



Appeal Decision

Inquiry held on 26-29 June, 2-3 July
and 10-11 October 2007

Site visits made on 10 & 11 October
2007

by **Geoff Salter BA MRTPI**

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

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Decision date:
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Appeal Ref: APP/K2610/A/05/1180685

Farmland adjacent to Skitfield Road, Guestwick, Norwich, NR20

- 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 Enertrag (UK) Ltd against the decision of Broadland District Council.
- The application Ref 20041819, dated 15 November 2004, was refused by notice dated 31 March 2005.
- The development proposed is the construction of a wind farm.

Decision: I dismiss the appeal.

Introduction

1. An earlier decision on the above appeal by Inspector David Lavender was quashed by order of the High Court. I have been appointed by the Secretary of State to re-determine this appeal, dealing afresh with the evidence presented at the inquiry held on the dates as detailed above, taking into account my site visits and the documents as listed in the appendix to this decision.
2. The proposal is for 6 wind turbines, located within fields on both sides of Skitfield Road, deep in rural Norfolk. Although the precise type of the turbines had not been finalised, it was clarified at the inquiry that each turbine would be up to 125m high, with a maximum hub height of 85 m and three blades up to 45m long. The scheme also comprises ancillary hardstandings.
3. The Environmental Statement (ES) accompanying the application was subject to an addendum which provided additional environmental information on the main alternative sites for the scheme and the effects of the scheme on the settings of nearby Listed Buildings (LBs) and Conservation Areas (CAs).
4. The ES showed two access points for maintenance from Skitfield Road and three possible routes for construction access. A preferred route from the B1110 via Hindolveston (route 1) was put forward at the first inquiry starting in January 2006. Most parts of the suggested route for construction traffic lie within North Norfolk District Council (NNDC) area. This route was subsequently amended before the start of my inquiry. Details of the route, which passes along Fulmodeston Road, Church Lane, farmland and a track to Pinfold Lane and thence to Foulsham Road from which there would be a single point of access, are shown on Drawings Nos. 9S7384-0001C, 0002B, 0003C, 0004C and 0005C in the 2nd addendum to the ES. At the start of the inquiry I clarified

that the scheme should be considered on this basis. I requested further information to be added to the ES in connection with the whole of the construction access route concerning its visual impact and the effects on ecology and archaeological remains, including the effects of vibration from construction traffic on the tower of St George's church, Hindolveston. When the addendum was produced in August 2007, it provided the requested information and also assessed the impact of two possible further amendments to the route in the vicinity of Church Lane (shown on drawing 0002C).

5. The legal aspects of the access proposals were the subject of submissions at the inquiry. Depending on the type of construction of the new roads on agricultural land, these sections may or may not be subject to the need for planning permission. Clearly I cannot fetter another authority which would have to decide on the environmental merits of a planning application for highway works. However, what was not disputed was my duty to assess the implications of the proposed access arrangements for highway safety, landscape impact and the effects on ecology and features of archaeological interest. I consider these aspects below having regard to both the route proposed at the start of my inquiry and the two alterations to it suggested in the ES addendum, bearing in mind that neither is before me for determination.

Main issues

6. The need for renewable energy sources and the general sustainability benefits that the proposal would bring were not disputed as a matter of principle. The main areas of contention at the inquiry concerned the visual impact of the proposal, noise effects and the extent to which air safety would be prejudiced. The advantages and disadvantages of the scheme need to be weighed in the balance when all these matters have been considered.

Reasons

Visual impact

Landscape

7. The site has no special landscape designation in planning policy terms. However, the area immediately to the east of the site and slightly further away to the south falls within an Area of Important Landscape Quality (AILQ) as shown on the Broadland District Local Plan, 2006. Policy ENV8 of the Local Plan seeks to protect such areas from development that would be detrimental to the character, scenic quality or visual benefit of such areas. About 2km away to the north, at Hindolveston, lies an Area of High Landscape Value (AHLV) as designated in the NNDC Local Plan. A further AILQ lies in Breckland District, within 5km of the site, to the east of Foulsham. I note that part of the countryside in Breckland adjoining this part of Broadland to the south west has been classified as a landscape with moderate capacity to accommodate up to 12 turbines. However, the Breckland study states that this area has some features such as undulating landform which make the landscape less suitable for small windfarms than a single turbine. The agreed Zone of Visual Influence (ZVI) of turbines covers a wide area within a 25 km radius of the site, including substantial parts of all these designated landscape areas.

