, and on the southern side a large window and a set of glazed patio doors opening out on to the rear garden. The kitchen, utility room and bathroom do not have north-facing windows. The rear garden abuts the former farm buildings at Holly Bar Farm, some of which are used for business purposes including car repairs, a carpentry workshop, and general storage. These are overlooked by first-floor windows, but from within the garden itself, views are largely screened by the rear boundary fence and the outbuilding along the western boundary. [7.45]

12.110 Upstairs, the master bedroom and second bedroom both have windows facing north; the master bedroom also has a small secondary window facing south. A third bedroom has a south-facing window, which overlooks the garden and the buildings beyond.

12.111 As at Holly Bar Cottage next door, the closest of the proposed turbines would lie some 740m from the north elevation of this dwelling. The rotating

blades and most of the towers of all four turbines would be visible in views from the north-facing ground floor windows serving the office and living/dining area, and in views from two first-floor bedrooms. They would occupy a fairly narrow arc of view, of about 27°, but again the alignment of turbines 2 and 4 would result in a degree of overlap between the blades, aggravating the visual distraction caused by their movement. The proposed wind farm would clearly have a substantial impact on the outlook from the north-facing windows of Andrich Cottage. [7.46; 8.35]

12.112 I understand that one of the current occupiers works from home, and uses the Study as her main place of work. However, I saw at my site visit that the Study is arranged so that anyone seated at the desk would be at right-angles to, rather than facing, the window. I appreciate that the turbines would constitute prominent (and to the current occupiers, unattractive) additions to the view through that window, but since it is a relatively small and deep-set window, the presence of the turbines would not be so dominant or visually distracting as to render the Study unfit for its current purpose. [SDLT 6]

12.113 In the living and dining space, the large south-facing window and adjoining patio doors provide an additional source of light, and visual amenity, which would be unaffected. As at Holly Bar Cottage, the presence of the turbines would not, therefore, have such a visually intrusive effect upon this space as would be the case if the large expanse of glazing provided by the patio doors and adjoining window faced north, towards the wind farm, rather than south, into the garden. The turbines would not be seen in any views from the main garden, kitchen, utility room or the back bedroom.

12.114 I conclude that while the proposed turbines would be conspicuous in the outlook from the north-facing windows of the property, their visual impact would not be so oppressive or overwhelming as to render Andrich Cottage an unattractive and thus unsatisfactory place to live.

Other residential properties

12.115 Dorcas Farm would be the closest residential property to any of the proposed turbines, with turbine 1 lying approximately 700m to the east. However, views of this turbine from Dorcas Farm would be screened by the outbuildings and conifer hedging. The closest visible turbine would be turbine 2 at 760m away, with the extent of its blades apparent above the intervening ridge; most of the blades of turbine 4, which would be set further away, would also be visible to its right. The main elevation of the house faces south-west. There is a ground-floor study with a window facing south-east towards the site of the proposed wind farm, and a garden room with two glazed sides, one of which faces south-east; upstairs, the master bedroom has windows which face south-east as well as south-west. (SDLT 11)

12.116 A large horse chestnut tree currently restricts views from these south-west facing windows, but I understand that it is diseased and will have to be removed. Without the benefit of this screening, the turbines would be a prominent and eye-catching element in views from the facing windows. The turbines would also be conspicuous in views from areas of the garden and, in particular, from the tennis court, and when moving towards them along the driveway. The outlook from these parts of the property would clearly be considerably altered. However, given the dual aspect of the garden room and

master bedroom, and the fact that other views from principal living spaces would remain unaffected, I consider that the proposed turbines would not have such an overwhelming impact on Dorcas Farm as to turn it into an unattractive place in which to live.

12.117 The dwelling at Holly Grange is orientated to the north, the direction in which the proposed turbines would lie. The nearest turbine would be 773m from the north elevation of the house, and all four turbines would be visible in views from windows serving the living room; the corridor that links the ground floor living spaces; the master bedroom and, at an oblique angle, two of the turbines would be visible from the study/bedroom. The turbines would also be visible from the summer house, the garden lawn, and the extensive wildlife and woodland habitats that the current occupants have created in their grounds, and of which they are rightly proud. (SDLT 8)

12.118 While many of the views from the house and garden toward the turbines would be filtered to varying degrees by intervening trees and vegetation, the rotating blades would be an eye-catching feature that would ensure the turbines remained conspicuous and prominent in those views. However, their presence would not be overwhelming, and the outlook from rooms on the southern side of the house would be unaffected. I conclude that the visual impact of the proposed wind farm would not be so unpleasant as to render Holly Grange an unsatisfactory place to live.

12.119 The main elevations of Kings Farm, a chalet style dwelling with a largely open plan interior, face north and south. The closest proposed turbine would be turbine 2, lying some 720m to the west-north-west. To the extent that the turbines were visible from the windows facing north and south, this would only be at an oblique angle. There would, however, be views toward all four turbines from the two windows in the west elevation, albeit these would be filtered by the intervening patch of mature trees. The turbines would be more clearly apparent in views from the external amenity areas, including the garden to the south and, obliquely, the south-facing patio. All four turbines would also be a prominent feature in views from the drive on the approach to the house. Taking all of this into account, I conclude that the proposed turbines would have a significant visual impact on Kings Farm, but would not be so oppressive as to make it an unattractive place to live. (SDLT 10)

12.120 While SDLT did not call them as witnesses, the owners of Hollingdon Grange, and Hollingdon Farm, provided written evidence on the impact the proposed development would have on their properties. I have given this careful consideration, along with all the other relevant evidence and my own observations. Similarly, I have given careful consideration to the evidence of Mr Jackson in respect of his own property at Hillersdon Chase, Stoke Hammond, and that of his neighbour. I conclude that while in each case the turbines would have a significant visual impact, that impact would not be so overwhelming as to result in unsatisfactory living conditions at any of these properties. (SDLT 7, SDLT 9) [9.8]

Other impacts on living conditions

12.121 Visual impact is of course only one of the ways in which development can affect living conditions at nearby residences.

- 12.122 Many local residents were worried about the noise of the proposed turbines. In the light of concerns about the adequacy of the appellant's original noise assessment, additional work was carried out, and the Statement of Common Ground records the agreement of the three main parties that the noise impact of the proposed development has been properly assessed, using the method set out in *The assessment and rating of noise from wind farms* (ETSU-R-97). Using the information from that assessment, the parties agreed (subject to a disputed provision about corrective action) a comprehensive condition requiring noise levels at affected properties not to exceed limits established in accordance with the guidance in ETSU-R-97. I am satisfied that this condition, in its final form, would protect the living conditions of local residents to the standard required by current government guidance, and enable the Council to take appropriate action if the specified noise limits were breached. [11.9]
- 12.123 Many residents were concerned about the impact of shadow flicker, noting that the appellant's ES identified the potential for shadow flicker to occur at 12 properties, from between 14 hours to 44 hours per year (CD APP/02, Technical Summary p12). However, any grant of planning permission could be made subject to a condition requiring the Council's approval, before the turbines could operate, of a scheme to limit shadow flicker. The scheme could specify times at which turbines would be switched off to prevent predicted effects, must in any event include a protocol for investigating and remedying complaints about shadow flicker from the owners or occupiers of affected buildings. [11.7]
- 12.124 Construction work, and associated construction traffic, would be likely to prove disruptive to local residents. However, this would be for a limited period only, and the suggested conditions agreed between the three main parties would require the Council's prior approval of a construction traffic management plan for the duration of the construction period and for the future decommissioning of the turbines, as well as a Construction Method Statement, and would limit the hours during which work, and deliveries, could take place. This would all help to ensure that the adverse impact upon living conditions at nearby properties was kept to a minimum. [11.5, 11.7, 11.8]
- 12.125 Some local residents expressed concern that the impact of the proposed turbines on their homes could have adverse consequences for their health, either through worsening existing conditions, or giving rise to new ones. These concerns were for the most part related directly to the operation of the turbines; for example, that the noise they made would lead to sleep deprivation, or that shadow flicker could bring on migraines. For the reasons set out above, I am satisfied that the proposed conditions would prevent any significant adverse impact upon living conditions by way of noise or shadow flicker. As a consequence, the potential for these matters to affect the health of occupiers would be, at worst, limited. (SDLT 11) (INQ 48) [9.16, 9.24, 9.25, 9.49]

Conclusions on the second main issue

- 12.126 To conclude on the question of the visual impact on residential properties, many others besides those discussed above would experience a significant visual impact, and alterations of varying degree to their outlook, as a result of the proposed wind farm. Some would become less attractive as a

consequence. However, while all of the properties discussed above would experience significant adverse visual impacts, I have only identified one property which would, as a result of the proposed development, become an unsatisfactory place to live.

12.127 Mr Frampton, for the appellant, agreed with the Council that if the proposed development were to result in any property becoming an unattractive and unsatisfactory place in which to live, that would in itself be enough to constitute an adverse impact sufficient to significantly and demonstrably outweigh the benefits of the proposal within the terms of paragraph 14 of the NPPF [7.53]. In my view, that cannot be right: a finding that one (or more) dwellings would be thus affected does not immediately obviate the need to weigh all of the harms and benefits of the proposal in the planning balance. The Lavender test recognises that it is not in the public interest to create unsatisfactory living conditions at residential properties, but there may, conceivably, be other “public interest” benefits which pulled in a different direction, such that the overall balance of considerations weighed in favour of permitting the development, despite the harm caused to living conditions. [7.53]

12.128 For similar reasons I will not be in a position, until I reach the stage of weighing all the relevant material considerations in the balance, to determine whether the proposed development accords or conflicts with the requirement of Policy GP8 of the AVDLP not to “unreasonably” harm any aspect of the amenity of nearby residents “when considered against the benefits arising from the proposal”. [4.2]

Additional issues

Aviation

12.129 Concerns about the impact of the proposed development upon aviation safety did not form any part of the Council’s reasons for refusal, but have been consistently raised by SDLT and local residents.

