



Appeal Decision

Inquiry held on 30 September 2008-
3 October 2008, 7-10 October 2008
and 15 and 17 October 2008

Site visit made on 16 October 2008

by Mr D Lavender MRTPI

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

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Decision date:
17 November 2008

Appeal Ref: APP/E2530/A/08/2073384

**Thackson's Well Farm, Sewstern Lane, Long Bennington, Newark
Lincolnshire NG23 5EX**

- 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 by Infinenergy Ltd against the decision of South Kesteven District Council.
- The application Ref S07/1661/01,55, dated 29 November 2007, was refused by notice dated 28 March 2008.
- The development proposed is the construction, operation and eventual decommissioning of a wind farm consisting of ten 2.3 MW wind turbine generators, a permanent anemometer mast, an on-site sub-station, on-site underground cables linking to the grid connection, a temporary construction compound and new on-site access tracks.

Decision: I dismiss the appeal.

Reasons:

Procedural matters

1. The application is accompanied by an Environmental Statement prepared under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. It was drawn to my attention during the Inquiry that the scheme shown in various of the plans included in the Environmental Statement does not tally with the scheme before me, whether in terms of site size or number of turbines. Following discussion with the principal parties, it was agreed that I should seek confirmation, in writing, that those who had contributed by way of consultation or research to the compilation of the relevant sections of the Environmental Statement had not been misled by the differences. Having done so (*Inquiry documents 9, 45 and 62 refer*), I can now affirm that I am satisfied with the adequacy of the Statement in terms of the scope of the information it provides, and there was nothing at the Inquiry that might have caused me to take a different view. I have accordingly taken account of the Environmental Statement, as originally compiled, in determining this appeal.
2. As agreed at the Inquiry, the proposal for my consideration is as illustrated in the following drawings (which, unless indicated otherwise, are to be found in Volume 4 of the Environmental Statement):
 - A site location plan, **figure 1.1, revision 002, dated 6/11/2007**. This was amended and substituted at the Inquiry to exclude reference to an existing anemometer (*document 28*). Notably, it was confirmed to me that the red line defining the application site excludes

the access route to the site from the A1 via Sewstern Lane. It was explained to me that this route lies entirely within the administrative boundary of South Kesteven District and that alterations to it would be confined to land within or immediately bordering the existing highways and would be the subject of an Agreement with the Highway Authorities concerned. I make no judgement on whether planning permission would be required for these works since much would depend on whether they would actually be carried out by the Highway Authorities or another party. I record only that the Appellant requested that I exclude them from my consideration and that, having been included in the Environmental Assessment of the scheme, the Local Planning Authority affirmed that it did not regard the proposed works as problematic.

- A site layout plan, **figure 1.2, revision 005, dated 8 November 2008**. This shows the proposed arrangement on the ground for the wind farm, including turbine locations, access roads, sub-station and compound.
 - A revised “generic” drawing of a turbine, **figure 3.1, revision 1, dated 19 August 2008 (document 4)**. This was submitted as a minor amendment in the run-up to the Inquiry to make clear that the 71m dimension for the rotor is expressed as a diameter and not a radius. There is no change to the proposed height of the turbines (90 m to hub and 125 m overall, to uppermost blade tip).
 - **Figure 3.2** of the turbine foundations, together with **figure 3.3** showing the construction of the site tracks and cable trenches.
 - **Figure 3.4 dated 6 October 2007** showing typical sub-station details. This was revised before the Inquiry and now proposes a larger building, 15 m wide instead of 9.85 m wide, 10 m deep instead of 5.35 m deep and 5.5 m high rather than 5.2 m high (*document 3*). Having been assured by the Appellant that the revision had been advanced to ensure adequate space to accommodate the equipment necessary to facilitate output from the proposed turbines to the grid and not to provide capacity for further or larger turbines, the Council and BLOT indicated a willingness to accept this larger building as a minor amendment to the application scheme. Inasmuch as it would not affect the analysis of impacts in the Environmental Statement or much alter the overall appearance of the wind farm, I concur with this approach and accept the revision accordingly.
 - A typical detail of an anemometer mast, **figure 3.5**. This shows a lattice mast 90 m high. The mast is intended to be permanent and would replace an existing temporary mast for which separate permission (incorporating a condition requiring its removal in due course) has already been granted.
 - **Figure 3.6** showing the proposed layout of the temporary construction compound.
 - **Figure 3.7** showing construction details for a crane hardstanding. There would be one such hardstanding at each turbine location, but cranes would be present only during the construction phase and when needed for repair, maintenance or decommissioning.
3. Although the application is for full planning permission, several of the above drawings are referred to as being only “generic” or “typical”. This carries with it an inherent uncertainty that final details might fail to comply with the Environmental Statement in all of its many inter-related facets. However, as with the Appellant’s declaration that the development is proposed for a 25 year temporary period, it seems to me that adequate control could be secured by planning conditions that specify particular limitations such as turbine height and period of permission, reserve further matters such as turbine type and colouration for later approval and which incorporate requisite and specific environmental mitigation measures. Subject to such conditions, I do not regard the judgement in *Regina–v-Cornwall County Council ex parte Jill Hardy 2000 (document 65)* as an obstacle to my determination of the application.

The main issues

4. In a pre-Inquiry briefing note, I identified three main issues for the Inquiry to consider, as follows:
 1. Noise effects on people living and working close to the turbines.
 2. Landscape impact.
 3. Implications for the setting and visual amenity of heritage assets.
5. The Council's first reason for refusal, however, refers mainly to questions of health and the "precautionary principle". Such concerns arise primarily (but not wholly) from noise, and noise is a specific worry to BLOT and other local people. In the interests of clarity, my ensuing reasoning therefore deals with the first main issue under two separate sub-headings, namely noise, and then health and the precautionary principle.
6. From the evidence at the Inquiry I found the second main issue to be concerned primarily with topography and the natural landscape, rather than settlement patterns which, given the Conservation Area status of the nearest villages, falls more comfortably into the third main issue. In connection with the second issue, however, I drew attention to a further point raised by objectors, which concerned the need for the proposed turbines. Paragraph 20 of the Planning and Climate Change Supplement to Planning Policy Statement 1 "*Planning and Climate Change*" (PPS1) makes clear that Local Planning Authorities should not require applicants for energy development to demonstrate the overall need for renewable energy and its distribution, nor question the energy justification for why a proposal for such development must be sited in a particular location. However, to the extent that renewable energy targets in Regional Spatial Strategies are intended to be informed by (among other things) environmental capacity, there seemed to me to be a relationship between targets and landscape impact that warranted examination. I therefore touch upon capacity targets at the beginning of my consideration of the second main issue.
7. Having now digested all of the evidence and submissions before me, I have also included a broad heading "other matters" in the part of my decision dealing with main issues to deal briefly with a range of subjects raised by local people. It is, however, in my overall conclusions that the main focus of reasoning, balancing my findings on all of the issues, is to be found.