8. As agreed in the Landscape Statement of Common Ground (SoCG) the visual effects within 2km, including part of the AILQ around Guestwick, would be major; between 2 and 5 km the effects, where available, would be moderate or significant. I consider that because of the general nature of the landscape in this part of Norfolk, at certain locations some effects would be very significant and, as the ZVI shows, the turbines would affect the appearance of the countryside well beyond the immediate surroundings, as I discuss below. Paragraph 14 of PPS22 indicates that while decision makers should not operate a buffer zone around such landscape designations, the potential impact of windfarms located close to the boundaries of such areas is a material consideration to be taken into account.
9. In essence the character of the area, as described in the Norfolk character assessment, is gently undulating farmland, broken by hedgerows. The narrow country lanes bounded by deciduous hedgerows provide access to small settlements and individual farms and are important features in the predominantly rural scene. There are some areas of wooded ground, including the ancient woodland between the site and Hindolveston, one of the small settlements in the area, which lies about 2 km away to the north. The countryside was described as 'tranquil' in the visual as well as aural sense, in that it is undisturbed, apart from pylons, with little evidence of modern structures such as phone masts or large modern buildings. As elsewhere in many parts of Norfolk, the churches act as focal points, particularly the fine towers; their inter-visibility is an important feature of the landscape, and provides a strong visual link between settlements throughout the countryside. While the area of the site itself and its immediate surroundings are not of particular quality, the wider area presents the appearance of a visually harmonious agricultural landscape, which would be sensitive to change. One discordant element in the area, the former airfield at Wood Norton to the north of Foulsham, is not prominent.
10. As a general point, any assessment of the visual impact of the six turbines proposed must have an element of subjectivity. Some, including many interested persons who appeared at the inquiry, consider the shafts and blades of turbines very unattractive man-made features which sit uneasily in a rural landscape. Others, who have assessed schemes at different sites, including at least one inspector, consider them elegantly tapered, well proportioned structures. There is some evidence which shows that public acceptance of turbines increases once they have been in place for a short while; the acknowledged environmental benefits with regard to climate change may influence such opinions. In coming to my view I have taken into account the landscape designations of the site and its surroundings, the landscape character assessment of the wider areas and the professional assessments of the visual effects of the turbines, which attempt to include objective criteria as a comparative base.
11. As part of my landscape impact assessment, I have also considered the effects of the proposal on a number of listed buildings, and the churches within 5 km of the site in particular. In this case the visual importance of many of these buildings in the wider landscape, and especially those church towers which stand out above the tree lines of the hedgerows and the woods, indicates that any consideration of the effects of the turbines on the listed churches' settings

should not be drawn too narrowly. Clearly, in some instances topography and vegetation limit the visual influence of the proposed structures in the landscape. I note that the incidence of listed buildings around the site is roughly the same as for other parts of Broadland District. But nevertheless the churches are such an integral part of the landscape in this part of Norfolk that it would be impossible not to consider the likely impact of the windfarm on both the settings of the churches and the landscape together. Although the landscape setting of the churches need not remain exactly the same, Section 66(1) of the T&CP (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving any listed building or its setting.

12. While the impact of the group of turbines is to some extent subjective, their size and the physical constraints on their siting, and the need for relatively open, windy locations in particular, means that they will inevitably be visible in long and short views. In this case there is no doubt that such large structures, up to 125 m high with a blade sweep 90m across, would as a group have a very significant impact on the landscape. I have taken account of the different assessments of the landscape witnesses of the main parties with regard to the main agreed views. However, while the revised photomontages and wireframes proved reasonably accurate in their representation of the scale of the turbines in the photographs, they assist rather than substitute for a full consideration of the likely impact of the scheme by the naked eye from a wide range of viewpoints. While acknowledging its limitations with regard to the scale of the proposed group of turbines, I found the blimp flown by Guestwick parish meeting (GPM) very useful in providing an indication of the height of the structures from a number of locations in the surrounding area during my site visits.
13. I have borne in mind that the windfarm is likely to have an operational lifespan of about 25 years. Proposals might come forward to extend the life of the site, but they would have to be considered afresh, bearing in mind the need for renewable energy and the planning policy context at that time. However, while the landscape impacts would be reversible, this period is a long time for a significant development to be in place.

View 1

14. I have considered the likely effect of the scheme from many positions in the area surrounding the site, starting with the agreed viewpoints identified in Document E1 Appendix 6, which includes viewpoints set out in the ES. I agree with the appellants' witness that the view from Guestwick Green towards the west is rather bland. While it has no particular merit, however, I consider the view would not be improved by the sight of all 6 turbines, which would be clearly visible as a group on the skyline. The turbines would dwarf the other skyline features, including the trees and the house in the centre of the view, and would stand out as prominent alien features in this typical farmland scene. The turbines would be close enough to have a significant effect on the view, which in my opinion would be adverse.
15. I do not share the concerns of the Council and GPM about the view back eastwards to the parish church of Guestwick. For the most part, the church, which does not have a tall tower, is seen against a backdrop of trees. I believe

the impact of the windfarm would not be significant, even in winter. However, one view from the east, from the road from Wood Dalling, would be badly affected by the presence of some of the turbines. While some of the structures may be completely hidden behind the trees, the northern-most ones would be clearly visible in the same frame of view from the bend, as shown in the Council's evidence. As a result, the intrusion of these alien features into the attractive rural backdrop of the modest country church of St Peter's, a view of quintessential Norfolk countryside which in essence would not have changed for very many years, would have an adverse effect on the setting of church.