12.130 Before considering the points at issue, it is material to note that no objection to the proposal was raised by the Ministry of Defence. I also note that initial consultations were undertaken by the appellants at a time when the Civil Aviation Authority (CAA) was still providing a pre-planning consultation service to wind farm developers, which consisted of advice as to which aviation operators should be consulted. The CAA advised that in this particular case, Cranfield and Luton airports and Old Warden and Turweston airfields should be consulted. This was duly done; while the latter three raised no objection, Cranfield did object, and I address this further below. I have had regard to the various concerns raised about the consultation process, but on the basis of the evidence before me am satisfied firstly, that no criticism need be made of the manner in which the Council dealt with aviation concerns when determining the application and secondly, that I have the information necessary to inform my own assessment. [6.45; 9.31]

12.131 The issue between the appellant and SDLT is a narrow one, relating to two matters: firstly, that in an area well-used by a variety of aircraft of differing speeds and manoeuvrability, the turbines would constrain the available airspace and secondly, that low-flying recreational pilots would be

forced into the constrained space above and around the turbines, thereby adding to existing congestion [8.40, 8.44, 8.45].

- 12.132 There is no dispute that the range of aircraft using the uncontrolled airspace above the appeal site is wide, and includes not only fixed-wing aircraft but gliders, helicopters and hot air balloons [8.41].
- 12.133 The extent to which the airspace is used by commercial traffic was not agreed, but notwithstanding the comments made in closing submissions, does not appear particularly contentious. I am told by the appellant that there is no commercial passenger or cargo traffic visiting Cranfield [6.53], and by SDLT that medium and large commercial transport aircraft do not use uncontrolled airspace (SDLT 2, 3.3.1.1). The only specific evidence on this point before the inquiry indicates that in May 2013, of the 50,000 movements a year at Cranfield, only 400 were by business aircraft [CD AVI/17]. It seems reasonable then to characterise the traffic using this airspace as predominantly engaged in recreational, leisure or training flights.
- 12.134 The extent to which the airspace could be described as “well-used” was the subject of some disagreement. I do not doubt Mr Spaven’s oral evidence that in his recent experience of flying the area on a summer weekend, it was not well-used [4.10]. However, since Dr Fopp’s evidence on this point is informed by his 34 years’ experience of flying over the area, I attach considerably more weight to his conclusion that the airspace is not only well-used, but busy. This view is supported by the observations of many local residents, and the owner of Holmbeck airfield. I note, though, that there is no evidence that this piece of airspace is necessarily any busier than other areas of uncontrolled airspace in the UK that lie close to major cities. [6.53; 8.41]
- 12.135 As to the extent to which the airspace is currently constrained, an important consideration is that Runway 03 at Cranfield Airport has an Instrument Approach Procedure (IAP) which passes over the appeal site. This is for use by aircraft operating under the Instrument Flight Rules (IFR). IFR traffic can fly in cloud or poor visibility but must, in general, fly at least 1000ft above the highest obstacle within 5nm of the aircraft. Aircraft flying the section of the IAP over the appeal site could be flying at altitudes between 2500 and 3500ft asl; they are unlikely to be flying lower than 2500ft, since this is specified as the height below which aircraft must not fly in this section of the procedure. [6.51]
- 12.136 The majority of the aircraft in this area will however be operating under the Visual Flight Rules (VFR) and so, subject to various rules concerning minimum separation distances, may fly at any level (up to 5,500 ft asl, above which controlled airspace begins) at which compliance with the weather minima can be achieved. These aircraft are not precluded from using airspace above the 2500 ft asl base level for Cranfield’s IAP, but they would be prudent to make radio contact with Cranfield before doing so, to establish whether there was any traffic using the IAP [6.51].
- 12.137 Other constraints faced by air traffic include the requirement under the Rules of the Air Regulations 2007 to fly no lower than 1,000ft above the highest point of a settlement; the general provision that an aircraft may not fly closer than 500ft from any person, vessel, vehicle or structure; and the consideration that obstacles of 300ft or less are not marked on aviation charts,

such that it is prudent to fly at least 800ft agl to ensure that obstacles which are uncharted and unseen are not overflowed at an illegal height.

- 12.138 Mr Spaven provided detailed and convincing evidence as to why these constraints, in combination with the large number of villages in the vicinity of the appeal site, the variations in terrain height, the circuit patterns of the charted airstrips at Cheddington and Holmbeck Farm and the proximity of obstacles such as 4 radio masts ranging from 771 to 798ft asl, mean that civil aircraft flying over the appeal site are unlikely to be flying lower than 1300ft asl, with the vast majority doing so at altitudes of 2000ft asl or more (APP 5, 6.9 – 6.29). Indeed, the CAA “Safety Sense” guidance on VFR Navigation (CD AVI/06) advises pilots not to plan to fly below 1500ft agl.
- 12.139 The maximum blade-tip height of the highest proposed turbine would be 741ft asl, and applying the statutory minimum clearance of 500 ft gives a height of 1,241ft asl. Aircraft that currently fly over the appeal site at 1300ft asl and above would not, then, need to make any adjustment in altitude if the turbines were erected. To this extent, the proposed turbines would not materially alter the vertical constraints that already exist. However, while Dr Fopp accepted in cross examination that Mr Spaven’s argument was valid and the CAA guidance not to fly below 1500ft was good advice for the country as a whole, he made the point that due to the congested nature of airspace in the south-east of England, local pilots sometimes fly below the optimal level, in order to make best use of the available space. [8.45]
- 12.140 I found Dr Fopp to be a credible witness, and accept his evidence that some recreational pilots would choose, in the absence of the proposed turbines, to overfly the appeal site at levels below 1300ft asl. No information is available as to the volume of air traffic movements involved, but in the light of Mr Spaven’s evidence explaining why prudent pilots flying through the area would not go below 1300ft asl, it seems likely that numbers would be low, and would be limited to recreational pilots familiar with the area. Dr Fopp likened this type of recreational flying to taking a dog for a walk, in that it is a chance for practitioners to get out into, and enjoy, their local countryside [EIC, day 6]. He explained that while all are obliged to carry a chart, some may prefer not to carry a radio. Without a radio, they would be highly unlikely to venture above the 2500ft platform of the Cranfield IAP. This type of recreational pilot is also likely to have local knowledge of congested areas and choke points.
- 12.141 The erection of the proposed wind farm would introduce a new obstacle, but it would be marked on aviation charts, would be far more readily visible than other existing obstacles such as radio masts, and would be one with which local recreational pilots would quickly become familiar. I see no reason to conclude that its presence would necessarily force them into airspace being used by other aircraft to transit the area; if they wished to fly around the area at low levels, it would be a simple enough matter to plan a route which enabled them to do so while avoiding the wind farm. Similarly, student pilots and their trainers could, if wishing to practice forced landings, make use of the open space to the west [6.51]. Many might consider this an inconvenience, but that is not of course the same thing as posing a threat to public safety.
- 12.142 Cranfield airport objected to the proposed development on the grounds that at a distance of some 15.8km, the proposed turbines would be in direct

line of sight of the proposed radar system. I have not been provided with any details of the proposed radar system, or the timetable for its installation. The evidence of the appellant, which was not disputed, was that plans for the radar appear not to have advanced since 2008. It is also material to note that modern radars have the capacity to filter out unwanted radar returns, such as those which may be generated by wind turbines. The proposed development need not, then, in any way hamper the potential future installation of a radar system at Cranfield airport. [6.47]

12.143 The owner of Holmbeck Airfield also objected to the proposed development. He gave evidence that the Holmbeck Circuit, maintained at a height of 800ft agl, is close to the appeal site and that paragliders flying out of Holmbeck Farm maintain an approximate height of 600ft agl [8.43]. I note his concern that aircraft and turbines do not sit well together, but as the Airspace & Safety Initiative Windfarm Working Group has recognised, aviation and wind energy industries are both extremely important to the UK Government and must strive for co-existence (CD AVI/01). Any aircraft flying a circuit to land at Holmbeck would, at the closest point, be some 2.9km from the nearest turbine and flying at a height of 1220ft asl, and therefore at no real risk of collision with the wind farm. Paragliders, like other recreational pilots, could fly a route that kept a safe distance from the turbines. [9.43]

12.144 Concern was also expressed that the presence of turbines would prevent gliders from being able to make unplanned landings nearby. I appreciate that a lot of gliders use the local airspace, but the appeal site lies well beyond any safeguarded area around a gliding airfield. Dunstable Downs airfield, the base of the London Gliding Club, is over 15km from the appeal site while RAF Halton, which also hosts gliding activity, is 17km away. I am told that gliders use Holmbeck Airfield for outlandings when unable to maintain height; this lies 4km to the south of the appeal site. Any glider pilot flying over the Dorcas Lane area and needing to make an unplanned landing would simply need to factor in the location of the wind farm when selecting a landing site, in the same way that they would need to factor in the location of power lines, trees, settlements and individual buildings. [9.23]

12.145 Similar considerations would apply to Hot Air Balloons. Since they have no means of self-propulsion, it is particularly important for their pilots to pay close attention to wind speeds at all relevant altitudes, so that launching and landing sites appropriate to the weather conditions can be chosen. They also need to factor in any obstacles which might impede the flight path, or an unplanned landing, such as trees, pylons and radio masts. The turbines would present an additional obstacle to be avoided, but large areas of open countryside would still remain. I appreciate that the need to keep a safe distance from the wind farm would be an additional consideration in the route planning undertaken by Hot Air Balloon pilots, both recreational and commercial, but I have not seen any evidence to support the claim that it would render the entire area unsuitable for the operations of the latter [9.31].

12.146 In conclusion, I would note that concerns about the aviation safety implications of erecting four 125m high wind turbines on the appeal site are wholly understandable; they would constitute a new obstacle, with the potential therefore to increase the risk of collision. But it is important that such concerns be kept in proportion. The proposed turbines would not obstruct any

designated flight paths, or any existing radar sight lines, and the MoD has advised that they would not pose any problems for their flying operations in the area. The wind farm would be marked as a multiple obstacle on all civil and military aeronautical charts of the area, annotated with the elevation of the highest point, such that it would be clear to all pilots that this was an obstacle to be overflown at no less than 1241ft asl, or to be avoided horizontally if flying lower.

12.147 I have found that the majority of aircraft flying through the area would be likely to be flying at a height of at least 1300ft asl, and so would be unaffected by the proposed development. While there is likely to be a small number of local recreational pilots who currently choose to fly at lower levels in the area and would consequently need to plan a route that avoided the wind farm, there is no convincing evidence that they would choose such alternative routes as would worsen any existing congestion or “choke points”. I am not, therefore, persuaded that the presence of the turbines would have a significant impact on the usable airspace above and around the appeal site.

