

Laughton Wind Farm Ltd v West Lindsey DC

Economic viability; Environmental impact; Landscape; Noise; Planning appeals; Visual impact; Wind farms

Inquiry : November 8–15, 2005

Decision Letter : January 11, 2006

Inspector : Chris Gossop, BSc, MA, PhD, MRTPI

Ref. : APP/N2535/A/04/1166685

Appln No. : M03/P/1152

Refused by notice dated August 4, 2004

Act : [TCPA 1990, s.78](#) ; [Planning \(Listed Buildings and Conservation Areas\) Act 1990, s.66](#)

SI : Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

PPS : 22 (“Renewable Energy”)

RSS : 8 (“East Midlands”) Wind turbines—landscape impact—visual impact—benefits—setting of listed buildings—environmental impacts

- Appearances:
- Marcus Trinick solicitor of Bond Pearce for the appellant.
 - Brian Smith solicitor of Browne Jacobson for the local planning authority.
 - Geoffrey Sinclair of Environment Information Services for the action groups.

1.0 Procedural matters

1.1 “A pre-inquiry meeting (PIM) was held on September 7, 2005. This dealt with a number of procedural matters, including the definition of the main issues for the inquiry. These are listed in para.17 below.”1.2

“The application was accompanied by an environmental statement (ES); this was produced in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. In August 2005, supplementary environmental information (SEI) was provided, and I have taken both this and the original ES into account in reaching my decision. I have also taken into account the comments made by statutory undertakers and others, in respect of both the ES and the SEI.” *240 1.3

“The council refused planning permission on five main grounds. As is recorded in the statement of common ground (SoCG), its position subsequently changed and by the time of the Inquiry only one of these grounds remained. This concerned the effect of the development upon landscape character (refusal reason 3). Thus, the council did not pursue its original objections in respect of archaeological effects, cumulative impacts, noise, and need set against the Lincolnshire target for on-shore wind generated energy (reasons 1, 2, 4 and 5).”1.4

“Noise and a range of other concerns were, nevertheless, raised by the Scotton, Northorpe and Laughton Action Groups, by Laughton Parish Council and by individual objectors and I address these in my decision. I deal with the widespread concern about visual impact in tandem with my discussion of the effect on landscape character.”1.5

“I carried out an accompanied site inspection on November 14 and supplemented this with two further visits made on an unaccompanied basis. I also visited a ten-turbine wind farm at Mablethorpe on the Lincolnshire Coast, as well as three wind turbine sites in Durham County, those at Holmside, Harehill and High Volts. The ‘3Hs’ turbines are of the same height and general design as those planned for the appeal site.”2.0Planning policy2.1

“The policy background to the proposal is set out in the SoCG. Thus the development plan consists of: Regional Spatial Strategy 8 (RSS8) for the East Midlands (March 2005); the Lincolnshire Structure Plan (1981) and the West Lindsey Local Plan (1998). Also relevant are the emerging replacement Structure Plan and Local Plan. The SoCG identifies the relevant policies in each of these.”2.2

“In the case of RSS8, those include Policy 41 which sets out regional priorities for renewable energy as well as regional targets for renewable energy production. Those targets, are 2495GWh/y by 2010 and a suggested requirement of 5000GWh/y by 2020. Lincolnshire's share of on-shore wind energy generation capacity at 2010 is 42MWe, equivalent to 110GWh/y. These targets are indicative and it is not intended that, once they have been met in an area, efforts should not continue to deliver additional renewable energy schemes.”2.3

“Another aim of RSS8 is to guide the preparation of local level wind energy policies. It sets out a number of considerations which are to inform criteria based policies. Those considerations should include ‘landscape and visual impact, informed by Local Landscape Character Assessments’. The other factors listed include the contributions to regional renewable targets and to national and international environmental objectives on climate change.”2.4

“The existing structure plan dates back almost 25 years and contains little that is of relevance to this proposal. I agree with the main parties that its very restrictive Policy 97 on development in the countryside has to be considered in the context of para.4.3.58 of RSS8 and the requirement not to have a blanket ban on on-shore wind turbines.”2.5