View 2

16. Looking north towards the site from various points along the A1107, the turbines would be clearly visible in a wide sweep of the landscape that encompasses a substantial area of countryside, much of it designated as being of high landscape value. Within this view, which includes parts of adjoining districts, the undulating fields are broken only by hedgerows, with little sign of buildings other than the prominent church tower of the Church of Holy Innocents in Foulsham. At present the grade 1 listed building is the only projection above the horizon from viewpoint 2 but the proposed windfarm would bring about a significant, and in my opinion adverse, change to this important view. All 6 turbines would be seen behind the church, arranged for a considerable distance either side of the tower, which would be supplanted as the main visual focus in the landscape. The introduction of 6 large modern structures would transform the quality of the landscape, disrupting the very attractive rural composition. I consider that the dominance of the turbine towers and the visual prominence of the blades, particularly when in motion, would have a much more serious adverse effect than the appellants' witness claimed. The proposal would not therefore preserve the setting of the listed building, which extends across this whole area. The harmful effects would be apparent from many points along a substantial length of the main road between Foxley and Guist, and also more damagingly from closer to Foulsham at Bintree Lane.

View 3

17. Although it carries no special protection, Hindolveston Wood is an attractive feature in the generally agricultural landscape, providing an important break in the pattern of fields and hedgerows. Looking towards the wood from south of Hindolveston village, the typical scene in rural Norfolk would be disturbed by the appearance of the hubs and blades above the wood, creating some adverse effect.
18. There is a sizeable cluster of listed buildings in Hindolveston but they would be behind the viewer when looking towards the wood to the south. From the site itself and its immediate vicinity, there would be no opportunity to see the turbines or any listed buildings in the village at the same time, because they would be screened by the wood. I therefore consider their settings would be preserved. However, there is one view on the approach to Moore's Farm where both the listed building and the wood would be seen in the foreground with the turbines behind. Again, I consider this would have some adverse effect on the setting of the listed building, which would not be preserved.

View 4

19. There would be an adverse effect on the view from near Thermelthorpe. While there are some focal distractions, in the form of hay bales, these soon pass out of view as one walks north along the footpath from the viewpoint. While the quality of the view is not outstanding, it is representative of many pleasant rural scenes nearby, the essence of which is likely to have remained unchanged over many decades.

Views 5, 6 and 7

20. Views 5 and 6 from Reephram are too far from the site for any material effects to be noticed; the views are largely masked by trees and the undulating landform.
21. I agree with the Council that the scheme would have a major adverse effect on the view from point 7. Although the turbines would be seen across an open field, they would be framed by trees. As I have already said, as with many other views within 5km of the site, the turbines would create significant visual disturbance in the relatively intimate rural landscape, to its detriment.

Other views

22. In addition to the viewpoints identified in the ES, I considered the impact of the windfarm from a number of other points identified by the main parties and GPM. Of particular note is the effect on the view towards Wood Dalling Hall, a Grade I listed Tudor hall set less than 3km east of the site. I believe some of the turbines would be prominent in the view as one approaches along the drive, and from other points nearby, not just the building's own grounds. I agree with the Council that there would be some adverse effect on the setting of the building, which is seen in a wider landscape context on the approach from east.
23. From further north, at Melton Constable, the turbines would have much less visible presence. I believe the turbines would not be visible from outside the church on the edge of the grounds of the hall. From positions close to the hall itself, the main vista out across the gardens to the south-south west would not be affected by views of the turbines, which would for the most part be screened by woodland. Moving along the axis of the vista away from the house, a view of the top of the hubs and the blades would be possible but at an angle and at some distance. In these circumstances I believe the settings of the hall and church would be preserved from harm.
24. From Salle churchyard, there is one point where GPM say both Wood Dalling church and the turbines would be visible in the same frame of view. From other parts of the churchyard and its surroundings the view would be obscured by vegetation. At the time of my accompanied visit conditions were slightly hazy and the blimp was not visible to the naked eye. While it may be possible to see the turbines on a very clear day, I consider they would be too far away to have any real detrimental impact on the churches and their settings in this instance.