12.148 I conclude that the proposed development would not present such a danger to the safety of air traffic, or the general public, as would weigh heavily against granting planning permission.

Benefits of the proposed development

12.149 EN-1, the Government’s Overarching National Policy Statement for Energy published in 2011, explains that as part of the UK’s need to diversify and decarbonise electricity generation, the Government is committed to increasing dramatically the amount of renewable generation capacity; in the short to medium term, much of this new capacity is likely to be onshore and offshore wind. In respect of the UK’s commitments to sourcing 15% of energy from renewable sources by 2020, it states that to hit this target, and to largely decarbonise the power sector by 2030, “it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent”. [4.8]

12.150 More recently, in 2013, the Government published its Third Update to the UK Renewable Energy Roadmap. This reiterated the Government’s commitment to achieving the UK’s 15% renewable energy target by 2020 (committed by the Energy Directive 2009). It states that renewable energy offers the UK a wide range of benefits from an economic growth, energy security and climate change perspective, and that a key benefit of deploying renewable energy technologies is the potential reduction in carbon emissions (para 91). It also states that onshore wind is one of the most cost effective and proven renewable energy technologies, and has an important part to play in a responsible and balanced UK energy policy. [4.9]

12.151 My attention was drawn to an article in the Daily Mail, on 28 May 2014, in which Lord Debden, Chairman of the Committee on Climate Change, was reported as having claimed that there are already enough wind farms with planning permission and no more are needed to hit renewable energy targets. I was also provided with a copy of an e-mail dated 2 June 2014, from the Political Private Secretary to the Prime Minister, which I am told was sent by the Prime Minister’s Office to everyone who had written requesting action to limit further wind farm development in close proximity to onshore settlements.

This included the statement (in bold type) that “All of the projects needed to meet Britain’s renewable targets have already received consent under the existing planning regime”. [9.3, 9.49]

12.152 It is important to be clear, with all due respect to the individuals involved, that opinions reported in the media and expressed in private e-mails do not equate to Government policy. It may be the case that the Government considers enough renewable energy schemes have already been granted planning permission, and that no more are necessary; if that is so, no doubt it will amend its existing Policy Statement accordingly. It has not yet done so. Until such time as it does, I am obliged to have regard to the advice in EN-1 that there is an urgent need for new renewable electricity generation projects. Should that position change before the SoS determines this current appeal, it would of course be open to him to reconsider the extent of the need for this particular proposed development.

12.153 In similar vein, I note the references in Mr Frampton’s evidence to the Energy White Paper 2007, which specified the weight to be attached to renewable energy, rather than leaving it to the decision-maker’s discretion. It is important to be clear that a White Paper is a document produced by the Government setting out details of future policy on a particular subject, and so does not, itself, constitute adopted Government Policy. (APP 3)

12.154 The evidence of the appellant is that the proposed wind farm has the potential to produce between 20,400 and 23,240 MWh per year, depending upon the choice of turbine. This would equate to supplying electricity to between 4,650 and 5,250 homes (based on consumption values calculated for the south-east of England), and would provide total CO2 savings, over the 25 year lifetime of the wind farm, of between 78,500 and 89,200 tonnes. (CD ENV/01 Appx D).

12.155 I note concerns that when compared with wind speeds and load factors of turbines in other areas, the energy generation levels may have been over-estimated [9.39]. Other more general concerns were also raised about the need for the proposed turbines, and the logic of placing them on the appeal site. However, the appellant’s figures are based on a detailed report by an expert with the appropriate technical expertise, and were not challenged by either the Council or SDLT; they therefore carry some weight. Further, paragraph 98 of the NPPF states that decision-makers should not require applicants for energy development to demonstrate the overall need for renewable energy, and should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

The weight of public opinion

12.156 The Government’s Planning Practice Guidance makes it very clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. Rather, the PPG notes: “As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them”. This was emphasised by the SoS in his Written Ministerial Statement of April 2014. [4.11, 4.12]

- 12.157 I understand that many local residents feel that the extent of the appellant's community engagement, at pre- and post- application stage, was inadequate to say the least. In fairness, I should note that the appellant appears to have complied with the consultation requirements in place at that time. But be that as it may, I took great care to ensure that everybody who wished to address me about the development proposal, in whatever capacity, had a fair opportunity to do so. An evening session was held, to accommodate those unable to attend the inquiry during working hours, and I should like here to record my thanks to SDLT for their assistance with the smooth running of that session, as well as with the timetabling of my accompanied site visits. All of the speakers' notes provided to me at the inquiry are attached as Inquiry Documents, as are the large volume of written representations received at both application and appeal stage. [1.2]
- 12.158 I am therefore confident that the concerns of the local communities, in the context of this appeal at least, have been properly heard. I have borne those concerns in mind, alongside the evidence of the appellants, the Council and SDLT, throughout my consideration of the issues involved. I have proceeded on the basis of a clear understanding that the need for renewable energy should not override the views of the local community: the extent of the need for the proposed development is only one of the many considerations that must be placed in the planning balance and, like each of them, has the potential to be outweighed by others. I consider that this approach represents the correct application of the Government's current policy and guidance.
- 12.159 I am aware that some have taken the Government's most recent guidance to mean that renewable energy proposals should be refused if the local community is against them. In my opinion the PPG does not bear such an interpretation. I am confirmed in this view by the Commons Library Standard Note "Planning for onshore wind farms", dated 14 May 2014, which says of the PPG that "this policy does not give communities a veto over wind development". (APP 3, 2.29)
- 12.160 It was also put to me that what the policy does do, in conjunction with the Ministerial Statements of the SoS, is give a strong hint to decision takers that they should be giving more weight to the views of local communities [8.53, 9.51]. My concern with that interpretation is not only that it would undermine the objectivity of the decision-making process, but also that it would be at odds with making decisions in the public interest. There are many types of development – not just renewable energy schemes, but new towns, airports and hospitals – whose wider benefits are not always immediately visible (or available) to the specific locality in which the project is sited. However, the benefits to society and the wider economy as a whole are significant, and that must be reflected in the weight that decision-makers give to these considerations in the overall planning balance. To pre-weight the scales in favour of local opinion would be to prevent many such schemes, unpopular on a local scale but necessary on a national scale, from being delivered.
- 12.161 Rather, it seems to me that the PPG emphasises the need for decision makers to pay very careful attention to the concerns of local communities, since they, after all, are the people who will have to live with the consequences of the development that is under consideration. In so far as the concerns raised are material and relevant, they must be given due weight in

the overall balance of considerations. But the extent of the weight that is due to such considerations remains a matter for the appointed decision maker: in this case, the SoS.

Other matters

12.162 A large number of representations expressed concern about the impact that the proposed turbines would have on wildlife, particularly the local bat and red kite population. The potential impacts are addressed in detail in the ES, the Revised Bat Report dated February 2013, and the SEI. They were assessed by the Council's Biodiversity Officer, who was satisfied with the survey and analysis work and raised no objection to the proposed development. A condition has been agreed that would require the Council's prior approval of a detailed Ecological Management Plan, securing the provision and future maintenance of mitigation measures. A condition has also been agreed that would prevent micro-siting provisions from allowing a turbine to be erected within 50m of a feature likely to be used by bats. Subject to those conditions, I am satisfied that the proposed development would not have any significant adverse impact on wildlife. [11.4, 11.10]

12.163 I understand concerns about pollution caused by the mining of rare metals used in turbine components, and by transporting turbines manufactured overseas (Kempster, Pope). However, as with the desirability or otherwise of constructing wind farms offshore rather than onshore, and the comparative benefits of solar energy, these wider considerations have been taken into account by the Government when formulating its Energy Policy. My function is not to review the merits of that policy, but to apply it. [9.11, 9.49]

12.164 Many local residents expressed concern that the proposed development might lower the value of their properties. As the appellant rightly points out, house prices of themselves are not a material planning issue, but there may be impacts which result in an effect on prices. Those impacts, to the extent that they are relevant material considerations, will weigh in the overall planning balance. [6.1]

12.165 I note the concerns raised about the loss of agricultural land, but there is no reason why the presence of the proposed turbines should prevent the continuing use of the land around the installation. Many other wind turbines have been erected throughout the UK, and there is no evidence before me that any of them have led to a reduction in the quality of adjoining agricultural land, or caused an increase in miscarriages by cattle. I appreciate that horses may initially be spooked by turbines, but since they can be trained to tolerate traffic, crowds and even battlefields, there is no convincing reason to suppose that they could not be trained to tolerate wind turbines. [9.23, 9.37, 9.44]

The overall balance

12.166 As noted at the outset, in the absence of any renewable energy policy in the Development Plan, paragraph 14 of the NPPF provides that planning permission for this development proposal should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 12.167 In terms of benefits, the proposed development would generate a material amount of renewable energy. This would help to meet the urgent need for renewable energy projects, and contribute to the achievement of the national target of meeting 15% of the United Kingdom's energy demand from renewable resources by 2020. The CO2 savings achieved would also contribute to mitigating climate change. The wind farm would help to improve energy security, through contributing to the overall mix of renewable resources. In addition, there would be direct and indirect benefits to the UK economy associated with the construction, operation and management of the development. I attach great weight to these benefits. [12.149, 12.150, 12.154]
- 12.168 In terms of adverse impacts, the proposal would harm the character of the landscape and give rise to adverse visual impacts, including sequential cumulative visual impacts. On the balance of all the considerations set out above, I attach moderate weight to this harm. I also note the conflict with Policy GP.35 of the AVDLP. [12.3-12.51, 12.86-12.88, 12.103-12.120]
- 12.169 In accordance with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I attach considerable weight overall to the fact that the proposed development would fail to preserve the settings of five Listed Buildings, and the less than substantial harm that would thereby be caused to their heritage significance. I also attach a small amount of additional weight to the adverse effect upon the character of three Conservation Areas, and note that the proposed development would conflict, in this respect, with Policy GP.53 of the AVDLP. [12.52-12.85, 12.90-12.91]
- 12.170 A number of residential properties would experience adverse visual effects, but at Fairfields Farm, these would be so unpleasant as to render the dwelling an unsatisfactory place to live. I consider this an adverse impact of very great weight. [12.98-12.102]
- 12.171 On balance, I conclude that the adverse impacts of the proposed development would, together, significantly and demonstrably outweigh the benefits.
- 12.172 Since I have found that the benefits of the proposed development would be outweighed by the adverse impacts to the extent that a grant of planning permission would not be justified, it follows that the harm caused to living conditions at Fairfields Farm would conflict with the requirement of AVDLP Policy GP.8 [12.128]. This Policy conflict, together with that I have noted in respect of Policies GP.35 and GP.53, would not be outweighed by operation of paragraph 14 of the NPPF or any other material considerations.