“The West Lindsey Local Plan, although having an end date of 2001, retains some policies that are unaffected by the passage of time. They *241 include Policy ENV21 concerning energy installations. This provides that planning permission will be granted for developments that maximise the efficient use of renewable energy, provided they will not result in significant harm to local amenities or the environment.” 2.6

“Policy SA12 seeks to protect Areas of Great Landscape Value (AGLV). However, while the boundary of the Laughton AGLV (to the north and west of the site) overlaps the appeal site very slightly, the proposed development would be entirely outside the AGLV. Policy ENV10 concerns landscape protection. It states that development will not normally be authorised where it would lead to unacceptable loss of, or cause significant harm to, the quality of the landscape or other important landscape features.”2.7

“There is an emerging replacement Structure Plan, a draft deposit version of which was placed on deposit in the spring of 2004. This has been updated by the Lincolnshire Structure Plan Proposed Changes 2005. The relevant policies on renewable energy are NE8 and NE9. The latter is a criterion based policy against which proposals are to be evaluated. The criteria include landscape and local amenity impacts, benefits and connectivity to the grid. Policy NE6 seeks to protect, manage and enhance the landscape character areas defined by the Countryside Agency

together with English Nature. Under that categorisation, the appeal site is located within the ‘Northern Lincolnshire Edge with Coversands’ character area’.”2.8

“The emerging replacement Local Plan (the West Lindsey Local Plan First Review Revised Deposit Draft 2004) has reached an advanced stage of preparation with an inquiry having been held in the spring of 2005; the inspector's decision on this is awaited. Draft Policy NBE10 continues to safeguard general landscape character but it also makes reference to locally designated AGLVs. Policy SUS11 concerns energy generation and renewable energy. As worded in the Revised Deposit Draft, it does not permit development that would result in significant harm to local amenities, the environment, or the character of the countryside or landscape. The proposed Pre-Inquiry Changes seek to rebalance the text to include considerations such as benefits and national/regional targets.”2.9

“Relevant national guidance includes Planning Policy Statement (PPS) 22: ‘Renewable Energy’. Prepared in the context of the Government's 2003 Energy White Paper and its target to generate 10 per cent of UK electricity from renewable energy sources by 2010, PPS22 sets out some key principles for renewable energy developments. Thus, renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily (Principle (i)).”2.10

“Other stated principles include the need for policies at regional and local level to promote and encourage the development of renewable energy resources; the local level policies should set out the criteria that will be applied in assessing applications for planning permission (ii, iii). In making decisions on such applications, the wider environmental and economic benefits, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission (iv, vi). Also of relevance to this appeal is the need for proposals to ‘demonstrate any environmental, economic and social benefits, *242 as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures (viii).” 2.11

“The Companion Guide to PPS22 ‘Planning for Renewable Energy’ goes into more detail. Its technical annexes include one on on-shore wind energy developments.”3.0Main issues3.1

“At the PIM, I identified four main issues for this appeal to consider and copious evidence was provided to the Inquiry on each of these. The four issues are:

- (i) the impact of the development upon landscape character;
- (ii) the visual impact of the development;
- (iii) the compliance of the development with policy at the national, regional and local levels; and
- (iv) the benefits of the development.”

3.2

“I deal with each of these, together with the other main concerns raised at the Inquiry in my reasoning below. My structure is as follows. I address the first two issues under one heading; this recognises the degree of overlap between landscape and visual impact considerations. I next deal with ‘Other Matters’, including noise and a range of additional concerns. Finally, under the heading ‘Overall Conclusions’, I consider the other two main issues before addressing the overall balance and the acceptability of the proposed scheme.”4.0ReasonsBackground4.1

“The appeal site comprises an area of arable farmland measuring some 2.5km east to west and a maximum of 1.5km

north to south. Consisting of large fields bounded by low hedgerows, this land is in the main very flat. It contains three complexes of farm buildings, Park House Farm close to the northwest corner of the site, Grange Farm near to the site's eastern boundary and Mount Pleasant Farm, midway between the other two. A line of pylons running approximately northeast to southwest bisects the land to the west of Mount Pleasant Farm.”4.2