Construction access works

25. Although most of the effects would occur within the adjoining district of North Norfolk, I have also taken into account the landscape impact of the works needed to enable the construction of the scheme. Many of the movements during the construction period would be made by light vehicles but there would be 30 HGV movements per day for two months while highway widening and access road work take place. Further HGV movements would occur during the construction of the windfarm itself, including 600 trips by lorries during the pouring of concrete for the bases. The narrow lanes would have to be widened and new sections of road laid to accommodate these large lorries. More damagingly, other works would be needed to ensure that the articulated trucks used to transport the blades could negotiate the route. These vehicles, each of which would be up to 54m long to carry blades in a single piece, would have to pass along narrow country lanes, which in some instances are barely wide enough for a car at present.
26. The route now agreed by Norfolk CC as highway authority would involve some loss of hedgerow at the junction of the B1110 with Hindolveston Road, where a new loop would be created. This hedge could be replanted on a different line further back from the road but a gap would remain until the scheme was de-commissioned, because the intention is to keep the access road available for servicing in case of replacement parts.
27. I have greater concern about the works required in Church Lane, where the unmade section falls below the level of adjoining land. The rustic character of the unmade surface would suffer the urbanising effects of surfacing and possibly some raising of the road itself. To achieve the necessary oversail of the blades on the transporters, the hedge on top of a bank on the west side of the lane would in all probability be razed to its current ground level. This would have a significant detrimental effect on the landscape here for several years, even if the lane were to be re-instated and the hedge replanted when the scheme was de-commissioned.
28. Other works would be required to lop mature trees in Pinfold Lane and further hedgerow would be lost near Church Farm and near the site. The route put forward at the start of the inquiry would involve felling some poplar trees in the copse just north of Church Lane and some limes near Church Farm. In summary, the need to make such changes to lanes wholly unsuited to the type of vehicles needed to construct the scheme is another disadvantage of the choice of this location for the nature of development proposed. While these adverse effects on the countryside could be mitigated once the life of the turbines expired, some significant harm would be readily apparent for many years. The clear unsuitability of the access roads for the nature of the construction traffic and the resulting destruction of hedgerows and some trees adds weight to my findings on the generally harmful effects of the scheme on the countryside within a radius of 2km from the site.

Setting of Listed Buildings

29. I have dealt with the effects on the settings of the listed buildings most affected by the scheme in my discussion of landscape impact above. From the evidence and my own visits to the area, I am unaware of any significant view

where the turbines would impinge on the setting of more than one church at the same time. However, in summary I have concerns about the adverse effect on the settings of a number of listed buildings resulting from the introduction of competing large scale industrial structures in a generally intimate landscape within 5km of the site. I consider that the setting of Foulsham church would be particularly badly affected, especially when viewed from the south and south-east. There would also be adverse effects on the settings of Guestwick church from the east, Moore's Farm from the north and Wood Dalling Hall on the approach drive. The proposal would adversely affect the harmonious relationship between the buildings and the landscape that has evolved over many decades. I consider therefore that it would conflict with Policy ENV14 of the Local Plan, which seeks to prevent development that would detract from the setting of a listed building, and the same broad thrust of policy in PPG15.

30. I have also considered the potential effects of vibration from the traffic generated during the construction phase on the Grade 1 listed church tower, now ruined, of St George's Hindolveston. The appellants' survey showed that vibration from a test run at 20 mph of a heavy vehicle similar to those that would be required during construction was less than one tenth the recommended limit at which possible damage might occur. Given the alignment and nature of the proposed road and the nature of the vehicles involved speeds in excess of 20 mph would be extremely difficult to achieve. Moreover, the appellants' suggested amendment to the route could take the lorries away from Church Lane itself into an adjoining field. In these circumstances, I consider there is no real likelihood of any adverse effect on the structural stability of the tower.

Conclusions on visual impact

31. I have found that the windfarm would create a major change in the landscape of this part of Norfolk over a substantial area within 5 km of the site. In itself this change need not be an indication of unacceptable harm but PPS22 indicates that in certain circumstances an adverse effect on the landscape could justify refusal of a scheme. While the irregular pattern of fields has been lost on and near to the appeal site itself, the area well within the ZVI of the site has remained largely unchanged for many years and retains considerable rural charm. Overall, I consider this area is not one that can accommodate a group of six very large structures without serious visual harm. The intimate nature of the small-scale agricultural landscape would be severely disrupted visually by the introduction of man-made structures of the size proposed. The height of the towers and blades, and the movement of the latter, would compete visually with some listed buildings, notably the churches of Foulsham and Guestwick and Wood Dalling Hall, which form such key points of reference in the gently undulating landform. The settings of these buildings, which encompass a wide area of the surrounding countryside, would be adversely affected, contrary to the express aim of Policy ENV14 of the Local Plan and the broad thrust of government policy in PPG15.
32. Other harm would arise from the adverse local impact for a lengthy period of about 25 years, on the pattern of lanes and hedges as a result of changes needed for the construction access, whichever route of the two variations were to be chosen. Although the site is not within an AILQ the turbines would affect

views across three such designated areas, in conflict with saved Structure Plan policy ENV3 and Local Plan Policy ENV8 which seeks to protect the environmental quality of valuable landscape areas. For the same reasons the scheme would conflict with Policy GS3 and ENV1 of the Broadland District Local Plan and the guidance in PPS7 concerning the visual protection of the countryside.