Issue 1: Noise effects

Noise

8. Paragraph 10 of Planning Policy Guidance Note 24 "*Planning and Noise*" (PPG24) asserts that much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise. It cautions that the planning system should not place unjustifiable obstacles in the way of such development but advises that Local Planning Authorities should ensure that development does not cause an *unacceptable* degree of disturbance. When considering wind turbine proposals, the Companion Guide to PPS22 commends use of "*The Assessment and Rating of Noise from Wind Farms*" (ETSU 1997) for this purpose. Among other things, this says that noise from wind farms should be limited to 5dB(A)

above background for both day and night-time periods. PPS24 advises that a change of 3dB(A) is the minimum perceptible to the human ear under normal conditions, so plainly it is not intended that there would be no perceptible noise at the nearest properties. Rather, the 5dB(A) limit is set to strike a balance between the impact of noise from turbines and the need to ensure satisfactory living conditions for those who might be exposed to it.

9. The Environmental Statement tabulates background noise levels on the basis of two separate surveys at the four nearest noise sensitive properties and at varying wind speeds, during day and night-time periods, as ETSU 1997 recommends. The Council (both at officer level and through noise consultants appointed at the time) has not impugned these figures or any other aspect of the evidence on noise, but the results were nevertheless re-worked by the Appellant's noise consultant for the Inquiry. This was at least in part in recognition of BLOT concerns that the first of the surveys had been undertaken at a particularly noisy part of the farming year (when combine harvesters and other machinery might, for example, have been operating during both day-time and night-time hours). It would seem, however, that the residents concerned still have doubts about the timing of the second survey (when other farming processes were allegedly in progress), the precise location of the monitoring points (one apparently being at the entrance to a barn, rather than at a house or in a garden) and the effectiveness of the equipment used (one of the microphones having been observed to have fallen over). Even so, I see that Table 1 on page 168 of the PPS22 Companion Guide indicates that night-time background noise levels in rural areas typically fall within the range of 20-40 dB(A). Other than at the higher wind speeds (when the sound of the wind itself is likely to be a contributory factor) the measured background levels for day-time and night-time do not seem to me to be inconsistent with this range, given the exposure of this particular area to noise from A1/A52 traffic, the proximity to the Roselands Business Park and the drone of overflying aircraft (used apparently for pilot training and continuous during the course of my accompanied site inspection). Whatever the case may be, the Appellant indicated a willingness to undertake fresh background assessment to address the alleged shortcomings in the existing survey data, embracing a limited number of additional properties if necessary. This is an approach that BLOT's own noise consultant recommends and, because of the importance attaching to establishing correct and transparent baseline data for noise measurement, is an approach which I also support.
10. In accordance with ETSU 1997 advice, once background levels have been measured and tabulated, the "permitted" level of noise above background is simply calculated by adding 5dB(A) to the surveyed figures (or introducing an absolute level where appropriate). None of the predictions of turbine noise in the Environmental Statement or the Appellant's noise evidence are carried out with the purpose of enabling the measured background +5dB(A) levels (against which the expediency of any future enforcement action would be judged) to be varied either upwards or downwards.
11. That is not to say, however, that predictions of turbine noise can be ignored in favour of measurement when turbines are operational. Rather, predictions of turbine noise are necessary to provide both developer and local people with assurance, before turbines are purchased and installed, that the ETSU 1997

noise limits are capable of being met. However, securing compliance with noise limit controls at wind farms, in the event of a breach, is not as straightforward as with most other forms of noise generating development. This is because noise from turbines is affected primarily by external factors such as topography and wind strength, a characteristic that distinguishes them from many other sources of noise, such as internal combustion engines or amplified music, which can be more directly and immediately influenced by silencing equipment, insulation or operator control.

12. In essence, with the customary form of planning condition governing turbine noise in place, it would be open to anyone who found themselves affected by suspected turbine noise to register a complaint with the Local Planning Authority. The Local Planning Authority, having satisfied itself that the turbines might be culpable, would in turn require the developer to undertake measurement of the noise being experienced at the particular property concerned. If it is found that the specified noise limits (background +5dB(A)) for the most comparable of the four nearest noise sensitive properties are not being exceeded, that would be the end of the matter. To that extent, the condition might be said to have greater benefit to the Appellant than to the complainant in that it effectively filters out "unjustified" complaints. If the limit is being exceeded, there may be instances (such as wear of moving parts or breakage) where the cause can be simply identified and swiftly remedied. However, in some cases, further investigation might be necessary, initially to establish whether excess noise is a consequence of the wind turbine operation or derives from some other source. Where the cause cannot be readily identified or is of an intermittent nature, measurement of noise levels may be required at the particular property concerned, perhaps involving testing with the turbines operating and not operating, or at different speeds of rotation and in a variety of climatic conditions. This may require some considerable time to undertake, identify the cause and, if the turbines were found to be at fault, to agree and initiate any necessary mitigation, during all or part of which period the complainant may remain exposed to the noise complained of. It is therefore important both for the operator and those potentially affected by noise to have confidence that turbines capable of meeting the "permitted" levels at any particular site, and addressing AM should it occur, are installed at the outset.
13. Noise predictions in this case have been undertaken in the Environmental Statement and reviewed by the Appellant's noise consultant, taking account of a wide range of factors including ground conditions, wind direction and shear, seasonality, temperature and humidity, and tonal characteristics. For the most part, these have adopted "worst case" scenarios and, even so, conclude that the requisite noise limits (based on the current background noise data) can be met at all of the four nearest noise sensitive properties. Nonetheless, the levels are based upon a potential "candidate turbine", an Enercon E-70 2.3 MW model, which has two modes of operation (with and without speed regulation to control noise). Even though the consultant's calculations have been based on the noisiest of the two modes, predictions based on a "candidate turbine" leave the conclusions open to criticism that the model of turbine actually installed may have a different noise emission profile, less effective noise control mechanisms or altered relationships between blade diameter and tower height. These matters are of particular importance in relation to the very few cases in

which amplitude modulation of aerodynamic noise (AM) is encountered. This, being unpredictable and intermittent, might fall outside the normal planning condition regime. I return to the subject of AM in my consideration of health and the precautionary principle below and say here only that, to avoid such criticism, the Appellant indicated agreement to submitting detailed specification of the turbines that would actually be installed for the Council's prior approval. Again, I support this approach.