13. Inspector's recommendation

- 13.1 For the reasons set out above, I recommend that the appeal be dismissed. If the SoS decides instead that it should be allowed, I would recommend that he attach the conditions set out in Appendix C.

Jessica Graham

INSPECTOR

Appendix A: APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms S Ornsby, Queen's Counsel	Instructed by AVDC
She called:	
Mr J Bellars BA PgDipLA PgDipUD CMLI	Landscape Architect and Urban Designer, AVDC
Mr B Nicholson BA(Hons) MRTPI	Area Team Leader, AVDC West Development Management Team

FOR THE APPELLANT:

Mr M Trinick, Queen's Counsel	Partner in Eversheds LLP
He called:	
Mr D Mackay HDCeng AMICE	Director, EDF Energy Renewables
Mr T Popplewell BSc(Hons) Arb MICFor	Senior Arboricultural Consultant, The Environment Partnership Ltd
Mr M Spaven MA MSc	Director, Aviatica Ltd
Mr S Carter BSc PhD MIfA FSAScot	Senior Consultant, Headland Archaeology (UK) Ltd
Mr J Stevenson MA MPhil DipEconDev CMLI MRTPI MInstEnvSci MIE FRGS	Director, Jeffrey Stevenson Associates Ltd
Mr P Frampton BSc TP MRTPI MRICS	Director, Framptons Town Planning Ltd

FOR SDLT:

Mr D Edwards, Queen's Counsel	Instructed by Mark Cunningham
He called:	
Mr J Billingsley BSc(Hons) BPhil	Director, The Landscape Partnership
Mr P Edwards	Owner and resident of Fairfield Farm
Mr J Cresswell	Owner and resident of Holly Bar Cottage
Mr M Newing	Chair of SDLT
Mr M Fopp MA PhD FRAeS	Licensed Pilot, Chair of The Air Safety Trust, Chair of The Air Pilots Trust

INTERESTED PERSONS:

Mr M Newing	In his personal capacity as a resident of Stoke Hammond
Mr D Perry	Chair of Drayton Parslow Parish Council
Mr M Rowe	Resident of Drayton Parslow
Ms S Fu	Resident of Soulbury
Mr A Gurney	Resident of Stoke Hammond

Mr I Parrot	Resident of Hollingdon
Mr D Jackson	Resident of Stoke Hammond
Ms D Salisbury-Potter	Resident of Stoke Hammond
Ms H Coey	Resident of Hollingdon
Ms N Kempster	Resident of Hollingdon
Mr A Nash	Resident of Stoke Hammond
Mr P Thorogood	In two capacities: (1) local resident, and (2) representative of the F J Wallis 1994 Settlement
Mr R Heath	Resident of Hollingdon
Mr G Peppiatt	Resident of Mursley
Ms L Mead	Resident of Hollingdon
Mr G Noble	Resident of Stoke Hammond
Ms S Piddock	Resident of Drayton Parslow
Mr I Whipp	Chair of the Newton Longville Village Plan Steering Group
Mr S Lambros	Resident of Drayton Parslow
Mr P Smith	Chair of Stewkley Parish Council
Mr N Ledger	Resident of Stewkley
Ms H Turner	Honorary Secretary to SDLT, resident of Stoke Hammond
Mr S Maltby	Resident of Soulbury
Mr O Schneidau	Resident of Newton Longville
Mr A Humphreys	Resident of Stoke Hammond
Ms C Richards	Resident of Hollingdon
Mr Richards	Resident of Hollingdon
Mr M Cunningham	Resident of Soulbury, joint owner of the RAF Stoke Hammond business site
Ms S Levkouskis	Resident of Stoke Hammond
Ms G Turner	Resident of Stoke Hammond
Mr P Rawcliffe	Resident of Great Brickhill
Cllr J Blake	AVDC Stewkley Ward Member
Mr R Paris	Commercial air pilot
Cllr N Blake	AVDC Leader, and Ward Member for Great Brickhill
Mr M Wilde	Resident of Soulbury
Mr B Scott	Resident of Stewkley
Mr C Marsh	Resident of Stoke Hammond
Mr N Tidey	Resident of Stanford
Mr G Hirst	Resident of Wing
Ms V Harvey	Co-ordinator of South Bedfordshire Friends of the Earth
Mr R Perkins	Owner/Operator of Holmbeck Airfield
Mr D Swain	Resident of Soulbury
Mr T Mears	Resident of Drayton Parslow
Mr R Waters	Resident of Great Brickhill
Mr M Turner	Resident of Stoke Hammond
Mr M Chapman	Resident of Newton Longville
Mr J Pope	Resident of Soulbury
Rt Hon John Bercow MP	Member of Parliament for Buckingham, Speaker of the House of Commons
Ms J Taylor	Resident of Leighton Buzzard
Mr K Barry	Resident of Linslade

APPENDIX B: DOCUMENTS

THE COUNCIL'S PROOFS AND APPENDICES

LPA 1	Proof of Evidence of Mr B Nicholson
	Appendices to Mr Nicholson's Proof, comprising:
LPA 1.1	Schedule of permitted renewable energy schemes
LPA 1.2	Floor plans, elevations and views from Fairfields Farm
LPA 1.3	Floor plans, elevations and views from Andrich Cottage
LPA 1.4	Floor plans, elevations and views from Holly Bar Cottage
LPA 1.5	Plan showing location of turbines relative to residential receptors
LPA 2	Proof of Evidence of Mr J Bellars
	Appendices to Mr Bellar's Proof, comprising:
LPA 2.1	National Character Area Assessments
LPA 2.2	Regional Character Area Assessments
LPA 2.3	Local Character Area Assessments
LPA 2.4	Floor Plans of Andrich Cottage
LPA 2.5	Photographs of Andrich Cottage
LPA 2.6	Plan showing view angles from Andrich Cottage
LPA 2.7	Floor Plans of Holly Bar Cottage
LPA 2.8	Photographs of Holly Bar Cottage
LPA 2.9	Plan showing view angles from Holly Bar Cottage
LPA 2.10	Floor plans and elevations of Fairfield Farm
LPA 2.11	Photographs of Fairfield Farm
LPA 2.12	Plan showing view angles from Fairfield Farm

THE APPELLANT'S PROOFS AND APPENDICES

APP 1	Proof of evidence of Mr J Stevenson (and separate summary)
	Appendices to Mr Stevenson's proof of evidence, comprising:
APP 1.1	Qualifications and experience
APP 1.2	Summary of Local Landscape Character
APP 1.3	Summary of effects: ES Recreational Receptors
APP 1.4	CPRE Tranquility Map for Buckinghamshire, with indicative turbine positions
APP 1.5	Climate Change Articles
APP 1.6	CPRE/National Trust/RSPB letter
APP 1.7	Significant Landscape Effects
APP 2	Proof of evidence of Dr S Carter (and separate summary)
	Appendices to Dr Carter's proof of evidence, comprising:
APP 2.1	Methodology and criteria for the assessment of impacts on the significance of a heritage asset
APP 2.1	Plans showing the location of the 6 heritage assets referred to in APP 2
APP 3	Proof of evidence of Mr P Frampton (and separate summary)
	Appendices to Mr Frampton's proof of evidence, comprising:
APP 3.1	Government's statement in response to IPCC report on climate change
APP 3.2	Analysis of Third Party objections to the proposed development

APP 3R	Rebuttal Statement by Mr P Frampton
APP 4	Proof of evidence of Mr T Popplewell (and separate summary)
	Appendices to Mr Popplewell's proof of evidence, comprising:
APP 4.1	Detailed tree loss addendum report
APP 4.2	Arboricultural Method Statement (T30 temporary road construction)
APP 5	Proof of evidence of Mr M Spaven (and separate summary)
	Appendices to Mr Spaven's proof of evidence, comprising:
APP 5.1	Location of illustrative flight paths
APP 5.2	South-west to North-east flight path: current situation
APP 5.3	South-south-east to North-north-west flight path: current situation
APP 5.4	South-west to North-east flight path: with Dorcas Lane turbines
APP 5.5	South-south-east to North-north-west flight path: with Dorcas Lane turbines
APP 6	Proof of evidence of Mr D Mackay (and separate summary)
APP 6.1	Mr Mackay's Appendix A: Record of Wind Farm Construction

SDLT's PROOFS AND APPENDICES

SDLT 1	Proof of Evidence of Mr J Billingsley (including summary)
	Appendices to Mr Billingsley's proof, comprising:
SDLT 1.1	Figures and photographs
SDLT 1.2	Review of Inspectors' decisions from previous appeals relating to residential amenity
SDLT 1.3	English heritage citation – St Luke church, Stoke Hammond
SDLT 1.4	English heritage citation – All Saints Church, Soulbury
SDLT 1.5	English heritage citation – Hall Farm, Hollingdon
SDLT 1.6	Great Brickhill Conservation Area – Statement and plan
SDLT 1.7	Soulbury Conservation Area – Statement and plan
SDLT 1.8	Stoke Hammond Conservation Area – Statement and plan
SDLT 1.9	Drayton Parslow Conservation Area – Extracts and plan
SDLT 1.10	Extract from appeal decision ref: APP/K1128/A/08/2072150
SDLT 2	Proof of Evidence of Dr M Fopp
	Appendices to Dr Fopp's proof, comprising:
SDLT 2.1	Air Navigation Order (excerpt)
SDLT 2.2	Vertical Congestion caused by Instrument Approach Procedure promulgated for Cranfield's 03 Runway
SDLT 2.3	Lateral Congestion caused by adjacent airspace restrictions and direct routes between established waypoints
SDLT 3	Proof of evidence of Mr M Newing
SDLT 3.1	Mr Newing's Appendix A: DCLG Written Ministerial Statement 3 – local planning and renewable energy developments
SDLT 4	Statement of case by Mr and Mrs Coey of Andrich Cottage
SDLT 4.1	11 Photographs of, and from, Andrich Cottage
SDLT 5	Statement of case by Mr and Mrs Edwards of Fairfields Farm
SDLT 5.1	3 annotated photographs of, and from, Fairfields Farm
SDLT 6	Statement of case by Mr and Mrs Cresswell of Holly Bar Cottage
SDLT 6.1	Details of use, and frequency of use, of rooms on the north elevation of Holly Bar Cottage
SDLT 6.2	Details of use, and frequency of use, of amenity spaces at Holly Bar