Air Safety

33. Paragraph 25 of PPS22 states that the potential impacts of windfarms on the operation of airports should be taken into account before planning applications are submitted. In this case the likely effects on the safety and operational convenience of Norwich International Airport (NIA), which lies some 22 km south-east of the site, are disputed. In terms of flight numbers, the airport is the largest in the UK without its own controlled airspace. There is no dispute that because of their size, in certain weather conditions the turbines would be visible on radar screens at the airport as 'clutter'. In these circumstances the significance of this effect for the safe and efficient operation of air traffic control services at the airport was at issue.
34. Experienced radar operators would be able to identify the relatively small number of fixed objects on their screens in certain conditions. However, at other times the images may disappear and re-appear in the manner of a small plane flying across ('painting') the screen. This phenomenon is less likely to occur with a small number of turbines, as proposed here. But as the airspace around the windfarm is not controlled, if there was no signal from a radar transponder (which many light aircraft do not have) the source of any such radar painting would be unknown. The key problem for controllers would be that they would be unable to distinguish whether what appeared on the screens was a turbine blade or, for example, a military aircraft, a helicopter or a light aircraft 'popping up' from a private airfield. Norfolk apparently has a much higher incidence of small plane ownership than the national average, because of its legacy of World War 2 airfields and the use of planes in agricultural production, among other reasons. This point was confirmed by a local resident, an experienced pilot who flew his plane regularly from a field not far north of the site. However, by its very nature the frequency of 'pop up' traffic is hard to predict.
35. The chief air traffic controller at NIA, who appeared for the Council, argued that if clutter appeared on radar screens aircraft would have to be routed around the windfarm or the level of service offered by his staff would be diminished. The CAP764 guidelines published by the CAA indicate that in certain circumstances aircraft can fly through areas 'painted' on screens. In this case the criteria may not allow for such flights through the clutter with any great frequency, but the CAA advice cannot be ignored, as the Council seemed to suggest. The appellants' survey of movements of aircraft over the Scroby Sands windfarm, carried out without binoculars, was not conclusive evidence that NIA regularly allows flight paths into the airport through such clutter.
36. If controllers were in any doubt about the nature of the clutter on a radar screen, I find it inconceivable that they would not take the appropriate action

to divert any aircraft flying to or from the airport. In those circumstances they would have to apply the standard 5 nautical mile (nm) 'no go' zone around the windfarm. This might be operationally inconvenient, but safety would be unaffected.

37. The frequency with which such diversions would occur was also disputed. The relative position of the site to the airport means that for the most part aircraft arriving from or travelling to the north would be affected. I note that unless there is a tail wind of more than 5 knots the preferred runway for take off and landings at NIA is 27, ie to the west, roughly the direction of the prevailing wind. The flight routes to and from the main runway would be unaffected. This leads me to agree that the proportion of flights likely to require diversion would be near to the 20% suggested by the appellants. The undisputed estimates of the likely extra CO² emissions if all flights to and from the north were diverted are insignificant compared with the savings proposed by the scheme itself. Extra journey times would be minimal.
38. While I understand the airport's concerns about potential problems that might be caused by a proliferation of windfarms, there were no other similar schemes that might affect the airport at the time of the inquiry. In any event, I have to deal with this case on its own merits. Weighing up the evidence, it seems clear to me that the safety of operations at the airport would not be compromised. However the need to maintain this essential requirement may have some adverse effect on the operational efficiency of the airport. While this disadvantage might add some weight to arguments against the scheme, I consider it would not be sufficient to justify refusal on its own.

Noise effects

39. PPS 22 and paragraph 44 of the Companion Guide advise that the potential effects of noise from windfarms should be assessed in accordance with guidelines set out in document ETSU-R-97. This advice was repeated as recently as Dec 2006 on the CLG website. The noise readings contained in the ES were not disputed by the Council, although GPM raised some concerns about the effectiveness of potential conditions. The appellants' witness, a leading expert in the field who sits on a national body responsible to the government for advising on noise issues in relation to windfarms, considered that the proposal would fall within the ETSU guidelines. This technical evidence was not disputed.
40. Although the difficulties in framing conditions to deal with noise were discussed at the inquiry, these matters were addressed in a recent appeal decision concerning a case in Maldon District (ref: 06/2023805), where a table set out maximum noise levels at various wind speeds for specified dwellings near the site. I consider that the table produced by the appellants' witness would form the basis of a satisfactory condition to deal with noise in general. It would ensure that the nearest residents, about 700m or so away, would not be adversely affected by noise from either the blades or the gearboxes of the turbines in normal conditions.
41. The main concern raised by GPM and local residents was regarding a phenomenon known as Amplitude Modulation of the aerodynamic noise (AM),

sometimes known in layman's terms as 'blade thump'. A recently published report by Salford University confirms that this phenomenon has occurred rarely; it has been a definite factor at only four windfarms out of 126, and a possible factor at another eight. Exactly what causes the effect remains uncertain, according to the latest research. However, the issue appears to have been resolved at all sites, except one, where investigations continue.