“The site is bounded on its western side by the A159 Gainsborough to Scunthorpe Road, and to the north and northwest by a mosaic of largely coniferous woodland interspersed with heathland habitat managed for nature conservation purposes. This woodland zone is defined as an Area of Great Landscape Value. To the immediate south of the appeal site, there is a disused airfield with associated commercial buildings and a fishery. To the east, there is agricultural land and, at a distance of some 5km, there is a prominent north-south ridge known locally as the Cliff. The closest settlement is the village of Laughton approximately 1km to the west. Otherwise, the next nearest villages are Blyton to the southwest, Northorpe to the east, and Scotter and Scotton to the northeast.”4.3

“The ten proposed turbines would be a minimum of some 250m apart. Their detailed appearance would be dependent on the make and specification *243 chosen. Broadly, however, the individual turbines would have a mast height of up to 60m and they would be three-bladed with a maximum rotor diameter of up to 80m. The other above ground parts of the development would comprise a 60m high monitoring mast and a sub-station (both close to Mount Pleasant Farm) together with some new tracks to provide access for both construction and maintenance.”
Methodology4.4

“I am satisfied that the landscape and visual impact assessment has been undertaken following, broadly, the now well established ‘Guidelines for Landscape and Visual Impact Assessment (2nd Edition)’. The assessment includes the supplementary photomontages set out in the SEI; for example, one based on Byway 504 close to Grange Farm (Viewpoint 13) and others which seek to demonstrate the impacts upon Northorpe and Laughton Churches (Viewpoints 15 and 16). The material also includes wireframe drawings illustrating the likely impact from the additional viewpoints suggested by the council, and a residential survey which, in my view, has identified those individual properties that would be most affected. In my opinion, the comprehensiveness of the analysis is not in doubt. Setting aside their acceptability, there is a good deal of agreement on the magnitude of the various effects.”4.5

“However, there is disagreement between the main parties regarding the boundaries to be used for the local Landscape Character Assessments (LCAs) now required by RSS8. The emerging Local Plan makes use of an LCA carried out by consultants in 1999. Under that assessment, the 7.5km radius study area encompasses parts of five Character Areas. The appeal site straddles two of those areas, No.1 ‘Laughton Woods’ (which encompasses the AGLV area itself but also the villages of Scotter, Scotton, Laughton and Blyton) and No.3, ‘The Till Vale’.”4.6

“The appellants contend that the fieldwork observations done for the ES do not support those boundaries. Instead, Landscape Character Types are defined which confirm the woodland and heathland of the AGLV as one discrete type (LCT2). The appeal site and the closest villages (apart from the westernmost part of Laughton) fall within LCT4 ‘undulating farmland’, an area which stretches eastwards as far as the Cliff (LCT5). Under this typology, the low lying land to the west and southwest of the AGLV, is ‘flat drained farmland’ (LCT1). Related to this, a small area to the immediate west and southwest of Laughton is thought to have similar characteristics and is defined as LCT1a.”My analysis4.7

“This characterisation of the landscape, and the precise definition of boundaries can never be an exact science because there will always be an element of subjective judgement. Also, there will often be a gradual transition between areas rather than a step change. From my own visits to the area, I do not believe that these differences in boundary definition are critical to my decision. Both analyses, that contained in the 1999 study and that carried out by the appellants, have contributed to my understanding of the landscape's characteristics and to my conclusions as to

the impacts of the proposed development in both landscape and visual terms. I have also taken *244 into account the video prepared by Laughton Parish Council which highlights the particular circumstances of Laughton.” 4.8

“Regarding those impacts, the turbines would be substantial structures. At some 100m in height to blade tip, they would be much taller than any other man-made structure in this immediate area, the highest and most obvious of which are the towers of the local churches. Also, their rotation, when generating power, would make them particularly conspicuous in the landscape. Looking further afield, the only taller structures visible from the appeal site are the power stations along the River Trent; the closest of these is some 13km away. The Zone of Visual Influence (ZVI) confirms that the wind farm would potentially be visible over a wide area although the tree cover, the local land form and buildings would eliminate many potential views. To the extent that the development could be seen, its impact would diminish with distance.”4.9

“From my site visits, I agree with the appellant that the proposed wind farm would become a defining characteristic of the local landscape, within the general zone defined in Kay Hawkins' proof. As far as public views are concerned, the closest views obtainable would be those from the A159 (at a minimum distance of some 250m) and from Byway 504, close to Grange Farm. From those points, the turbines would dominate the view.”4.10