	Cottage
SDLT 6.3	3 photographs of Holly Bar Cottage
SDLT 7	Statement of case by R D J Heath of Hollindon Grange
SDLT 7.1	Details of rooms and amenity spaces at Hollingdon Grange which face the appeal site
SDLT 7.2	5 photographs of, and from, Hollingdon Grange
SDLT 8	Statement of case by Mr and Mrs Kempster of Holly Grange
SDLT 8.1	Details of use, and frequency of use, of rooms and amenity spaces at Holly Grange
SDLT 9	Statement of case by Mr and Mrs Norton of Hollingdon Farms
SDLT 10	Statement of case by Mr P Thorogood, on behalf of the Trustees of the F J Wallis 1994 Settlement, in respect of Kings Farm
SDLT 11	Statement of case by Mr A Nash of Dorcas Farm
SDLT 11.1	Copy of letter from Mr B James MA DM FRCS (ED) FRCO PH TH, Consultant Surgeon, dated 13 March 2012
SDLT 11.2	Copy of letter from Mr V Chamoun, Consultant Neurologist, dated 2 March 2012
SDLT 11.3	Photomontage: view of Dorcas Farm with turbines
SDLT 12	Professor R Marks' Summary Proof of Evidence on Cultural Heritage

THIRD PARTY REPRESENTATIONS

Folder TP1	Representations received by the Council in response to the planning application
Folder TP2	Representations received by the Planning Inspectorate in response to the appeal

CORE DOCUMENTS

File 1

APP/01	Planning application form dated 9 January 2012
APP/02	Environmental Statement comprising Volume 1(main text), Volume 2 (figures), Volume 3 (Appendices) and Non-Technical Summary dated December 2011
APP/03	Planning statement dated December 2011
APP/04	Report on Community Engagement dated December 2011
APP/05	Design and Access Statement dated December 2011
APP/06	Spaven Consulting Review of Aviation Issues and Supporting Submission letter dated March 2012
APP/07	Response to objection in respect of Pokers Pond SSSI dated March 2012
APP/08	Landscape Capacity Report and Appendices dated June 2012
APP/09	Landscape Capacity Plan with 700m buffer from residential properties
APP/10	Response to "form" objection letter submitted by SDLT dated November 2012
APP/11	Site location plan ref. 32011-R20a.dwg patn dated November 2012
APP/12	Access Route Environmental Report 2012 – Supplementary Environmental Information dated December 2012
APP/13	Bat Survey Report 2012 – Supplementary Environmental Information

	dated December 2012
APP/14	Revised Bat Report dated February 2013
APP/15	Response to SDLT Objection Paper dated March 2013
APP/16	Spaven Consulting Response to points raised by SDLT and GAAC March 2013

File 2

COR/01	Council Planning Committee Decision Notice dated 20 March 2013
COR/02	AVDC Planning Officer Report dated March 2013
COR/03	Consultation responses
COR/04	Objection report by SDLT (including appendices 1-5)
COR/05	PINS Questionnaire
COR/06	Revised Highway Authority response (BCC) in respect of SEI (see TRA/04)
COR/07	e-mail from Mr Stevenson dated 24 April 2014
COR/08	e-mails re sensitivity
ENV/01	Supplementary Environmental Information comprising Volume 1 (access proposals for Hollingdon Road), Volume 2 (update to the Environmental Statement) and Non-Technical Summary dated February 2014
LEG/01	Planning (Listed Buildings and Conservation Areas) Act 1990
LEG/02	Planning and Compulsory Purchase Act 2004
LEG/03	Climate Change Act 2008
LEG/04	The Regional Strategy for the South East (partial revocation) Order 2013 and explanatory memorandum
LEG/05	Highways Act 1980

File 3

INS/01	Appeal decision re Enifer Downs Farm (APP/X220/A/08/2071880)
INS/02	Appeal decision re Sillfield (APP/M0933/A/09/2099304)
INS/03	Appeal decision re Brightenber (APP/C2708/A/09/2107843)
INS/04	Appeal decision re Upper Vaunces Farm (APP/L2630/A/10/2143349)
INS/05	Appeal decision re Standle Farm (APP/C1625/11/2155923)
INS/06	Appeal decision re Sutton St Edmund (APP/D0515/A/12/2181777 and APP/A2525/A/12/2184954)
INS/07	Appeal decision re St Breock Downs
INS/08	Appeal decision re Carland Cross (APP/D0840/A/09/2103026)
INS/09	Appeal decision re Burnthouse Farm (APP/D0515/A/10/2123739 & APP/D0515/A/10/2131194)
INS/10	Appeal decision re Sober Hill (APP/E2001/A/09/2101421)
INS/11	Appeal decision re Earls Hall (APP/P1560/A/08/2088548)
INS/12	Appeal decision re Bradwell (first decision) (APP/X1545/A/06/2023805)
INS/13	Appeal decision re Bradwell (second decision) (APP/X1545/A/06/2023805)
INS/14	Appeal decision re Cotton Farm (APP/H0520/A/09/2119385)
INS/15	Appeal decision re Spaldington Airfield (APP/E2001/A/10/2137617)
INS/16	Appeal decision re Tedder Hill (APP/E2001/A/09/2097720)
INS/17	Appeal decision re Carsington Pastures (APP/P1045/A/07/2054080)
INS/18	Appeal decision re Knowstone (APP/X1118/A/11/2162070)
INS/19	Appeal decision re Pulham Market (APP/L2630/A/10/2143369)
INS/20	Appeal decision re Sudborough (APP/G2815/A/11/2156757)

INS/21	Appeal decision re Bozeat (APP/Y0435/A/10/2140401)
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File 4

INS/22	Appeal decision re Winslow (APP/J0405/A/09/2115860)
INS/23	Appeal decision re Winslow (APP/J0405/A/10/2135746)
INS/24	Appeal decision re Linslade (APP/J0405/A/10/2143343)
INS/25	Appeal decision re Quarrendon Fields (APP/J0405/A/11/2155042)
INS/26	Appeal decision re Asfordby (APP/Y2430/A/13/2191290)
JUD/01	Judgment in East Northamptonshire DC v SoS CLG, Court of Appeal (Civil Division) [2014] EWCA Civ 137; [2014] 1 P.&C.R. 22
JUD/02	Judgment in Tesco Stores Ltd v Dundee City Council, Supreme Court [2012] UKSC 13

File 5

PLA/01	The 1997 Kyoto Protocol on Climate Change
PLA/02	Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009
PLA/03	Energy White Paper May 2007
PLA/04	National Planning Policy Framework (March 2012)
PLA/05	UK Renewable Energy Strategy 2009
PLA/06	Overarching National Policy Statement for Energy (EN-1) July 2011
PLA/07	National Policy Statement for Renewable Energy Infrastructure (EN-3) July 2011

File 6

PLA/08	UK Renewable Energy Road Map, DECC July 2011
PLA/09	UK Renewable Energy Road Map DECC 2012 Update
PLA/10	Planning Practice Guidance for Renewable and Low Carbon Energy (March 2014)
PLA/11	Aylesbury Vale District Local Development Plan 2004 (saved Policies) and letter from SoS dated 24 September 2007
PLA/12	National Renewable Action Plan for the UK – 2010
PLA/13	Committee on Climate Change Renewable Energy Review 2011
PLA/14	Local Planning and On Shore Wind (DCLG)
PLA/15	Onshore Wind, DECC
PLA/16	AVDC Guidance Note on Planning Applications for Wind Energy, December 2012

File 7

PLA/17	Electricity Market Reform Delivery Plan
PLA/18	Energy Trends – 2014 DECC
PLA/19	The Planning System: General Principles
PLA/20	UK Annual Energy Statement 2014
PLA/21	AVDC Guidance Note on Planning Applications for Wind Energy March 2013
PLA/22	UK Renewable Energy Road Map – DECC 2013 Update
PLA/23	Onshore Wind Direct and Wider Economic Impacts May 2012
PLA/24	Ministerial Statement 9 April 2014, Rt Hon Eric Pickles
SCI/01	"Climate Change 2013: The Physical Science Basis" – International Panel on Climate Change, Fifth Assessment Report

SCI/02	"Climate Change 2014: Impacts, Adaptation and Vulnerability" Volume 1: Global and Sectoral Aspects, Volume 2: Regional Aspects – International Panel on Climate Change, Fifth Assessment Report
SCI/03	"Climate Change 2014: Mitigation of Climate Change" – International Panel on Climate Change, Fifth Assessment Report

File 8

LAN/01	Guidelines for Landscape and Visual Impact Assessment – Landscape Institute and Institute of Environmental Management and Assessment (Second edition 2002)
LAN/02	Guidelines for Landscape and Visual Impact Assessment – Landscape Institute and Institute of Environmental Management and Assessment (Third edition 2013)
LAN/03	Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity - Landscape Character Assessment Series, Scottish Natural Heritage and The Countryside Agency (2004)
LAN/04	Assessing the Cumulative Effects of Onshore Wind Energy Developments – Scottish Natural Heritage (March 2012)
LAN/05	Visual Representation of Windfarms Good Practice Guidance – Natural Heritage Management Series, Scottish Natural Heritage (2006)
LAN/06	Landscape Character Assessment Guidance for England and Scotland – Countryside Agency and Scottish Natural Heritage (2002)
LAN/07	Siting and Designing Wind Farms in the Landscape – Scottish Natural Heritage (2009)
LAN/08	Landscape Institute Advice Note 01/11: Photography and photomontage in landscape and visual impact assessment
LAN/09	Topic Paper 9: Climate Change and Natural Forces, the consequences for landscape character - Landscape Character Assessment Series, Scottish Natural Heritage and The Countryside Agency
LAN/10	Aylesbury Vale Landscape Character Assessment – May 2008