42. It was admitted that there was a possibility that the AM phenomenon could occur at Guestwick. However, how or where the effect might present itself was extremely uncertain and therefore it would be very difficult to frame any condition (in addition to the type outlined above) to deal with any problems that might be caused. However, only the very few properties nearest to the turbines, about 700m away to the east, would have any potential to be affected in this way. The local conditions that seem to have been factors in causing distress at Deeping St Nicholas, concerning the disposition of buildings, their orientation and distance from the turbines, would not be replicated exactly at Guestwick. In these circumstances, I consider the likelihood of the problem arising is so remote that the potential for harm would not be sufficient to justify refusing the scheme on this ground alone. I have concluded that there would be no likely conflict with Policy GS3(ii) of the Local Plan, which seeks to protect residential amenity.

Other matters

Ecology

43. The second addendum to the ES provided further information about the likely environmental effects resulting from the proposed access route, in particular with regard to the removal of hedgerows and trees. In any event, further studies indicated that neither the route proposed at the start of the inquiry nor the appellants' suggested variation would result in any serious harm to nature conservation interests. A survey of the trees along the route that may be felled or lopped showed that they had limited potential as a habitat for bats, except the few lime trees at Church Farm. The appellants' ecologist argued that even if these trees were felled, which could be avoided by the variation to the route, the effect on any bat population in the vicinity would be minor.
44. Similarly, the likelihood of any loss of reptiles such as newts would be low. For the most part, adequate verges would remain and the number of potential losses through crossing of roads used by construction traffic was also low as a proportion of the likely population, because such crossings usually take place at night, outside of normal delivery hours. Any losses of breeding birds could be minimised by a condition preventing construction during the breeding season. The route shown as revision B showed the worst case scenario, which would not be a cause for concern; possible minor revisions to the route would further limit any effects. I consider therefore that the scheme would not lead to any unacceptable ecological effects.

Safety

45. Regarding the safety of horse riders, the two towers closest to Skitfield Road would be about 90m away, within the 'fall over' distance. The British Horse

Society suggests a separation distance of 200m from bridleways and highways likely to be used by horses. However, as the Companion Guide to PPS22 states, this recommended separation distance is not mandatory and the blades would not oversail the road or the footpath to the north. Horses approaching the moving blades would no doubt do so slowly, and could well become accustomed to a different environment if they needed to use the road. Based on past and growing experience of windfarms, the risk to passing walkers, riders or motorists would not be significant.

46. On the issue of safety in general, the Companion Guide makes clear that the technology is safe. There has been no example of injury to the public in the UK. The Caithness survey produced by GPM indicates that mechanical failures are becoming less frequent, as the technology improves over time.

Highway safety

47. Once operational, the windfarm would generate very little maintenance traffic, primarily by small vans or cars. During the construction phase, local roads along the route would inevitably be subject to some disruption. The main impacts would be from concrete lorries and large transporters for the hubs and more importantly the blades of the turbines. However, the very small number of movements by very long vehicles could be managed by using special convoys and short term diversions of ordinary traffic, as agreed by the highway authority. Similarly, traffic management during concrete pouring, through an agreed diversion scheme, could also be achieved. While local residents may suffer some limited inconvenience for a short period, I concur with the Highway Authority that highway safety would not be prejudiced and there would be no conflict with Policy TRA14 of the Local Plan.

Shadow flicker

48. The nearest dwellings within 130° of north relative to the turbines would be at least 500m away. They would be well beyond the minimum distance of 10 rotors recommended in paragraph 76 of the Companion Guide to PPS22 as the safeguard to prevent disturbance from shadow flicker. The possible effect noted in the ES at Abbey Farm and Ashcroft Farm would be transitory, if it were to occur at all. On this basis the effects of shadow flicker can be very heavily discounted.

Need for renewable energy

49. The latest regional targets for the provision of renewable energy are set out in the SoS' proposed changes to the East of England Plan (RSS14). Policy ENG2 states the aim of achieving at least 1192 Megawatts (MW) of installed capacity for renewable energy by 2010, and 4250 MW by 2020. The appeal proposal would provide for about 1% of the target up to 2010. The draft RSS is very close to adoption and the targets adopted by the SoS are very unlikely to be modified. I consider they carry very considerable weight as the reflection at strategic planning level of a clear direction in government policy in PPS22 and the draft policy statement on climate change to place great emphasis on the provision of sources of renewable energy.
50. Against the target, the latest energy production figures supplied by Renewables East show that the region had some 419 MW of installed capacity by April

2007, of which nearly 90 MW was from onshore wind power. By far the biggest proposal that is likely to come on stream in the next few years is offshore at Greater Gabbard, where 500 MW are planned. Even if this scheme, which obtained consent in February 2007, is started in 2009, the Council accepted that it is not likely to make any significant contribution towards the 2010 energy target. If the appeal proposal were permitted now, further permission is likely to be required for at least some of the access works. There is considerable doubt therefore that the scheme would itself produce electricity for the grid by 2010, given the inevitable lengthy lead in time for a major project of this sort.