14. However, there is a procedural difficulty in formulating a suitable noise limit condition at this stage in the planning process (like that in document 37, condition 2), before *both* background levels have been re-validated *and* final turbine choice has been made. While it is possible to impose conditions in an approval of reserved matters pursuant to outline permission, this application is for full planning permission and I am not aware of any process by which an enforceable noise limit condition could be introduced in a letter confirming "clearance" of development control details (background levels and turbine choice) after full permission has been granted. The alternative of formulating a noise control condition now - requiring the applicant to subsequently submit a scheme of measurement of background levels, calculations of turbine noise and a fresh tabulation of permissible noise limits to be adhered to (effectively repeating and supplementing Chapter 13 of the Environmental Statement), firstly for approval and secondly for implementation - would inevitably be convoluted and may fail either in detailed drafting, or if called to account under the Circular 11/95 tests of precision and (particularly in the event of AM), enforceability.
15. While it may well be that, after re-measurement of background levels, the appropriate noise limits would not change much from those advanced by the Appellant at the Inquiry, the Appellant's noise consultant accepted, in cross-examination, that there had been significant problems of noise at other wind farms, even though Environmental Assessment had suggested there would not be, "at one or two properties at one or two sites". A presentation was also made to the Inquiry by residents of a property close to a wind farm elsewhere in Lincolnshire (not operated by the Appellant), whose life has plainly been much disturbed since turbines close to their home began operating. Whether or not the recordings of turbine noise they played to the Inquiry were artificially amplified (by up to eight times as measured for the Appellant), it was acknowledged by the residents concerned that their exposure to noise might in part be due to shortcomings in the formulation of planning conditions and the design of the turbines installed (which had apparently differed from those originally proposed), while the Appellant's own noise consultant cautioned that it had been unhelpful for background levels not to have been measured at their particular property (which was apparently not at the time regarded as being among the nearest noise sensitive properties) before the wind farm began operating.
16. Enforceable noise limit conditions form the basis of PPG24 and PPS22 advice and represent an important safeguard, often of last resort, to local residents. I have considered the approach outlined in the Appellant's noise evidence (document 14, paragraph 6.7) but in the interests of public confidence in the decision-making and enforcement process, it is in my view necessary for the noise limits and choice of turbine to be founded upon data which has, and can

be seen to have been, carefully and accurately compiled before full permission has been granted, rather than afterwards. That is, after all, a purpose of statutory Environmental Assessment, and the judgement in *Newport County Borough Council-v-The Secretary of State for Wales and Browning Ferris Environmental Services Ltd (1998) Env LR 174* reinforces the point. It is for this specific reason (notwithstanding BLOT's own evidence) that I find myself not content with the Appellant's approach (both so far, and as proposed) to the subject of noise control. Although far from being determinative, this finding (on process rather than outcome) is a factor that I place in the balance on the side weighing against the scheme as submitted rather than in favour of it.

Health and the precautionary principle

17. The Environmental Statement covers the subject of potential effects on human health from a range of perspectives, including noise and vibration, dust and air quality and shadow flicker. Chapter 11 also makes passing reference to advice in paragraph 2.9 of the PPS22 Companion Guide about "longer term health and quality of life benefits...through mitigation of the effects of climate change". However, evidence on the subject from objectors ranges much more widely and, unlike the evidence produced by the Appellant to the Inquiry, is focussed more on medical concerns than the scale and nature of acoustic emissions. The main health effects are variously referred to in the representations as "Vibro-Acoustic Disease" (an illness said to have been found mainly among those whose work exposes them to excessive levels of intense low frequency noise) or "Wind Turbine Syndrome" (with less specific causes, not necessarily related to noise or vibration). These terms cover a wide range of symptoms including sleep disturbance, migraine, tinnitus, vertigo, nausea, epilepsy and irritability. One particular local resident drew attention to the plight of sufferers from "Menière's Disease", a recognised progressive illness displaying some of these symptoms which, among sufferers, he felt, might be triggered or worsened by the sight of rotating blades. This resident, however, lives some distance from the wind farm (in Long Bennington) and acknowledged that his experience was based upon approaching a wind farm much more closely, to within 500-800 metres. I understand the problems faced by the objector and particularly note the sincerity with which the point was put. However, in the light of the advice in paragraph 77 of the PPS22 Companion Guide on photosensitivity to different speeds of blade rotation, it would plainly be unreasonable to prevent the appeal scheme solely on the basis that those with this or similar illnesses might see the turbines. To do so would effectively prevent wind farm development almost anywhere.
18. From my reading of the wealth of literature that I have been referred to, a good deal of which has been circulating on the internet for some years, much appears to be of a partisan nature and of varying quality. Most is only of passing relevance, or less, to the case in hand (particularly for example, where studies and recommendations are based on turbines in "long Appalachian Valleys", or make no distinction between turbines of different ages, designs, heights or technologies).
19. Among the more limited range of recent documents specifically referred to in the Council's decision and at the Inquiry, the Frey-Hadden report of June 2007, for example, is representative of all of these criticisms being based on no more than a world-wide assemblage of published documents and studies, newspaper

coverage and commentary. In particular, I could not find (among the 3 references to the subject in the reported studies) any scientific or other justification for its precise recommendation of a 2 km separation distance between turbines and dwellings. Its reference to Dr Harry's work in 2003 indicates that her survey covered wind farm sites in Wales, Cornwall, the north of England and contacts in France, Germany, Portugal, the Netherlands and USA. The precise methodology is not before me, but the number of respondents is not large for a survey of such an extensive area and the fact that a high proportion recorded that their health had been affected by wind farm development is perhaps unsurprising if they were canvassed on the basis of medical records alone. Although Dr Harry suggested a 2.4 km separation distance, which would seem no less arbitrary than Frey-Hadden, she also proposed further clinical work, which has yet to be published. The Pedersen Report of 2004 does little more than (unsurprisingly) conclude that "annoyance" increases with wind turbine noise and, like many of the others, calls for further study. Findings of the UK Noise Association's 2006 report, recommending a 1.6 km separation from dwellings, are undermined by a published rebuttal from the author of some of the evidence on which it was based and other demonstrable inaccuracies in methodology. The Alves-Pereira paper presented to the Lyon Conference in 2007 seeks to establish a causative link between long term exposure to intense low frequency noise and Vibro-Acoustic Disease but does not advance any particular separation distance. From the evidence before me (concerning the relationship between a dwelling, a warehouse and intervening dwellings), the causative link suggested would at best seem to be questionable.