File 9

LAN/11	Visual Assessment of Wind Farms: Best Practice – University of Newcastle for Scottish Natural Heritage (2002)
LAN/12	Cumulative Effects of Wind Farms, Version 2 – Scottish Natural Heritage Guidance (2005)
LAN/13	Visualisation Standards for Wind Energy Developments – The Highland Council (2013)
LAN/14	Making Space for Renewable Energy: Natural England's Approach to Assessing Onshore Wind Energy Development – Natural England (March 2010)
LAN/15	Landscape Architecture and the Challenge of Climate Change – Landscape Institute (October 2008)
LAN/16	GLVIA3 Statements of Clarification 1-13, 1-14 and 2-14 – Landscape Institute
LAN/17	Aylesbury Vale Areas of Sensitive Landscape – AVDC (October 2008)
LAN/18	Buckinghamshire and Milton Keynes Historic Landscape Characterisation Extracts
LAN/19	Natural England Policy Statement on Wind Energy (archived)
LAN/20	[not used]
LAN/21	[not used]

LAN/22	Map Regression Report - Headland
LAN/23	Evaluation of AVDC Wind Turbine Development Capacity Report – Jacobs
LAN/24	Natural England Policy Position Statement: Climate Change

File 10

CUL/01	Wind Energy in the Historic Environment – English Heritage Guidance (October 2005)
CUL/02	Conservation Principles, Policy and Guidance – English Heritage Guidance (April 2008)
CUL/03	The Setting of Heritage Assets – English Heritage Guidance (October 2011)
CUL/04	Seeing the History in the View – English Heritage (May 2011)
CUL/05	PPS5 Planning for the Historic Environment Practice Guide
CUL/06	Conservation Area Summaries issued by AVDC: Great Brickhill (1991), Soulbury (1990) and Stoke Hammond (1991)
CUL/07	List Entries for Selected Listed Buildings - Hill Farmhouse, Hollingdon (Hollingdon Grange); Church of St Luke, Stoke Hammond; Church of All Saints, Soulbury
AVI/01	Air Space and Safety Initiative (ASI) guidance – managing the impact of wind turbines on aviation
AVI/02	A Hazard To Aviation – Dr Michael Fopp (January 2012)
AVI/03	CAP 764 – CAA Policy and Guidelines on Wind Turbines
AVI/04	e-mail from the General Aviation Council, 11 February 2013
AVI/05	CAA Guide to Visual Flight Rules (VFR) in the UK (2011)
AVI/06	CAA Safety Sense Leaflet No 5 “VFR Navigation”
AVI/07	Cranfield Airport Instrument Approach Chart for Runway 03
AVI/08	CAA Topographical Air Chart of the UK at 1:500,000
AVI/09	CAA Topographical Air Chart of the UK at 1:250,000
AVI/10	Radar line of sight from Farnborough radar to Dorcas Lane T2 blade tip height
AVI/11	Radar line of sight from Stansted radar to Dorcas Lane T2 blade tip height
AVI/12	Radar line of sight from Brize Norton radar to Dorcas Lane T2 blade tip height
AVI/13	Rules of the Air Regulations 2007 (excerpt)
AVI/14	Air Navigation Order 2009 (excerpt)
AVI/15	SERA and Proposed Rules of the Air Regulations 2014 – Consolidation
AVI/16	Military Manual of Air Traffic Management, 1 November 2013 (excerpt)
AVI/17	Flight International 14-5-13
AVI/18	Commission Regulation (EU) No 1178/2011 of 3 November 2011 (excerpt)
AVI/19	RD Campbell, Flight Instructors Manual, 1994 (excerpt)
AVI/20	CAA consultation response 12 August 2009
AVI/21	Luton Airport consultation response 8 September 2009
AVI/22	MOD consultation response 7 December 2009
AVI/23	Turweston Aerodrome consultation response 20 September 2011
AVI/24	Cranfield Airport consultation response 11 October 2011
AVI/25	CAA consultation response 20 January 2012
AVI/26	BGA consultation response 14 February 2014
AVI/27	1:250,000 Chart Description

AVI/28	1:500,000 Chart Amendment Page
AVI/29	Holmbeck Airfield Objection 2012
AVI/30	SDLT Fact Sheet 3, February 2012
AVI/31	SDLT letter to 22 aviation bodies, 3 February 2012

File 11

NOI/01	ETSU-R-97
NOI/02	Institute of Acoustics "A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise" May 2013
ECO/01	Biodiversity Offsetting Pilots – Guidance for Developers March 2012
ECO/02	Planning Application Response – Biodiversity February 2013
ECO/03	Natural England Technical Information Note TIN051 "Bats and onshore wind turbines" Interim Guidance
ECO/04	Natural England – letter to BCC dated 13 March 2012
ARB/01	BS5837:2012 Trees in relation to design, demolition and construction – Recommendations
ARB/02	BS3998:2010 Tree Work – Recommendations
ARB/03	Arboricultural Method Statement TEP.D4556.001
ARB/04	Detailed Tree Loss Addendum Report TEP.4556.002
TRA/01	URS Route Survey Report 2011
TRA/02	URS Stage 5 Dorcas Lane Route Access Study Revision C (August 2013)
TRA/03	Hollington Road Feasibility WOSHH
TRA/04	BCC letter: withdrawal of objection (see COR/06)

DOCUMENTS SUBMITTED AT THE INQUIRY

INQ 1	List of appearances for the appellant
INQ 2	Correction to Mr Bellars Proof (LPA 2, p51)
INQ 3	Appeal decision ref: APP/J0405/A/13/2198840, submitted by the Council
INQ 4	Set of comparative ZTVs at A3, provided by the Council
INQ 5	Opening statement on behalf of the appellant
INQ 6	Opening statement on behalf of SDLT
INQ 7	Opening statement on behalf of the Council
INQ 8	Collection of documents missing from the Inspector's set: Addendum to Landscape Appx 6.4, and material for viewpoints 2, 3 and 16.
INQ 9	Letter from appellant to Council, dated 30/11/12
INQ 10	Reconciliation of December 2012 viewpoints, provided by the appellant
INQ 11	Copy of the judgment in <i>Lark Energy Limited v SSCLG & Waveney District Council</i> [2014] EWHC 2006 (Admin)
INQ 12	Full scale originals of the aviation charts CD AVI/08 and CD AVI/09
INQ 13	Corrections to Mr Billingsley's appendices (SDLT 1.1, Figures 1A and 2A)
INQ 14	List of public speakers known to SDLT
INQ 15	Updated plans and cross-sections of Hollington Road (at A4) provided by the appellant
INQ 16	Extract from SNH guidance on visual representation of wind farms, submitted by the appellant
INQ 17	Long section, and cross sections at A1, of works proposed to Hollington Lane, provided by the appellant

INQ 18	List of public speakers known to the appellant
INQ 19	Personal Presentation by Mr M Newing
INQ 20	Speaking notes of Mr Perry, obh Drayton Parslow Parish Council
INQ 21	Extracts from "Mail Online", provided by Mr Rowe
INQ 22	Letter to the Inspector from Ms E B Mason, dated 27 June 2014, provided by SDLT
INQ 23	Updated list of public speakers known to SDLT
INQ 24	List of speakers needing to leave the inquiry by specified times
INQ 25	Speaking notes, and supporting material, of Ms S Fu
INQ 26	Speaking notes of Mr I Parrott
INQ 27	Speaking notes, and supporting material, of Mr D Jackson
INQ 28	Speaking notes of Ms D Salisbury-Potter
INQ 29	Speaking notes of Ms H Coey
INQ 30	Speaking notes of Ms N Kempster
INQ 31	Speaking notes, and supporting material, of Mr A Nash
INQ 32	Speaking notes, and supporting material, of Mr P Thorogood
INQ 33	Speaking notes and supporting material of Mr R Heath
INQ 34	Speaking notes of Mr G Peppiatt
INQ 35	Speaking notes of Ms L Mead
INQ 36	Speaking notes of Mr G Noble
INQ 37	Speaking notes of Ms S Piddock
INQ 38	Speaking notes of Mr I Whipp
INQ 39	Speaking notes of Mr S Lambros
INQ 40	Speaking notes of Mr P Smith
INQ 41	Speaking notes, and photomontages, of Mr N Ledger
INQ 42	Speaking notes, and supping material, of Ms H Turner (who also appeared on behalf of Ms M Allen)
INQ 43	Speaking notes of Mr S Maltby
INQ 44	Speaking notes of Mr O Schneidau
INQ 45	Speaking notes of Mr A Humphreys
INQ 46	Speaking notes of Ms C Richards
INQ 47	Speaking notes of Mr Richards
INQ 48	Speaking notes, and supporting material, of Ms S Levkouskis
INQ 49	Speaking notes of Mr P Rawcliffe
INQ 50	Speaking notes of Mr B Scott
INQ 51	Speaking notes, and supporting material, of Mr C Marsh
INQ 52	Speaking notes of Mr N Tidey
INQ 53	Speaking notes of Mr G Hirst
INQ 54	Speaking notes, and supporting material, of Ms V Harvey
INQ 55	Speaking notes, and supporting material, of Mr R Perkins
INQ 56	Speaking notes of Mr T Mears
INQ 57	Speaking notes, and supporting material, of Mr M Turner
INQ 58	Speaking notes of Mr M Chapman
INQ 59	Speaking notes, and supporting material, of Mr J Pope
INQ 60	Written representations from Mr and Mrs Morgan
INQ 61	Suggested itinerary for site visit, agreed by all three main parties
INQ 62	Wireframe of Viewpoint from The Boot public house, provided by the appellant
INQ 63	Replacement copies of documents within Mr Billingsley's appendices (SDLT 1.1, Figures 1B and 2B)

INQ 64	Copy of approved plans for the new house at Fairfield Farm (drg nos. 830.4 and 830.5, dated February 2011) provided by Mr Edwards
INQ 65	Copy of approved plans for development at Brook Farm, Leighton Road, Stoke Hammond (drg nos. 12014 (D) 112 Rev B and 12014 (D) 051 Rev A, dated September 2012) provided by the Council
INQ 66	List of suggested conditions
INQ 67	Speaking notes of Ms J Taylor
INQ 68	Speaking notes of Mr K Barry
INQ 69	Revised list of suggested conditions
INQ 70	Written representation from Mr D Harnett
INQ 71	Additional noise condition requested by SDLT
INQ 72	Amended itinerary for site visit
INQ 73	e-mail from Mr N Ledger, dated 3 July 2014, re photographs provided at INQ 41
INQ 74	Additional supporting material from Mr C Marsh, in respect of INQ 51