51. By 2020 the position is likely to be much improved. The Renewables East document shows a number of substantial projects, mainly offshore, which should come forward by that time. However, in the absence of any realistic possibility that any more than a small proportion of the remaining 773 MW required to meet the target for 2010 could be provided, the need for renewable energy remains most pressing.

Overall Conclusions

52. The clear, undisputed and pressing need for more renewable energy sources is a factor which weighs very heavily in favour of the scheme. I have no doubt that the East of England target for the period up to 2010 will not be achieved. It is against this background that any harmful effects of the proposal must be judged.
53. I found that the visual impact of the turbines would be significant within a radius of about 5 km of the site. I consider that the capacity of this particular landscape to absorb six structures of the size and type proposed without serious adverse visual disturbance is limited. At many places, including locations within and looking towards designated areas of high landscape value, the introduction of very large, visually prominent, man-made structures would disrupt the character and appearance of this generally tranquil, undisturbed area of countryside. The adverse impacts would be particularly serious at a number of locations within 2.5km of the site, such as at Guestwick Green, near Thermelthorpe and just to the north of Foulsham. The disturbance of the network of roads and narrow lanes resulting from necessary improvements to provide adequate access for construction vehicles would also have a harmful effect on the landscape.
54. More seriously, the scheme would impinge detrimentally on the settings of some important listed buildings, which extend over the pleasant intimate rural landscape that has been left essentially unchanged for many years. In particular, the failure of the scheme to preserve the settings of Foulsham church when viewed from the south, Guestwick church from the east, and Wood Dalling hall also from the east weighs heavily against granting permission.
55. Although less serious, the reduction in the operational efficiency of Norwich International Airport is another drawback of the proposal, even though air safety would be unaffected. However, I consider that residents' amenity, particularly with regard to possible disturbance from the noise of the turbine

blades, could be adequately secured by appropriate conditions and the distance of the turbines from the nearest homes. The likelihood of any serious problems caused by AM is so low as to be discounted.

56. All other matters raised at the inquiry and the representations, including unfounded fears about safety, wildlife habitats and shadow flicker, do not alter my conclusions on the main issues. In, summary, because of the strong and increasing need for renewable energy, I have found this to be a finely balanced case. But I have come to the final conclusion that the serious harm to the landscape of this part of Norfolk, and to the settings of some fine listed buildings, outweighs the benefit in terms of sustainable energy production, strongly supported by government policy in PPS22, that the scheme would undoubtedly bring. It follows therefore that I have decided that the appeal should fail.
57. For the reasons given above I conclude that the appeal should be dismissed.

Geoff Salter

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Peter Harrison QC

He called

| | |
|--|--|
| David Higgins BSc MICE Elliot Summers | Senior Engineer, Major Developments, Norfolk County Council Senior Operations Director, Norwich International Airport |
| Michelle Bolger BA PGCE DipLA CLA MLI Philip Courtier BSc DipTP | Associate, LiZLaKe Chartered Landscape Architects and Urban Designers Area Planning Manager, Broadland District Council |

FOR THE APPELLANTS:

Natalie Lieven QC

She called

| | |
|--|---|
| David Cutler | Aeolus Aviation Consultancy Ltd, Milne House, Coles Croft, Wenhaston, Suffolk, IP19 9BN |
| Malcolm Hayes BSc MIOA Colin Goodrum BSc DipLA MLI Daniel Grierson MRTPI | Hayes McKenzie Partnership, Lodge Park, Tre'r- ddol, Machynllet, Powys, SY20 8PL LDA Design, 17 Minster Precincts, Peterborough, PE1 1XX TNEI Services Ltd, Milburn House, Dean Street, Newcastle-on-Tyne, NE1 1LE |
| Ian Atkinson MIHT MICE(SA) Dr Peter Shepherd BSc PhD MIEEM | Royal Haskoning, Rightwell House, Bretton, Peterborough, PE3 8DW Director of Ecology, LDA Design, 17 Minster Precincts, Peterborough, PE1 1XX |

FOR GUESTWICK PARISH MEETING:

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|----------------------------|---|
| John Pugh-Smith of Counsel | Instructed by Overburys, 3 Upper King Street, Norwich, NR3 |
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He called:

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| David Mossman | Docwra's, Station Road, Guestwick, Dereham Norfolk |
| Robin Back | The Old Manse, Guestwick, Dereham, Norfolk, NR20 5Q |
| Elizabeth Robins BA | Manor Cottage, Reepham Road, Foulsham, Norfolk, NR20 5PP |
| Sarah Pettegree | 81 The Street, Hindolveston, Dereham, Norfolk |