20. More particularly, the 2006 Report of the French National Academy of Medicine acknowledges that there is very little data in scientific literature on the potential dangers of wind turbines to humans. Its recommendation for a precautionary separation distance of 1.5 km between turbines and houses, pending further epidemiological investigation, refers only to turbines exceeding 2.5 MW. A more recent French study in 2008 by Affset (Agence Française de Sécurité Sanitaire de l'Environnement) observes that there are at present no wind turbines of more than 2.5 MW operating in France. This survey uses a methodology based upon comparing records of complaints with measured turbine outputs and local standards of separation and draws various conclusions such as "sound levels of the wind turbines do not generate direct medical consequences on the hearing mechanism" and that "the perception of discomfort is often related to a negative perception of the wind turbines in the landscape". It cautions, however, that its findings are made solely within the methodological framework employed and that none of the medical data makes it possible to observe effects related to exposure to low frequencies or to infrasound. Nonetheless, it finds against the use of separation distances preferring instead to rely on case-by-case evaluation and, again like others, expresses a need for deeper knowledge in the field of "evaluating annoyance from noise and more particularly from low frequencies".
21. Current Government advice is contained in the PPS22 Companion Guide, which explains in paragraph 65 why electromagnetic emissions will rarely be a health problem and 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. The latter point is expanded upon in two later studies in which

the Appellant's noise consultant had a direct involvement. The first, in 2006 (from the Hayes-McKenzie Partnership) was commissioned to investigate claims that infrasound or low frequency noise emitted by wind turbine generators was causing health effects. This noted that of the 126 wind farms then operating in the UK only 5 had attracted reports of low frequency noise problems. Three of these were investigated in detail and it was found that AM rather than low frequency noise or infrasound was the cause the complaints. The second study, in 2007 (from Salford University) was accordingly commissioned in order to consider the subject of AM. Out of the 133 wind farms in operation at the time of this study, there were four cases where AM appeared to be a factor. Complaints were noted to have subsided at three of these sites, in one case as a result of remedial treatment in the form of a wind turbine control system. In the remaining case investigations are ongoing. Based on these findings, Government has stated firstly (in 2006) that there is no evidence of health effects arising from infrasound or low frequency noise generated by wind turbines and, secondly (in 2007), that it does not consider there to be a compelling case for further work into AM and will not carry out any further research at this time, but will continue to keep the issue under review.

22. Like the Appellant's own evidence, both of the DCLG commissioned reports consider complaints in the context of the nature of the noise complained of rather than its effects (referring at most simply to "annoyance" or "sleep disturbance"). I do not doubt that arguments over alleged effects on health will continue – at least until there has been some wider study by medical rather than acoustic professionals which, for example, seeks to describe and quantify the medical characteristics of local populations before and after wind farm development, examines whether there are (or are not) prevalent patterns of particular illnesses and, if so, whether these increase or diminish with distance or power output from turbines, and whether there are "risk factors" other than noise (or such as noise "cocktails") that might be at play. Some progress may be made in that direction by Dr Harry's forthcoming work or that called for by others such as Affset, but I can only base my judgement on the factors before me.
23. As matters currently stand, these show that the number of cases in England where health complaints are directed at wind turbines is small (I refer to England alone, not in the interests of diminishing the catchment area for complaints, but because existing wind farms here tend to be closer to resident populations than in more sparsely populated parts of the UK). Those complaints that have been systematically investigated on behalf of Government have not been recorded as "illness" and none have yet been attributed to anything other than noise which (with the single exception of the case still under investigation) has been found capable of mitigation. There is even less evidence on which to base fear of adverse effects on people working in the vicinity (who would be exposed to a wide range of other potentially more likely causes with varying degrees of proximity and extent) or on farm animals grazing among the turbines (which has long been commonplace, and to which reference is made in paragraph 58 of the PPS22 Companion Guide). Nor is there any evidence that those who have been closely engaged in manufacturing, testing, installing or maintaining wind turbines on a daily basis over considerable periods of time, and who might therefore be expected to be susceptible to "emissions" in whatever form they could be, have developed any

attributable health symptoms. In these circumstances, I find nothing of sufficient substance to depart from the advice in the PPS22 Companion Guide to PPS22 and the Government statements issued in 2006 and 2007. I also find nothing in the evidence or circumstances before me on which to base a rational health fear sufficient to justify either the refusal of permission, or to seek greater separation between houses and turbines than is required to secure compliance with the ETSU 1997 background + 5dB(A) noise exposure limits.

Issue 2: Landscape Impact

24. Paragraph 2 of PPS22 says that Regional Spatial Strategies should include the target for renewable energy capacity in the region, derived from assessments of the region's renewable energy resource potential, and taking into account the regional environmental, economic and social impacts that may result from exploitation of that resource potential. Given that the appeal scheme, if constructed, would not produce electricity until post 2010, the most relevant capacity target is that for 2010-2020, which finds expression in draft RSS8. This suggests a cumulative target of 175MW for on-shore wind by 2020. Insofar as progress towards that target is concerned, the now agreed figures are that 77.5MW is already operational and 26MW is under construction (total 103.5 MW). Permissions exist for a further 42.5MW. Not all of these will necessarily be implemented but even so, the figures suggest that the target should be easily within reach whether there is a contribution of about 25 MW capacity from the appeal scheme or not.
25. However, that contrasts with the Panel report of the draft RSS Examination, which says that "it is clear from the evidence that the targets... are extremely challenging (some could be considered unachievable)". On further investigation I was told that the Panel expressed this view because a suitable evidence base for the 2020 capacity targets does not yet exist (CD3.4, paragraph 11.18) and also because of concern that the anticipated contribution from other sectors to overall renewables targets seems unrealistic (CD3.4, paragraphs 11.9-11.13). Both are factors that may, in the light of paragraph 3 of PPS22, push the on-shore wind target higher, even if the overall renewables target remains unaltered. The Secretary of State's published changes to draft RSS8 acknowledge the Panel's findings with recommendations for further work. Whatever the outcome might be, there is no reason for complacency in making provision for wind energy development whether in the plan-making or development control arenas. I certainly see no reason in PPS22 to withhold permission for new wind energy development in the Region until the capacity work has been undertaken as part of a future RSS review. Draft RSS8 indicates that there is scope for wind energy development in the eastern sub-area of the Region (which includes South Kesteven District), while the District Council's own landscape character assessment (albeit not having the status of SPG or SPD) identifies the Trent and Belvoir Vales character area (in which the appeal site is set) as having "medium" (rather than high or low) sensitivity to wind energy proposals. Given that only small turbine schemes have, to date, been permitted in South Kesteven, it thus seems to me that this is a part of the Region and, indeed, of the District where at least some of any available environmental capacity might reasonably be expected to be found.
26. As is customary for wind farm developments of the scale proposed, landscape impact appraisal has been carried out in line with Landscape Institute advice

and is included in the Environmental Statement. In this case, evaluation of the significance of the turbines relative to the sensitivity of the surroundings at representative viewpoints was also the subject of comparative evidence presented from the Appellant's, the Council's and BLOT's own landscape architects. To further inform my judgement on whether or not the wind farm proposal would be an acceptable feature in the local landscape, I had the additional benefit of a full day of accompanied site inspections and other unaccompanied visits to the area. In the interests of brevity, I do not refer here to individual view points (reserving that, so far as is necessary, for the third issue) and deal only with the broad principles that have informed my findings.