“They would also be close to the blocks of mainly coniferous woodland to the north. There would be two main consequences of that. First, there would be the intrinsic effect upon the woodland itself. From various viewpoints to the south the turbines would be seen against, and rising above, the woodland edge. They would also be visible above the trees from certain, medium and longer distance, points to the west. That would affect the setting of the woods and run counter to the conclusion of the 1999 landscape analysis that the present panoramic views to woodland and important heathland habitat merit conservation. However, as a second consequence, the woodland would act as a complete or partial screen to views from the north, as well as shorter distance views from the west.”4.11

“On this second point, Cllr Theobald drew attention to the Forestry Commission's Laughton Forest Design Plan which sets out a long term management plan to fell and replant much of the present woodland and to extend the area of heathland. In his evidence, he highlighted the felling plans for Dallison Plantation and the potential impact of this in terms of views of the turbines. From the appellant's response, however, I am satisfied that, from nearly all the potential viewpoints, the level of screening would be unaffected during the anticipated 20–25 year life of this proposed development.”4.12

“There are five villages within 3km of the appeal site. While the development would be visible from parts of all of them, I consider that Laughton would be the most affected. It would be the closest of the villages to individual turbines. Also, the effects would be heavily influenced by the local land form in that the village lies at the foot of a slope that can be counted as relatively steep in this otherwise flat or gently sloping landscape. Thus while the village lies at some 5m AOD, the turbines would be on what amounts to a plateau at around 20m AOD; the A159 runs close to the edge of this.” *245 4.13

“The photomontage for Viewpoint 1 shows the likely effect of the turbines seen from one public vantage point in the village. While the topography would screen the lower parts of the further away turbines, the nearest ones, Nos 2 and 10, would have a dominating impact upon the village, in my opinion. They would be just 1.4km away from that viewpoint and they would be sited relatively close to the plateau edge. Those turbines, in particular, would appear as very tall structures at the top of the slope overlooking Laughton, and the mature trees along the A159, above which they would tower, would provide a constant remainder of their scale. As I go on to discuss below, they would affect not just public views but private ones as well.”4.14

“There would be views of the wind farm too from parts of the three approach roads to, and from, the A159. Because

of the screening effect of the roadside hedges and trees, such views would be intermittent.”4.15

“At the inquiry there was considerable discussion about the potential effect on the settings of the local villages, both in terms of the settlements as a whole and the statutory test which concerns Laughton Church and the other listed churches. The preservation of the landscape setting of this area's villages is given particular emphasis in the 1999 Landscape Character Assessment which also recognises the church towers as important landmarks. Regarding the statutory test, under [s.66 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#), I am required to have special regard to the setting of listed buildings.” 4.16

“There appears to be no definition of the term ‘setting’ in either planning guidance or in any planning statute. The literal definition is the environment or surroundings in which something is set. Taking the case of Laughton then, it seems to me that the main ingredients to its setting are the close-by woodland edges to the north and west, the rising land to the southeast, and the relatively steep slope towards the A159 and the ‘plateau’ of the appeal site which forms the eastern horizon to Laughton. Those are the surroundings of the village which both contain it and form part of its character.”4.17

“The turbines would be a new defining feature on that eastern horizon and, to that extent, the setting of Laughton would be radically changed. Moreover, from one viewpoint, No.16, which is on the minor road leading westwards out of Laughton, both the village and the turbines would be seen in the same view. Currently, the church tower is the main built feature in that view, because of its height and because mature trees hide most of the housing. With the development, however, this present landmark would be seen against a backcloth of taller turbines and this would affect the setting of this listed building.”4.18

“Turning to the other villages, there would be a substantial impact upon views from the southwestern edge of Scotton. Seen from there, the turbines would be prominent features. Overall, however, I do not think that the magnitude of the effect would be as great as would be the case for Laughton. While it is as close to the appeal site as is Scotton, much of the smaller villages of Northorpe would be screened from views of the turbines by the landform. That would also be the case for much of Blyton. Scotter is somewhat further away and, to the extent that the turbines could be seen, the effect would be reduced because of that greater distance.” *246 4.19