DOCUMENTS SUBMITTED BETWEEN THE LAST SITTING DAY AND THE CLOSURE OF THE INQUIRY

PINQ 1	Statement of Common Ground – Aviation, as agreed between SDLT and the appellant
PINQ 2	List of names of the owners of residential properties to be visited by the Inspector, compiled by SDLT
PINQ 3	Electronic versions (“tracked changes” and “clean”) of the final wording of guidance note 3 to the suggested noise condition, as agreed by all three main parties
PINQ 4	Copy of e-mail correspondence between SDLT and the appellant, clarifying Photograph J and the photomontage from Viewpoint J, in appendix 1 to Mr Billingsley’s proof
PINQ 5	Closing submissions for SDLT
PINQ 6	Closing submissions for the Council
PINQ 7	Closing submissions for the appellant
PINQ 8	Copy of e-mail correspondence between the appellant, SDLT and PINS concerning the submission of further documents on aviation matters
PINQ 9	Copy of the suggested planning conditions agreed between the three main parties, and the two alternative versions of condition 19 preferred by the appellant and the Council respectively.
PINQ 10	Appellant’s further statement re aviation matters
PINQ 11	SDLT’s further statement re aviation matters
PINQ 12	Appellant’s response to PINQ 11, and associated correspondence
PINQ 13	SDLT’s response to PINQ 10, and associated correspondence
PINQ 14	Amended version of PINQ 7, provided by the appellant

Appendix C: SUGGESTED CONDITIONS

- 1) The development hereby permitted shall begin no later than five years from the date of this permission.
- 2) Subject to conditions nos. 11 and 18 below, the development hereby permitted shall be carried out in accordance with the approved site layout plan numbered 32011-R20a.dwg pattn November 2012.
- 3) This permission shall expire no later than 25 years from the date when electricity is first exported from any of the wind turbines to the electricity grid ("First Export Date"). Written notification of the First Export Date shall be given to the local planning authority within 28 days of its occurrence.
- 4) Not later than 12 months before the expiry of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the local planning authority. The scheme shall include a timetable for the completion of decommissioning and restoration works within a period of 12 months from the expiry of this permission, and shall make provision for the removal of the wind turbines, the turbine foundations to a depth of at least 1 metre below the ground, the substation and anemometer mast, compound areas, buildings and hardstandings and shall also provide for the removal of access tracks as required. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, identification of access routes, location of material laydown areas, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats and details of site restoration measures. The scheme shall be implemented in accordance with the approved details.
- 5) If any of the wind turbine generators hereby permitted ceases to export electricity to the grid for a continuous period of 12 months, then details of a scheme, to repair or remove the turbine, shall be submitted to the local planning authority for its written approval within 3 months of the end of that 12 month period. If repairs to the turbine are proposed, the details shall include a programme of remedial works. If removal of the turbine is proposed, the turbine shall be removed within 12 months of the details being approved and the details shall include a method statement and timetable for the dismantling and removal of the turbine and the associated above-ground works; the removal of the turbine foundation to a depth of at least 1 metre below ground; a traffic management plan; and a timetable for site restoration works following the removal of the turbine. The scheme shall be implemented in accordance with the approved details.
- 6) Prior to the commencement of development the developer shall inform the local planning authority and the Ministry of Defence (MoD) and the Civil Aviation

Authority (CAA) of the proposed date of commencement of development and the maximum extended height of any construction equipment to be used on the site.

- 7) No later than 14 days after the First Export Date the developer shall inform the local planning authority, the MoD and the CAA in writing of:
- a) the date of completion of construction
 - b) the height above ground level of the highest potential obstacle;
 - c) the position of the turbines in latitude and longitude; and
 - d) details of aviation lighting to be fitted to the turbines.

Approval of details

- 8) No development shall take place until details of the turbines, including their final location, foundation construction, appearance, design, finish and colour have been submitted to, and approved in writing by, the local planning authority. No name, sign, symbol or logo shall be displayed on any external surfaces of the turbines, other than those necessary to meet statutory health and safety requirements. Development shall be carried out in accordance with the approved details and so retained, subject to condition no. 5 above, for the duration of this permission.
- 9) No development shall take place until details of the appearance, external materials and dimensions of the permitted sub-station building, anemometer mast and transformer kiosks, and details of all access tracks on the site, including construction and surface materials, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 10) Other than as required for the safety of aircraft the turbines and anemometer mast shall not carry any form of external illumination, and there shall be no permanent illumination on the site other than lighting required during the construction period as agreed in connection with condition no. 14(g) below, and lighting required for maintenance or emergencies, and a PIR-operated external door light for the sub-station building door to allow safe access.
- 11) No development shall take place until the developer has notified the local planning authority in writing as to which of the two alternative access routes from the public highway (detailed on the approved Site Layout Plan numbered 32011-R20a.dwg pattn November 2012 as "Route 1" in yellow and "Route 2" in green) will be used for the construction and operation of the development.
- 12) No development shall take place until a Construction Traffic Management Plan relevant to the route nominated in accordance with condition no. 11 above has been submitted to and approved in writing by the local planning authority.
- a. For Hollingdon Road the plan shall include:

- i. Carriageway construction details, including details of surfacing and temporary over-run areas; details of, and a programme for, re-instatement following completion of the development; tie in details and methods of overlaying new construction
 - ii. Details of final vertical alignment and super elevation
 - iii. Road markings
 - iv. Highway drainage
 - v. Passing bays, permanent and temporary, at appropriate locations
 - vi. Closure of the road during construction work
 - vii. Full vehicle tracking plans for both vertical and horizontal alignments.
 - viii. details of tree protection under BS 5837
 - ix. details of parking
- b. For the development as a whole the plan shall include:
 - i. Carriageway construction details, including details of surfacing and temporary over-run areas; details of, and a programme for, re-instatement following completion of the development; tie in details and methods of overlaying new construction.
 - ii. routing of construction traffic
 - iii. scheduling and timing of movements
 - iv. management of junctions to, and crossings of, the public highway and other public rights of way
 - v. timing for abnormal loads, and details of temporary warning signs
 - vi. temporary removal and replacement of highway infrastructure and street furniture, reinstatement of any signs, verges or other items displaced by construction traffic
 - vii. banks man and escort details

The plan shall be implemented in accordance with the approved details for the duration of the construction period.

- 13) No development shall take place until details of the proposed highway access, siting of any temporary construction compound and buildings, welfare facilities, fencing, parking for workers and visitors, provision for the loading and unloading and storage of materials and equipment; together with details of provision for the

removal temporary structures, buildings and materials from the site and reinstatement of the area after completion of the construction works, have been submitted to, and approved in writing by, the local planning authority. The works shall be implemented in accordance with the approved details, so retained thereafter for the duration of the construction period, and removed, and the site restored in accordance with the approved details, not later than 6 months after the First Export Date.

- 14) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall include details of:
- a. phasing of all construction works
 - b. measures for control of dust on and around the site, preventing debris from being carried onto the highway, and cleaning site entrances and the adjacent highway
 - c. facilities for washing the wheels of construction vehicles
 - d. protection of watercourses from pollution, bunding of fuel stores, and provision for surface water and foul drainage
 - e. emergency procedures and pollution response plans
 - f. routeing of any underground cables
 - g. temporary site illumination, including proposed illumination levels
 - h. measures for the disposal of waste
 - i. tree survey and tree protection.
 - j. A site ecological management plan to protect wildlife, habitats and hydrology during construction
- 15) Construction work, and deliveries to the site, shall only take place between the hours of 07:00 and 19:00 on Monday to Friday inclusive and 08:00 and 13:00 on Saturdays, with no work or deliveries on a Sunday or Public Holiday. Works outside these hours shall only be carried out (a) with the prior written approval of the local planning authority; or in the case of an emergency, details of the emergency to be notified in writing to the local planning authority within 3 days of occurrence. Delivery of the turbines, nacelles and/or crane components or any other work may take place outside these hours, subject to not less than 48 hours prior notice of such traffic movements being given to the local planning authority in writing.
- 16) All cabling between the turbines, and between the turbines and the on-site sub-station, shall be laid underground in accordance with details first approved in writing by the local planning authority.

Site Layout

- 17) The blades of all the wind turbine generators hereby permitted shall rotate in the same direction. The overall height of the wind turbines shall not exceed 125m to the tip of the blades when the turbine is in the vertical position as measured from natural ground level immediately adjacent to the turbine base.
- 18) Turbines and tracks relating to turbines may be micro-sited within 30m of the positions shown on the approved Site Layout Plan numbered 32011-R20a.dwg pattn November 2012 with the exception of:
- a) Turbine 2 and associated track, which may be micro-sited within 50m of its position on the approved Site Layout Plan
 - b) Turbine 4, which shall be located no closer than 775m from Holly Bar or Andrich Cottage, Hollingdon
 - c) Turbine 1, which shall be located no closer than 820m from Fairfields Farm

and subject always to the proviso that the blade-swept area of each turbine shall be no closer than 50m from the mature height of a boundary copse, or managed height of a hedge or boundary trees, in existence at the date of this permission (as shown on the Phase 1 habitat survey plan, Figure 3.1 of Appendix 8A of the Environmental Statement).

- 19) No development shall take place until a Site Ecological Management Plan (SEMP) has been submitted to and approved in writing by the local planning authority. The SEMP shall include the following:
- a) measures to protect wildlife, habitats and hydrology during construction;
 - b) details of compensatory planting of new hedgerows and gapping up of existing hedgerows, with provision for compensatory planting for hedgerow sections and trees removed, lost or damaged as part of the scheme;
 - c) details of habitat creation;
 - d) details of habitat management, including hedge-cutting arrangements at a frequency to ensure hedgerows are managed optimally for wildlife;
 - e) a monitoring scheme and mitigation strategy for bats; and
 - f) provision for the fields in which the turbines are located to remain in arable use during the operational lifetime of the turbines.

The SEMP shall be implemented in accordance with the approved details.