27. The site lies between Grantham and Newark within an area well known as the Vale of Belvoir, which extends into three counties (Lincolnshire, Leicestershire and Nottinghamshire). The precise boundaries of the Vale are difficult to define and there was much debate at the Inquiry over landscape character assessments for various areas including the Vale and the extent to which these and other neighbouring character areas might give direction to my consideration of the appeal scheme. For my purposes, however, I find it sufficient to say no more than that the site with which I am concerned is set within a lowland area bordered about 5 km or more to the south by the steeply rising land on which stands Belvoir Castle.
28. The view from this rising land is over a broad and flat mainly agricultural landscape reaching northwards as far as the eye can see. On the day of my accompanied site inspection, visibility was especially clear and I could see for some 40 km or more. Within this considerable panorama, distant landmarks include the cooling towers and chimneys of power stations north of Lincoln, the approximate outline of Lincoln Cathedral and the urban area of Newark (identified largely by the patches of smoke rising from the chimneys of two factories on the outskirts of the town). Closer to the ridge, the view is of a pattern of fields, woodlands and hedges crossed by the A1 and A52 trunk roads, railway lines and pylons, with the influence of urban development increasing towards Grantham. Particular emphasis was placed by local people on the pattern of church spires and elevated villages within this area. The spire of St Mary's at Bottesford is conspicuous in the westward view from Barrowby and along Jubilee Way, which traces the line of the scarp, but other churches (some characterised by towers rather than spires) took some effort to identify as they did not reach above the tree line (a notable exception being Redmile, but this is largely out of sight from east of Belvoir), the villages likewise being defined more by the pattern of trees surrounding them than the buildings themselves. I was not left with the impression that the view was populated with church spires or that any discernible pattern existed between them.
29. Moreover, the outlook from the ridge is so expansive that I was able to enjoy several fields of view in which the turbines would not appear at all and others where separation distances would be such that views centred on the isolated spire of St Mary's would not be impinged upon by the proposed turbines. I do not doubt that the elevated view of the lowland landscape from the scarp is a much appreciated local amenity (and I include here the private outlook from the rear garden of Belvoir Lodge, home of the Dowager Duchess of Rutland). Nonetheless, it seems to me that the most important aspects of this northward

- view are its breadth and the legibility provided by the relatively few upstanding and visible landmarks within it, rather than its inherent scenic quality. This is a finding implicitly recognised by the absence of any national or local protective landscape designation at least for some significant distance around the application site.
30. Within the lowland area itself, the gently undulating topography is more apparent and the fields are divided by patches of woodland, curving rural roads and a network of footpaths and farm tracks, many of which are lined with hedgerows. With movement through it (by car, on foot or on horseback), these features would, in my estimation, combine in a range of permutations to provide wind farm development with varying degrees of masking (preferred by some) and exposure (enjoyed by others) depending upon the angle of view. Even from atop Beacon Hill, which commands a 360° view of the surrounding countryside, the turbines would impinge on only one arc of the panorama, this being an arc seen when facing away from the Belvoir Castle scarp and the spire of St Mary's at Bottesford. The site is also set towards the middle of a relatively discrete tranche of landscape, between the A1 to the north, the railway parallel to the A52 to the south, a line of pylons to the east and the extensive former Bottesford airfield to the west. As I made clear at the Inquiry, I do not subscribe to the view that the existence of development (whether attractive or not) is, in itself, good reason for permitting more. It does, however, establish the context within which further development would be seen and, with these bordering features, the landscape immediately around the appeal site cannot be held to be a setting of pristine Arcadian perfection. Many of the large hangars from the airfield remain and have been adapted for commercial use, sizeable areas of the former runways are now in use for the open storage of cars, and much of the open land within the airfield perimeter is being used for business purposes including, for example, crane hire and transshipment of goods. Despite considerable tree planting undertaken by the owner of what is now the Roseland Business Park, the presence of this development together with major limbs of the trunk road network and other public utility development all serve to pervade the site and its surroundings with qualities more akin to Grantham's urban fringe than of the wider, more completely rural countryside. In this context, it might be said that the presence of turbines would have greater affinity with the airfield, and more interest to long distance walkers on the Viking Way, than other commercial and infrastructure development that currently exists hereabouts.
31. It is for all of these reasons that I have come to the view that the local landscape, in topographical terms, would be capable of absorbing wind turbine development satisfactorily.

Issue 3: Setting of heritage assets

32. At the opening of the Inquiry a brief discussion took place on the subject of policy "presumptions" which, when expressed in national planning guidance, might (as with the general presumption against inappropriate development in the Green Belt) suggest some reversal of the normal operation of the planning process. The subject was not raised again in evidence and I record here only that the various presumptions - in favour of the preservation of listed buildings (*paragraph 3.3 of PPG15*); against the grant of planning permission for development that conflicts with the objective of preserving or enhancing the

- character or appearance of Conservation Areas (*paragraph 4.19 of PPG15*); in favour of retaining buildings which make a positive contribution to the character or appearance of a Conservation Area (*paragraph 4.27 of PPG15*) - do not apply in this case because no works in contravention of these principles are proposed. The latter part of the presumption in favour of the physical preservation in situ of ancient monuments and their settings (*paragraph 27 of PPG16*) does, however, have some resonance with the proposal before me.
33. Of more particular significance are the statutory requirements of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The first requires that special regard shall be paid to the desirability of preserving Listed Buildings or their settings or any other features of special architectural or historic interest which they possess. The second requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The latter is extended by PPG15 to include, as a material consideration, the handling of development proposals that are outside Conservation Areas but which would affect the setting or views into or out of the Area.
34. In the light of these requirements, I note at the outset that there is no suggestion that historic artefacts (a term that I use to embrace Listed Buildings, Registered Parks and Gardens, Ancient Monuments and Conservation Areas) would be physically affected by the proposals. I therefore consider only setting. Also, while there is dispute over whether various of the artefacts are of national or European importance, statutory protection of those involved in this case does not make such distinctions and I therefore attach significance only to the relevant designations at national level and below.
35. The Environmental Statement was supplemented prior to the Council's decision by rebuttal evidence dealing with concerns raised by English Heritage (CD1.8). The Environmental Statement records 51 Listed Buildings and 4 Ancient Monuments within 3 Km of the application site, 11 selected others and 5 Conservation Areas up to 6 km distant, together with four Registered Parks and Gardens up to 9 km distant (Environmental Statement, volume 4, figure 9.6). Using similar methodology to that for landscape appraisal, impacts have been systematically assessed in the Environmental Statement based on their significance and nature, leaving it to my judgment as to whether these impacts, individually or cumulatively, are acceptable or unacceptable. English Heritage was represented at the Inquiry as a witness for the Council, its evidence being based largely on a critique of the Environmental Statement and rebuttal, while BLOT's concerns were expressed mainly through the evidence of its own landscape witness. In the event, the bulk of the argument revolved around the effect on the settings of Belton House, Belvoir Castle, Harlaxton Manor, St Mary's Bottesford, Staunton Manor and Bennington Grange and their respective historic qualities. That is not to suggest that there was agreement on all other aspects of the Environmental Statement's analysis. However, having sought and obtained descriptions of the character and appearance of the various Conservation Areas I find no reference to setting, or views into or out of them, being considered important to their designation. Much the same could be said of many of the individual Listed Buildings, but more important in my judgement is the fact that they are scattered throughout the rural settlements and countryside of the area some distance from the proposed