“There would be a clear view of the turbines from much of the Cliff. Seen from that ridge, they would appear as significant new features on the horizon, rising well above the height of Laughton Wood and other plantations. On clear days, they would be seen in conjunction with the existing Trent Valley power stations about twice as far away. To that extent, they would form an additional infrastructural feature in the view. While they would not, in my opinion, affect the intrinsic character of the Cliff, their moving blades would make them quite conspicuous features, when seen from it.”4.20

“The appellant's residential survey demonstrates that the development would be visible from a number of individual properties both within the main villages and in isolated locations. In those cases, mainly properties within about 2km from the nearest turbine, the appellant acknowledges that there would be a significant effect upon visual amenity. On my accompanied site visit, I was able to view the appeal site from a number of these dwellings, including Sparrow Cottage which, at some 640m from Turbine 3, would be the closest dwelling not associated with the development.”4.21

“The precise effects upon those properties would differ greatly, due to factors such as orientation, boundary treatment and the lie of the land. In some cases, for example, the turbines would be visible only from upper floor windows. My overall conclusion, however, is that the appellant's assessment of these impacts and their magnitude is a fair one. Regarding the likely greater impacts upon the three farm dwellings associated with the wind farm, it

would be reasonable, in my view, to set these against the likely economic benefits to the holding and, through that, to its occupants.”4.22

“In general terms though, what weight should be attached to impacts upon individual residential properties? Generally speaking, the loss of, or change in, an individual view caused by a development is a private interest matter outside the realm of the planning system. As the companion guide to PPS1: ‘The Planning System: General Principles’ states at para.29, the system ‘does not exist to protect the private interests of one person against the activities of another’. That sentence goes on to say, however, that ‘private interests may coincide with the public interest in some cases’.”4.23

“I believe that to be the case here. Specifically, there is a considerable coincidence between public and private interests in that a significant proportion of the available private views are likely to coincide with views from public viewpoints. That is the case in Scotton, for example, in that the views from certain private properties on the southwestern edge to the village could be expected to be similar to those from Viewpoint 2. However, it would apply to the greatest degree in Laughton where, as the ES says, Viewpoint 1 is representative of views gained by local road users and by the residents of some houses on the southern edge and eastern edge of the village.”4.24

“More generally, I feel that the public interest test could be said also to apply to the other affected properties (i.e. those outside settlements). In those cases, the wind farm would affect occupiers collectively, while also impacting upon people visiting the properties, either for business or for pleasure.”4.25

“In terms of ‘mobile receptors’, I have already referred to the *247 proximity of the development to the A159 and Byway 504. It would be visible, in places, from other roads and from parts of the footpath route between Blyton and Laughton. The impact would vary according to the distance and the extent to which the view would be a complete or a partial one. Rail passengers on the Gainsborough to Brigg line would also be able to see the turbines.” 4.26

“I have already considered the effect upon the setting of Laughton Church. Given the greater distances and the topography, I do not think that the other listed churches in this area would be affected to anything like the same extent. Viewpoint 15 provides evidence for this in the case of Northorpe Church. Finally, I take into account that the farmhouse at Mount Pleasant Farm is itself a listed building. However, while it would lie in the midst of the development it does not have the ‘landmark’ status of the local churches. Given the hedgerows and the farm buildings that screen the farmhouse from several directions I do not think that the turbines would affect the setting of the listed building to any significant extent.”4.27

“I conclude that the proposed development would have a substantial impact upon the local landscape and visual amenity of the local area. I identify the most significant such effects above. My assessment of the acceptability of those effects is set out below.”Other mattersNoise4.28

“The ES includes a noise impact assessment which was performed in accordance with the requirements and recommendations of ETSU-R-97 ‘The Assessment and Rating of Noise from Wind Farms’. That assessment was based on the use of a particular turbine which is no longer commercially available. Accordingly, the SEI has carried out a review of the impacts of other suitable turbine types.”4.29

“The ETSU methodology used is that adopted by PPS22 and its companion guide. The council has accepted that subject to the imposition of appropriate conditions, there are no noise related reasons for refusal. I agree. Provided that noise conditions were imposed on the lines of those set out in the SoCG and canvassed at the inquiry, this proposal would be acceptable on noise emission grounds.”4.30