- 20) No development shall take place until a written scheme of archaeological investigation, together with a programme for its implementation, has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented in accordance with the approved details.
- 21) Prior to the First Export Date, details of a scheme to limit shadow flicker shall have been submitted to, and approved in writing by, the local planning authority. Those details shall include a protocol for the assessment of shadow flicker following a complaint from the owner or occupier of any building which lawfully existed or had planning permission at the date of this permission, and the remedial measures to be taken in response. Operation of the wind turbines shall be in accordance with the approved protocol.
- 22) Prior to the erection of any of the turbines hereby permitted, a scheme providing for a baseline survey and the investigation and alleviation of any interference to television and radio reception caused by the operation of the turbines within a 5km radius from the boundary of the development site shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the investigation by a qualified independent television engineer of any complaint, within 12 months of the First Export Date, by any individual person of interference with television or radio reception at a building which lawfully existed or had planning permission at the date of this permission, the results of which shall be submitted to the local planning authority. Where any impairment is determined by the investigating engineer to be attributable to the development hereby permitted, the wind farm operator shall remedy such impairment in accordance with mitigation measures and a timetable first agreed in writing by the local planning authority, so that the standard of reception at the affected property is equivalent to that recorded by the baseline survey.
- 23) The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in or derived from Tables 1 and 2 attached to this condition and:
- a) Prior to the First Export Date, the wind farm operator shall submit to the local planning authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the local planning authority.
 - b) Within 21 days from receipt of a written request of the local planning authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the local planning authority to

assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the local planning authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the local planning authority made under this paragraph (b), the wind farm operator shall provide the information relevant to the complaint logged in accordance with paragraph (h) to the local planning authority in the format set out in Guidance Note 1(e).

- c) Where there is more than one property at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. Where a dwelling to which a complaint is related is not identified by name or location in the Tables attached to these conditions, the wind farm operator shall submit to the local planning authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The submission of the proposed noise limits to the local planning authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the local planning authority for the complainant's dwelling.
- d) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the local planning authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the local planning authority pursuant to paragraph (c) of this condition shall be undertaken at the measurement location approved in writing by the local planning authority.
- e) Prior to the submission of the independent consultant's assessment of the rating level of noise immissions pursuant to paragraph (f) of this condition, the wind farm operator shall submit to the local planning authority for written approval a proposed assessment protocol setting out the following:

- i) the range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions.
- ii) a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request of the local planning authority under paragraph (b), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the local planning authority and the attached Guidance Notes.

- f) The wind farm operator shall provide to the local planning authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the local planning authority made under paragraph (b) of this condition unless the time limit is extended in writing by the local planning authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the local planning authority with the independent consultant's assessment of the rating level of noise immissions.
- g) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (f) above unless the time limit for the submission of the further assessment has been extended in writing by the local planning authority.
- h) The wind farm operator shall continuously log wind speed, wind direction at the permanent meteorological mast erected in accordance with this consent and shall continuously log power production and nacelle wind speed, nacelle wind direction and nacelle orientation at each wind turbine all in accordance with Guidance Note 1(d) of the attached

Guidance Notes. The data from each wind turbine and the permanent meteorological mast shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) of the attached Guidance Notes to the local planning authority on its request within 14 days of receipt in writing of such a request.

- i) Within 28 days of receiving written notification by the local planning authority that there has been a breach of the noise limits set out in the attached Tables, or of the limits approved by the local planning authority pursuant to paragraph (c) of this condition, the wind farm operator shall provide the local planning authority with written details of a scheme to prevent any further breach, including a timetable for implementation of the scheme. The scheme shall be submitted for the local planning authority's written approval and shall be carried out in accordance with the terms of that approval.

Note: For the purposes of this condition, a "dwelling" is a building within Use Class C3 or C4 of the Use Classes Order which lawfully exists or had planning permission at the date of this consent.

Table 1 - Between 07:00 and 23:00 - Noise level dB L_{A90}, 10-minute

Location (easting, northing grid coordinates)	Standardised wind speed at 10 metres height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
	L _{A90} Decibel Levels											
Holly Bar Cottage (486878,227496)	36	37	37	38	38	38	39	41	44	44	44	44
Kings Farm (487804,228398)	40	40	40	40	41	43	45	49	53	53	53	53
Dorcas Farm (486423,229151)	39	40	40	41	41	41	42	43	46	50	50	50
Stokeroad Farm (485939,228214)	35	35	35	35	36	38	41	46	52	52	52	52
Fairfields (487588,229580)	48	48	48	49	49	50	51	52	53	55	55	55
Little Orchard (487847,229461)	48	48	48	49	50	51	52	53	53	52	52	52

Table 2 - Between 23:00 and 07:00 - Noise level dB L_{A90}, 10-minute

Location (easting, northing grid coordinates)	Standardised wind speed at 10 metres height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
	L _{A90} Decibel Levels											
Holly Bar Cottage (486878,227496)	43	43	43	43	43	43	43	43	43	43	43	43
Kings Farm (487804,228398)	43	43	43	43	43	43	43	45	49	49	49	49
Dorcas Farm (486423,229151)	43	43	43	43	43	43	43	43	43	47	47	47
Stokeroad Farm (485939,228214)	43	43	43	43	43	43	43	44	48	48	48	48
Fairfields (487588,229580)	43	43	43	43	43	43	43	44	47	50	53	53
Little Orchard (487847,229461)	43	43	43	43	43	43	43	43	45	48	48	48

Note to Tables 1 & 2: The geographical coordinates references set out in these tables are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies. The standardised wind speed at 10 metres height within the site refers to wind speed at 10 metres height derived from those measured at hub height, calculated in accordance with the method given in the Guidance Notes.

Guidance Notes for Noise Condition

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3 with any necessary correction for residual background noise levels in accordance with Note 4. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Note 1

- (a) Values of the $L_{A90,10\text{-minute}}$ noise statistic should be measured at the complainant's property (or an approved alternative representative location as detailed in Note 1(b)), using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting BS EN 60945:2003 "Electroacoustics – sound calibrators" Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and applied in accordance with Guidance Note 3.
- (b) The microphone shall be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the local planning authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone shall be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the local planning authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- (c) The $L_{A90,10\text{-minute}}$ measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and wind direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).
- (d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s) and arithmetic mean wind direction in metres from north in each successive 10-minutes period at the permanent meteorological mast erected in accordance with the planning permission on the site. Each 10 minute arithmetic average mean wind speed data as measured on the mast at turbine

hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). The wind farm operator shall continuously log arithmetic mean nacelle anemometer wind speed, arithmetic mean nacelle orientation, arithmetic mean wind direction as measured at the nacelle and arithmetic mean power generated during each successive 10-minutes period for each wind turbine on the wind farm. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.

- (e) Data provided to the local planning authority in accordance with paragraphs (e) (f) (g) and (h) of the noise condition shall be provided in comma separated values in electronic format.
- (f) A data logging rain gauge shall be installed in the course of the independent consultant undertaking an assessment of the level of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d). The wind farm operator shall submit details of the proposed location of the data logging rain gauge to the local planning authority prior to the commencement of measurements.

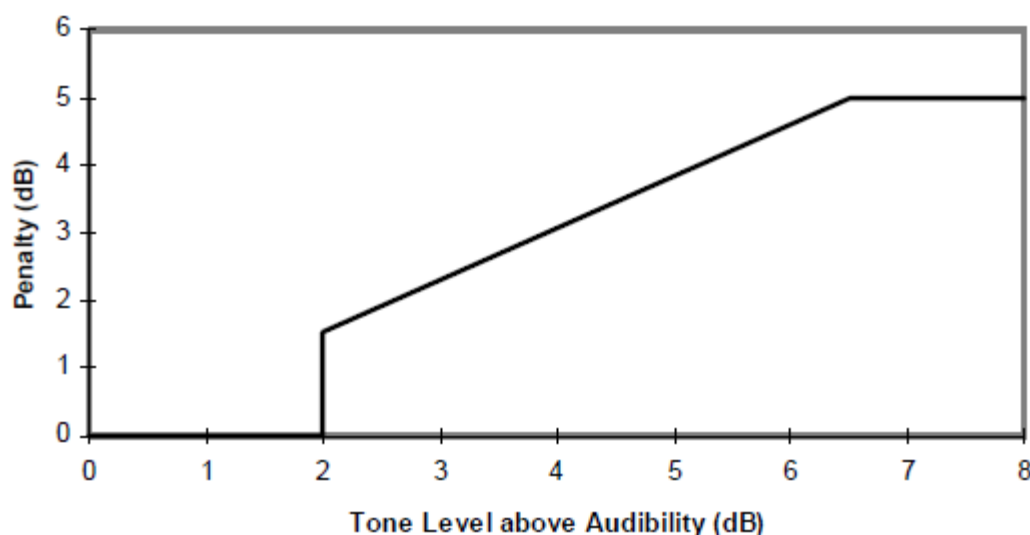
Note 2

- (a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).
- (b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the local planning authority under paragraph (e) of the noise condition but excluding any periods of rainfall measured in accordance with Note 1(f).
- (c) Values of the $L_{A90,10\text{-minute}}$ noise measurements and corresponding values of the 10-minute standardised ten metre height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

Note 3

- (a) Where, in accordance with the approved assessment protocol under paragraph (e) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following rating procedure.
- (b) For each 10-minute interval for which $L_{A90,10\text{-minute}}$ data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2-minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-

- minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.
- (c) For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.
 - (d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.
 - (e) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line fitted to values within $\pm 0.5\text{m/s}$ of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.
 - (f) The tonal penalty shall be derived from the margin above audibility of the tone according to the figure below.



Note 4

- (a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range set out in the approved assessment protocol under paragraph (e) of the noise condition.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.
- (c) If the rating level at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits

approved by the local planning authority for a complainant's dwelling in accordance with paragraph (c) of the noise condition then no further action is necessary. In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (c) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

- i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise (L_3) at each integer wind speed within the range set out in the approved noise assessment protocol under paragraph (E) of this condition.
- ii. The wind farm noise (L_1) at this speed shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[10^{L_2/10} - 10^{L_3/10} \right]$$

- iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L_1 at that integer wind speed.
- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the local planning authority for a complainant's dwelling in accordance with paragraph (c) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the local planning authority for a complainant's dwelling in accordance with paragraph (c) of the noise condition then the development fails to comply with the conditions.



Department for Communities and Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

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