turbines and in locations where their settings can be enjoyed in many fields of view without the turbines encroaching. In these circumstances, I am content that the key buildings, monuments and Conservation Areas for me to consider are those on which the Inquiry arguments settled. I deal with the each in turn (in alphabetical order for the Listed Buildings, with Bennington Grange next and Conservation Areas last, and not in order of significance).

Belton House (Environmental statement Volume 4, viewpoint 8)

36. This is a large country house built in the late part of the 17th Century, and it is Listed Grade I. It stands in extensive landscaped grounds which are Registered Grade I. Beyond the present eastern extremity of these grounds is the Bellmount Tower, built as a viewing tower in the form of a tall arch on a natural ridge. The tower dates from the mid 18th Century and is a Grade II* Listed Building in its own right. The house is about 9 km east of the application site and the tower about 11km distant. The house, grounds and tower are held by the National Trust.
37. The Environmental Statement identifies the sensitivity of the house and gardens as "high", a point which is undisputed and, from my unaccompanied inspection to the foot of the Bellmount Tower, I suggest is also undisputable. From here, there is a designed prospect along a lengthy avenue of lime trees aligned to focus directly on Belton House itself. The house is seen as nestling at the foot of the Gonerby Ridge, the trees atop which form the horizon for some distance behind and to either side. Above this horizon can be seen a line of pylons and a telecommunications mast, both on the far side of the ridge with only their uppermost parts showing. Angling the view slightly to the south leads the eye over the formal parkland to a gap in the ridge, through which can be seen the outskirts of Grantham in the middle distance and Belvoir Castle on the skyline in the far distance. To the north, beyond a more agricultural field pattern interspersed with trees, the ridge reduces in height and a much wider panorama opens up across the extensive lowlands reaching into Nottinghamshire. The Environmental Statement records the existing setting of the house as "good - there are no detracting factors". This, I find to be something of an understatement. Between the tower and the top of Gonerby Ridge I could identify little that might have changed since the house was originally built and, in my estimation, it would be difficult to contemplate a more intact and idyllic setting in which to view such an attractive historic house.
38. I undertook my appraisal solely on the basis of the view from the base of the tower. The first floor viewing area is at much greater height, above the arch, and is accessible to the public on limited occasions, while the higher parts are inaccessible (at least for the time being, a colony of bats having apparently laid first claim to the accommodation). I have no doubt that the turbines would be more easily seen from these higher levels, and I do not regard restricted access as important in this respect. However, the reason for choosing this particular place in which to construct the tower was, it seems to me, different from the purpose of constructing the upper viewing levels. Whereas the former was selected to mark the spot from which the house and its gardens were evidently intended to be seen to best effect, the latter were provided to afford extensive views of whatever could be seen from altitude. The entirety of such views cannot, to my mind, reasonably be regarded as the setting of the house,

its gardens or of the viewing tower. Provided the turbines would not encroach unacceptably into the view from the foot of the tower, I would therefore content that the setting of the historic buildings and garden would be suitably preserved.

39. From ground level, however, all ten turbines would be visible above Gonerby Ridge, on the horizon just to the south of the house. They would be distant but nonetheless visible and, from my experience of such matters, I am in no doubt that the rotation of the blades would be clearly discernible. In this respect, there would be up to 20 blade tips moving up and down at any one time among and above the trees along a considerable length of the skyline. It was put to me that these would be barely noticeable among the pylon lines here, but the cables and masts of the pylons do not move and do not therefore draw the eye to anything like the extent that the moving rotors would. This is also a case where I firmly consider that existing visually harmful clutter on the horizon, no matter how faint it might be, should not be used as a reason for adding more. While the environmental statement records the magnitude of impact as "negligible" and its significance as "no change", I strongly disagree. In my judgement the carefully and historically planned view of the view of the house and gardens (as they were originally intended to be and still remain) would be spoilt, the enjoyment of the many people who visit Belton principally to appreciate its historic ambience would be impaired, and the setting of the Listed Buildings and registered grounds would thereby be seriously harmed.

Belvoir Castle (Environmental statement Volume 4, photopanel 9.8a, document 21 figure 7, and document 69)

40. Belvoir Castle is Listed Grade I and its grounds are registered Grade II. The Castle stands on the ridge about 6km to the south of the application site. Successive buildings have occupied the present site dominating the Vale of Belvoir since the first wooden Castle was built here shortly after the Norman Conquest. The present Castle dates from the early 19th Century. It is described somewhat disparagingly in the Environmental Statement as "a look-alike stately home" but for the purposes of my assessment it is the historic relationship of the Castle to the surrounding landscape that is important rather than the architecture of the building itself. The formal gardens are also mostly to the south of the Castle, and I am content that the appeal scheme would not bear upon their suitable preservation or enhancement, and my consideration therefore deals only with the setting of the Castle itself. In this respect, there are two main aspects to be considered, namely views of the Castle from the Vale and views from the Castle over the Vale.
41. With regard to the first of these matters, when travelling within the Vale one is rarely unaware of the brooding presence of the Castle. This omnipresence is, however, as much mental as it is visual and, at 6 km distance, much belies its small apparent size. I saw that in certain weather conditions its subdued coloration blends into the scarp to such an extent that, despite its hill-top location, it can be difficult to identify, while at other times, the sun picks it out like a beacon. Nevertheless, at all points to the north of the application site where the Castle is visible, it is inevitable that the greater proximity of the proposed turbines would result in them "dwarfing" the Castle (as is similarly the case with much of the existing built development and vegetation scattered through the Vale, much of which may have more solid screening effect). The

Vale is, moreover, a large area in both its width and length. Views of the Castle unobstructed by intervening turbines could be obtained from any place within it between the south side of the application site and the foot of the scarp on which the Castle stands, including from Beacon Hill, as well as from sizeable tracts of countryside to the east and west of the application site. There is nothing to suggest to me that preservation of the historic setting of the Castle when viewed from the Vale is reliant upon the segment of view in which the appeal site lies, rather than on the general view from the Vale as a single entity, and I therefore find no significant harm in this respect.