“In reaching my conclusions on noise, I have taken into account the concerns of Malcolm Hamilton whose specialist television production company is based at Northorpe Hall. The grounds to the Hall are regularly used for filming purposes, taking advantage of what are said to be extremely low background sound levels. I can understand Mr Hamilton's fears but from all the evidence, including that presented by Malcolm Hayes in rebuttal, I believe that they are not well founded. From that evidence, I am satisfied that there would be no significant impact upon the Hall, subject to the imposition of the proposed noise conditions. I take into account the fact that the nearest turbine would be some 1.9km away.”4.31

“Regarding the concerns of Dr Fallon and others on the possible effects of infrasound and low frequency noise, the companion guide states that ‘there is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health’. This is *248 based on the results of a comprehensive study of vibration measurements in the vicinity of a wind farm carried out by ETSU in 1997. Given this clear Government guidance, it is unnecessary to consider this matter further.” Driver distraction4.32

“The companion guide also refers to the effects of wind turbines on car drivers. It states that wind turbines should not be treated differently from the other distractions a driver must face and should not be considered particularly hazardous. There are a large number of wind farms adjoining or close to road networks but there has been no history of accidents at any of these.”4.33

“In his evidence to the inquiry, Allan Hilton referred to a number of accidents on the A159 which were based on his own records over a one year period. He also referred to an accident that took place during the course of the inquiry. The ES records that local concerns over safety did lead to an amendment to the initial site layout. It goes on to say, however, that the Lincolnshire Road Safety Partnership advised that there were no accident clusters along the relevant section of the A159 or at the junction with the Scotter Road. Also, discussions with the Highway Authority highlighted no specific concerns with the two turbines that would be closest to the A159, i.e. Nos 2 and 10.”4.34

“While I have reached separate conclusions about the visual impact of those two turbines in particular, given the advice of the companion guide, and the lack of any formal objection from the Highway Authority, I am unable to conclude that they, or the wind farm as a whole, would necessarily lead to any worsening of road safety conditions in this immediate area.”Ecology4.35

“This area is a mosaic of woodland, heathland and farmland and, as a consequence, it is relatively rich in wildlife terms. Indeed, parts of the forest area have Site of Special Scientific Interest (SSSI) status or are recognised as non statutory Sites of Nature Conservation Interest (SNCI). Scotton Common is managed as a nature reserve.”4.36

“Overall, I am satisfied that the ES has adequately covered the likely impacts upon local wildlife and, where necessary, proposed appropriate mitigation. In his evidence to the inquiry, John Harriman, a local bird watcher, raised concerns about the possible collision of birds with turbine blades, affecting birds of prey in particular but also other species, especially the important local population of nightjars.”4.37

“Those concerns were addressed in the rebuttal proof of Robert Yaxley. From the evidence, it is clear to me that while the risk of collision cannot be excluded, its incidence is relatively limited. It would appear that many bird species, including the nightjar, typically fly below the level of the proposed turbine blades or are otherwise able to detect and avoid turbines. Also, there is no evidence that the wind farm would block any significant migration route.”4.38

“There has been a specific study of the effect on the hobby, one pair of this species having been found to nest in Dallison Plantation to the north of the appeal site. The study found that, very occasionally, these birds do cross *249 the site at turbine blade height. A condition requiring annual post-construction has been proposed which would provide for temporary shutdown of one or more of the turbines should use of the site by fledged young hobbies be shown to be significant. In my view, such a condition would provide an adequate safeguard for this species.” 4.39

“I conclude that the ecological interests of this area would be largely unaffected by the proposed development, taking into account the proposed mitigation.”Shadow flicker4.40

“Lynne Wetherall gave evidence about the possible effects upon her son who has a medical condition. The phenomenon of shadow flicker is covered in some detail in the companion guide. According to the guide, it can only be experienced inside a house when looking through a narrow window. Also, it would be limited to properties within 130 degrees on either side of north relative to the turbines and less than ten rotor diameters away (i.e., 800m in this case). In theory, that would encompass Mount Pleasant Farm and Park House Farm as well as Sparrow Lodge. From the evidence, however, even at those properties, the turbine type that would be used would be unlikely to cause health effects related to shadow flicker.”Viability4.41