INTERESTED PERSONS:

| | |
|------------------------|---|
| Jane Davis BA RN RM HV | Gray's Farm, Deeping St Nicholas, Spalding, Lincs |
| Ian Robins MBE MRAeS | Manor Cottage, Reepham Road, Foulsham, Norfolk, NR20 5PP |
| Philip Townsend | Wood Dalling Hall, Norwich NR11 6SG |
| Liz Mitchell | Park Farm, Hindolveston, Dereham, NR20 |
| Dr Ian Shepherd | Norfolk Co-ordinator, CPRE, Gladen Farm, Letheringsett, Holt NR25 7JE |
| Robin Combe | Ward Councillor, c/o North Norfolk District Council |
| Clem Vogler | Chairman, Foulsham PC |
| Richard Day | The Firs, Hindolveston, Dereham, Norfolk |
| Mark Brun | Trustee, Hindolveston Wood, Fring Hall, Fring, Kings Lynn, PE31 6SF |
| Mark Howard | I Fulmodestone Road, Hindolveston, Dereham, Norfolk |
| Kate Gapp | Chery Trees, Pinfold Lane, Hindolveston, Dereham, Norfolk |
| Martin Bird | Oakring Cottage, The Dyes, Hindolveston, Dereham, Norfolk |
| James Joyce | District and County Cllr, The Bayes, Norwicjh Road, Reepham, |

DOCUMENTS

General Documents

| | |
|-----|--|
| G1 | Environmental Statement (ES) |
| G2 | 1 st ES addendum |
| G3 | Letter requesting 2 nd ES addendum |
| G4 | 2 nd ES addendum, including archaeology information |
| G5 | Statement of Common Ground |
| G6 | Landscape Statement of Common Ground |
| G7 | PPS22 Companion Guide |
| G8 | Letters from interested persons |
| G9 | Suggested list of conditions |
| G10 | Ellands Farm appeal decision 2019989 |
| G11 | Ellands Farm scheme schedule of suggested conditions |
| G12 | Ellands Farm scheme plan |
| G13 | Maldon appeal decision APP/X1545/A/06/2023805 |

Broadland DC's Documents

| | |
|------|--|
| BDC1 | Mr Higgins' proof and appendices |
| BDC2 | Mr Summers' proof and appendices |
| BDC3 | Ms Bolger's proof and appendices (LL A toN) |
| BDC4 | Mr Courtier's proof and appendices |
| BDC5 | Response to Ecology section of the ES by Susan Deakin, inc plans |
| BDC6 | Norwich Airport report on Scroby Sands observations |
| BDC7 | Information about Norfolk Structure Plan saved policies |
| BDC8 | 3 option agreements relied upon by the appellants |

Appellants' Documents

| | |
|-----|---|
| E1 | Mr Goodrum's proof & appendices |
| E2 | Landscape Institute Guidelines for Landscape & Visual Impact Assessment |
| E3 | Breckland DC - Landscape survey evaluation & guidance for wind turbines |
| E4 | Mr Cutler's proof & appendices |
| E5 | CAP 764 CAA policy on wind turbines |
| E6 | Mr Hayes' proof & appendices |
| E7 | Mr Hayes' rebuttal proof |
| E8 | Extracts from ETSU |
| E9 | Table from Mr Hayes showing suggested values for noise condition |
| E10 | Salford University research report summary (AM at wind turbines) |
| E11 | Mr Grierson's proof & appendices |
| E12 | Renewables East Energy Statistics April 2007 |
| E13 | Notes on Delivery of Greater Gabbard |
| E14 | Note on Carbon Dioxide emissions caused by flight path diversion |
| E15 | Mr Atkinson's proof & Appendices |
| E16 | Letter to N Norfolk DC from Mr Lindley dated 1 August 2007 |

- E17 Letter from N Norfolk DC dated 14 September 2007
- E18 Mr Simpson's statement – Church Lane vibration assessment
- E19 Mr Simpson's email of 6 October 2007
- E20 Dr Shepherd's proof
- E21 Survey of Aircraft movements over Scroby Sands
- E22 Register of N Norfolk Conservation Areas

Guestwick Parish Meeting documents

- GPM1 Mr Back's proof and appendices
- GPM2 Mr Back's rebuttal proof and appendices
- GPM3 Mr Mossman's proof and appendices
- GPM4 Ms Pettegee's proof and appendices
- GPM5 Mrs Robin's proof and appendices
- GPM6 Mr Morton's statement
- GPM7 Caithness Windfarm Information
- GPM8 Extract from DTi Low Frequency Noise report
- GPM9 Notes of Noise Working group meetings 19/10/06 & 23/4/07
- GPM10 Melton Constable Park CA plan
- GPM11 Maps showing various access route proposals

Interested persons' documents

- IP1 Jane Davis' statement
- IP2 Ian Robins' statement & appendices
- IP3 Philip Townsend's statement
- IP4 Mrs Mitchell's statement
- IP5 Dr Ian Shepherd's statement
- IP6 Robin Coomb's statement
- IP7 Mark Brun's statement
- IP8 Mark Howard's statement
- IP9 Mrs Gapp's statement
- IP10 Mr Bird's statement
- IP11 Mr Joyce's statement
- IP12 Bundle of letters from interested persons

PLANS

- A Application plans