42. Turning to views from the Castle over the Vale, castles were generally built in elevated positions simply to maximise visibility, whether over the owner's domain or to give forewarning of, and to, approaching marauders. The name Belvoir conveys a suggestion that siting, in this particular case, was also chosen because of the aesthetic attributes of the landscape, but it attaches to the landscape as it was at the time of naming, and does not necessarily convey any particular value judgement to the landscape as it now exists. The quality of outlook may have become more important with change from a defensive or supervisory role to one of a stately home. Nevertheless, the "beauty" of the elevated views from the terrace and staterooms above, like those over the Vale of Belvoir from Barrowby, derives in my estimation primarily from their extent. Within that broad extent, I can find no historic or other justification, for the exclusion of a group of wind turbines (which, despite their size, movement and modernity, might be of interest to Castle visitors and guests) just because they would be seen within the general panorama.
43. However, although the main direction of outlook from the terrace and bow-fronted staterooms is north eastward and thus angled to the east of the proposed turbines and framed by trees to either side, the more westerly view provides a vista between a gap in the trees towards St Mary's Church spire. While the spire is only faintly visible at the distance concerned, there is a special historical relationship between the Castle and the Church inasmuch as the Church contains monuments to eight of the Earls of Rutland. Despite there being two distinct fields of view, it might reasonably be expected, therefore, that those looking out from the Castle or its terrace, would be likely to scan across the treetops between the two in transferring their line of sight from the Vale to the north towards the church spire in the west while contemplating this relationship (of Castle, spire and landscape). Part of the rotors of the proposed turbines would occupy a significant segment of the above-horizon view between the two, creating a passing but nonetheless disruptive intrusion, and thus cause some harm to the historic quality of the Castle's setting, (which I equate with the findings of "slight/adverse" impacts in appendix 9.5 of Volume 4 of the Environmental Statement, albeit for different reasons).

Harlaxton Manor (Document 21, figures 9a, b and c, document 68, figures 5.4, 5.5, 5.6 and 5.7)

44. This is large country house built in the early 19th Century in a particularly exuberant style of architecture. It is Listed Grade I and its grounds are Registered Grade II*. It lies about 9.6 km to the south east of the application site.

45. The house has been sited to take advantage of the view through the gap in the Belvoir scarp. As such, there is a designed view from the front of the house along a straight and particularly lengthy entrance drive, the whole deliberately aligned directly upon the spire of St Mary's Church, Bottesford. While the spire is only visible on clear days, because of the distance concerned, the continuation of the ridge to either side of the view gap creates a near symmetrical framing of the view across the Vale. It is a picture of simple arcadian elegance and, unlike the wider views from Belvoir Castle, derives its quality not just from the breadth of view but also from its inherently attractive and aesthetically balanced outline.
46. The turbines would not impinge on this view from ground level, but there is dispute over whether blade tips would be visible from upper levels. For the Appellant, it is argued that there is only limited public access to the building (which is now owned by an American University) and that the rotors would be entirely masked by the easternmost ridge from the first floor. Photographs taken by BLOT's landscape witness are from an external balcony to the clocktower and from the raised gardens (higher than first floor level) to the west side of the house. They intimate that there would be rotor visibility from these points, while the written evidence (based on BLOT's blimp flying) also refers to views of them from the Long Gallery and "winter" views from the state dining room (which suggests blade tips might be masked by the horizon tree canopy during summer months only).
47. As with the Bellmount tower at Belton, I do not regard lack of public access as material to my consideration - it would be wrong to allow harm to a designed view that forms part of the setting and Registered grounds of a Listed Building simply on the basis of the present ownership and access regime, which may change over time. That said, I disregard the view from the clock tower balcony because, despite its magnificence, the narrowness and steepness of the access to it and its exposure to bell noise lead me to believe that this is a perspective from which the designed view was never intended to be enjoyed. However, even the slightest intrusion for part of the year into the outlook from the state dining room (which would seem to be the main view that was "designed") would not preserve or enhance the symmetry of the designed view or, it follows, this unique historic quality of the house and its setting. Views from the garden terraces are not centred on this view but the uppermost part of the terrace closest to the house provides a similar yet much more accessible outlook to that from the bell-tower balcony, and is no less breathtaking. The turbine tips would impinge on this as well as being seen with ornate elevations of the house in the foreground and above its intricate melding of roof pitches and chimney stacks. The Environmental Statement refers to negligible magnitude of effect and no change in terms of significance of effect. Even if that was held to be true given that only glimpses of blade tips would be seen, the seeing of the house and grounds would neither be preserved nor enhanced. However, because of the heightened sensitivity of the eye to moving objects, it is my judgement that the setting and ambience of both house and grounds would be significantly harmed.

St Mary's Bottesford (Environmental Statement, Volume 4, photopanel L and 9.8d; document 21, figures 4B, 4c, 5 and 6)

48. This is a Grade II* Listed Church. Its spire is some 28 m high and it is a significant landmark in many views across the Vale, leading to the Church having been called "The Lady of the Vale". However, the list description refers mainly to the architecture and history of the church itself, remarking that the west tower and spire date originally from the 15th Century but were completely rebuilt in 1876.
49. The church is the closest Listed Building to the appeal site. The spire is nonetheless concealed from areas to the north and east of the appeal site by the intervening mass of Beacon Hill. The most attractive view of the church is from the top of Beacon Hill, but this is a northward view away from the turbines and thus unaffected. In long distance views from the south and west, the separation distance between the proposed turbines and the spire is such that, in my estimation, fields of view centred on the spire could be enjoyed with only peripheral encroachment into the setting of the spire. The direction from which turbines and spire would be seen in closest juxtaposition would be from the south west of Bottesford. There would be glimpses of the upper parts of turbines, above Beacon Hill, in this approach to the village, variously to either side of and behind the spire, with village development in the foreground. The Appellant's landscape witness regards the sensitivity of the setting of the Church spire as "high", the magnitude of change as moderate and effect on setting as "moderate". Those findings leave beyond doubt that the setting would not be preserved or enhanced by the presence of the proposed turbines and it is my judgement that the setting of the spire, in views from the south west, would be harmed.