“Principle (i) to PPS22 states that renewable energy developments should be capable of being accommodated throughout England where the technology is viable (and environmental, economic and social impacts can be addressed satisfactorily). On that caveat about viability, wind energy is a well proven technology. The mean long term annual wind speed for this site is estimated at 6.84ms which is considered viable by the appellants. The associated capacity factor is 0.247 which falls within the range 0.2–0.5 cited in the companion guide as the general range within the UK. While the capacity factor lies below the figure of 0.3 regarded by the Guide as typical for the UK, I have no reason to dispute the appellants' claim that this is a viable scheme.”5.0Inspector's conclusionsThe broader picture5.1

“This development has to be seen in the context of the Government's drive to secure significant reductions in the UK's emissions of carbon dioxide and other greenhouse gases. Renewable energy is part of its strategy to achieve this and the immediate national target is to generate 10 per cent of our electricity in this way by 2010. RSS8 indicates the contribution that the East Midlands is expected to make. While its target for on shore wind energy for Lincolnshire has already been met (based on already approved developments), RSS8 makes the important caveat that the meeting of any particular target does not mean that efforts to go further should not continue.”5.2

“Nationally, the picture is less rosy and the indication is that there will have to be a substantial increase in the deployment of on-shore wind developments if the 2010 target for renewables is to be achieved. Off-shore *250 wind power will be making an increasing contribution to our energy needs, particularly post 2010, but the likelihood is that it will be complementary to new on-shore wind energy, not a substitute for it. Indeed in its prediction for 2020, the 2003 Energy White Paper states that ‘on shore and offshore wind and biomass may be the largest contributors to the renewables generation mix’. All of this points to a continuing need, in principle, for new on-shore wind energy developments.” The benefits5.3

“PPS22 sets out what is required of the planning system. Its principles are firm ones requiring a positive attitude to renewable energy developments by both regional planning bodies and local planning authorities. Also, the wider environmental and economic benefits have to be given significant weight in determining whether proposals should be granted planning permission. While this is to apply whatever the scale of the development, it is clear that the benefits here would be significant ones.”5.4

“As stated in the SoCG, those benefits would include the delivery of up to 27.5MWe of installed capacity at

Laughton. This was based on the use of a 2.75MW turbine which, the inquiry was told, is now no longer in production. 2.0MW machines would be likely to be used instead, but even on that basis, the wind farm would still supply enough electricity for the equivalent of 9,200 households. That would equate to over 30 per cent of the dwellings within West Lindsey District.”5.5

“The main parties also agree that the development would achieve savings in terms of carbon dioxide emissions through the displacement of electricity generation from fossil fuel plants. This would amount to some 37,200 tonnes per year. The ES points to additional savings in terms of nitrogen oxide and sulphur dioxide emissions.”5.6

“The SoCG lists a number of other benefits including the provision of a regular income for the landowner. Potential benefits include possible work for local contractors during construction and operation.”The policy tests5.7

“In my view, the key development plan policies are Policy 41 of RSS8 and Policies ENV10 and ENV21 of the West Lindsey Local Plan. The first of these is strategic in that it sets county wide targets and guides the preparation of criteria based policies at the local level. The other two are of particular relevance to this appeal. Between them they allow for renewable energy developments, provided that there would not be significant harm to various aspects of the local environment. I see the policies in the emerging structure plan and local plans (as modified by the Pre-Inquiry Changes) as having a broadly similar thrust.”5.8

“These county and district wide policies accord with Principle (i) of PPS22 which contains the caveat that the locations chosen should be those where environmental, economic and social impacts can be addressed satisfactorily. Principle (viii) contains a related requirement. Applying PPS22 as a whole, coupled with the policies in the development plan, there is a balancing exercise to be carried out. This must weigh the various benefits of the proposed scheme against its local impacts. I judge those impacts to be *251 primarily those listed under issues (i) and (ii), i.e. impact upon landscape character and visual impact.” 5.9

“I have attempted earlier to analyse the various components of those impacts. It is abundantly clear that, as with any other wind farm, this development would have a significant effect upon the area in which it would be sited. In the context of national and local policy, I turn now to the acceptability of those impacts.”Landscape and visual impact5.10

“In my view, save in one respect which relates to Laughton and its setting, to which I shall return, the landscape of this area could accommodate the proposed wind farm. In terms of the appeal site itself, the development would become a defining characteristic but it would not unacceptably affect the intrinsic character of that area. I reach the same conclusion regarding the wider area to the east of both Laughton Woods and the A159, termed by the appellant as ‘undulating farmland’. Moreover, while the development would stand next to a large body of woodland, presently the main defining characteristic of this area, I do not think that this juxtaposition would, of itself, render the scheme unacceptable. I believe that the benefits to be derived from the screening effects of the woodland would generally compensate for any harm in respect of its setting.”5.11

“I consider that the most significant effects would be in terms of visual impact. A particular characteristic of this proposal is its relative proximity to five villages, as well as to a number of individual properties beyond the village boundaries. As I have concluded earlier, Laughton would be the village most affected. This would be in terms of the visual impact from both public and private views, views from its approach roads, and the setting of both the church tower and the village as a whole; while it is difficult to make a strict distinction between visual and landscape effects, I regard those ‘setting impacts’ as primarily effects upon landscape character. While the wind farm as a whole would impact upon the village, turbines Nos 2 and 10 would have a particular, dominating effect.”5.12

“There would be other significant effects. The other villages, particularly Scotton, would be affected to varying degrees. There would be a clear view of the turbines from the Cliff and a number of individual properties would be relatively close to turbines. From some of these, the turbines would be prominent in some views. The same would apply to views from ‘mobile receptors’, in particular, users of Byway 504 and drivers along the A159. However, while they contribute to the balance, given the weight of Government policy I do not regard these ‘other significant effects’ as being so great or so harmful, in themselves, as to justify dismissing this appeal.”5.13

“I return, however, to the various effects upon Laughton. In my view, turbines Nos 2 and 10 contribute disproportionately to those effects. Because of their proximity and their elevated position, I consider that they would have an unacceptably dominating impact upon the village. They tip the balance between a development that would be otherwise acceptable and one that is not, and they justify the dismissal of this appeal.”5.14

“I have taken into account the other appeal decisions that have been drawn to my attention. However, I have based my decision on the particular *252 circumstances that apply to this case. I have considered all of the other points raised but they do not outweigh the considerations that have led me to my decision.” 6.0Formal decision6.1

“I dismiss the appeal.”7.0Comment7.1

The issues in this case are not uncommon for wind farm appeals, and appear to have been well ventilated at this inquiry. The inspector endorsed the *Guidelines for Landscape and Visual Impact Assessment* as the appropriate approach to assessing landscape and visual effects arising from wind farms. 7.2

On the facts, the inspector concluded that the turbines would be taller than any other man-made structure in the area and that the rotation of the blades would make them particularly conspicuous in the landscape. He considered that the wind farm would become a defining characteristic of the local landscape.7.3

There were two turbines in particular which would have a dominating effect on the village of Laughton, situated as they were close to the plateau edge and not very far from the village. Importantly in this case, the inspector concluded that the turbines would “radically change” the setting of the village, and the listed buildings contained within the village. In particular, the church tower would be seen against a backcloth of taller turbines, affecting its setting.7.4

The inspector also found that here there was a considerable overlap between public and private views, and whilst the latter were not to be protected by the planning system, the coincidence between the two interests and the collective effect on occupiers generally, meant that views were a real issue in the appeal.7.5

The inspector applied principle (i) in PPS22 to mean that locations chosen for wind farms should have satisfactory environmental, economic and social impacts. There was a balancing exercise to be conducted.7.6

Overall the inspector concluded that in addition to the general impact from the wind farm, the two turbines closest to the village would have an unacceptably dominating impact, tipping the balance towards refusal.7.7

This decision predates that of the Secretary of State for Trade and Industry on the Electricity Act 1989 application for the Whinash wind farm in the Lake District, which rejected the 27 turbine development. It was there concluded that the harm to that landscape outweighed the benefits of securing renewable energy, and that the adverse

environmental effects would run counter to the balance required by PPS22. *253
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