Staunton Manor (document 21, figures 8a and 11a and document 71, volume 3, photographs references 21 and 22)

50. The Manor is a Grade II* Listed Building standing in extensive grounds about 3 km to the north west of the appeal site. It has been continuously occupied by the Staunton family since the twelfth century, when the lands were held by tenure of "castleguard". In effect, this meant that when Belvoir Castle was threatened a company of men had to be sent from Staunton to defend the Castle's Staunton Tower. The "call to arms" was transmitted from the Castle and a beacon on Beacon Hill, so a straight line of sight between these two features and the Manor is thus of some historic significance. A "romanticised" view of the Castle also appears in several portraits held in the Manor of past Staunton family members, reflecting the historic bond between them.
51. Standing by the entrance drive to the Hall, it seemed to me that the turbines would be entirely hidden behind woodland just beyond the Manor's immediate grounds. On the opposite face of the Manor, effectively its front, there is bay window to what I understand is now referred to as the morning room, and there is a very pleasant view from here across well kept gardens and through a carefully crafted gap in nearby woodland of the distant Belvoir Castle. To the extent that this exquisite tree-framed view of the distant Castle might be said to be a reflection of the "romanticism" seen in the portraits, I regard it as very precious. Again, however, the proposed turbines would be completely masked from it by the woodland trees. Nonetheless, to illustrate to visitors the main

features of the historic landscape, a viewing stage has been constructed on the far side of the gardens, to create an unobstructed panorama of the local countryside. The main focus of the view from here is aligned southwards onto Beacon Hill and the Castle beyond, but also embraces St Mary's Church at Bottesford, a little westward. Despite the modernity and artificiality of the viewing platform, it thus takes in the entirety of features of important historic intervisibility hereabouts. Significantly, because Staunton is not so easily identifiable in the reverse direction from either the Castle or Beacon Hill, it is also probably the best point in the Vale from which to understand and appreciate these historic (as well as visual) inter-relationships. I therefore attach considerable importance to this view and regard it as highly sensitive to change. The proposed turbines would stand in the eastern periphery of the southerly view, between a large and unattractive former aircraft hangar on the outskirts of Bottesford airfield and a belt of trees. The present easterly outlook is neither a key nor an attractive component of the local landscape, and it would be easy to provoke scholarly debate over whether the setting of Staunton Hall or of any of the other visible historic features would be preserved. In simple terms, however, I have no doubt that those who come here to contemplate the historic landscape would consider that its ambience would be spoilt by the intrusion of tall, rotating turbines at relatively close distance, even into just this margin of the main field of view.

Bennington Grange (Environmental Statement, Volume 4, photopanel 9.8a and document 21, figure 2, CD1.8)

52. The Grange is a scheduled ancient monument and it lies within the application site itself. The site represents the remains of a monastic farm originally attached to Long Bennington Priory, the remains of which are to be found in the village of Long Bennington around a mound on which the present church stands. For the most part, the remains of the Grange are now buried, but can be identified as a sizeable earthwork encircled by hedging and surviving parts of its former moat. It also saw that it stands out from the surrounding arable crops and ploughed fields in more distant and elevated views because its main central part is grassed, being used for the raising of game birds. I am further told that the wider extent of its original farmland can be identified from tithe maps and that these boundaries are reflected in current field boundaries and hedge lines.
53. The understanding of archaeological remains inevitably requires an appreciation of the physical and social changes that have taken place through successive periods of history, which may themselves have affected both the integrity of the remains and their surroundings. Inevitably, therefore, when considering the settings of monuments, it is necessary to distinguish between what the surroundings might have been like when the monument was constructed and in use – the “historic setting” – and what the surroundings are actually like now – the present day “landscape setting”. Such distinctions must be based on careful analytical research but are nonetheless manifested in the field as a largely conceptual exercise whether by those who have academic interest in such matters or by those whose interest might be enlivened simply by received information, such as a mark on an Ordnance Survey Map. Historic and modern day landscapes are not therefore entirely independent of one

another, especially where changes to the latter diminish or obscure the ability to conceptualise the former.

54. In this particular case, the turbines would occupy a large part of the assumed original holding of the Grange. While they would not prevent the boundaries being seen, they would mark out the "turbine field" in a far more striking way than the present hedgerows and ditches mark out the surviving field pattern. Indeed, the nearest turbines would be only about 190-200 m from the monument itself, this being the sort of distance at which the sound of moving turbine rotors would, I have no doubt, be plainly audible. As was further explained to me by reference to photopanel B and W in volume 4 of the Environmental Statement, this is also the sort of distance at which one's head would need to crank upwards in order to see the full height of the blades. While it was contended that neither of these factors (and audibility in particular) would have a bearing on the appreciation of the monument and its historic landscape setting, I am drawn to the evidence from the Appellant's own landscape consultant, who advised that even from well beyond this distance, perception of landscape character would change from being "a field" to being a "wind farm". In such close juxtaposition, and dominating the whole of the southern outlook towards the present field boundaries, I have no doubt that the exercise of conceptualising the historic landscape would, for all but the most single-minded archaeologists, be made considerably more difficult than it is now.
55. This is a concern that applies not just to views from within the monument (to which public access other than through "right to roam" is unavailable) or from the public footpath traversing the turbine field. The outline of the monument can be clearly identified, together with the field boundaries, from Bottesford Road and there is a particularly fine and elevated view from just to the west of its junction with Sewstern Lane. From the gap in the hedgerow here, it is possible to observe not only the monument, its former lands and its present open landscape setting but also to pick out behind it the tower of Long Bennington Church and thus identify the relationship to the former Priory. I do not suggest that such intervisibility with the Priory is of comparable importance to Belvoir/Staunton for example. However, the easternmost turbine (T9) would stand directly in front of the Grange in this view, an insensitive relationship which would, I consider, further diminish the ability to conceptualise the wider historic setting. For both reasons, therefore, I come to the view that the setting of the monument would be harmed by the proposed development.

Conservation areas

56. I consider briefly only two of the nearest Conservation Areas here, namely Allington and Normanton. I have not ignored Bottesford altogether, but the landscape setting of this village and its relationship to the proposed wind farm are effectively defined by the intervening mass of Beacon Hill and the visibility of the spire of St Mary's Church. For these reasons, my findings on the church may be taken to translate into findings on the settings of the Conservation Areas there.
57. Allington is about 1.3 km east of the application site. The main built up part of this village stands on raised ground, with its outline little affected by sprawl onto the surrounding lower farmland. The turbines would be seen particularly

from the east, with Allington in the foreground, both when passing on the A1 and approaching along Gonerby Lane. Because the turbines would be on relatively low-lying ground, their effective height would diminish with nearness to the settlement to the point of obscurity. However, the rotating blades close behind the settlement would, where visible, create an unusual and incongruous backdrop and much alter its present attractive silhouette.

58. The second is Normanton, about 1.8 km west of the application site. This is a distinctly linear village, aligned north-south. The main street through it is lined on much of its eastern side with buildings, leaving mainly glimpses of turbines above and between these, often filtered through trees and other vegetation. Since the principal line of sight will inevitably be drawn along the main street, these right angled glimpses would not, in my estimation, be a dominant part of the vista or, more particularly, impinge on historically or architecturally important views into or out of the Conservation Area. Unlike Allington, the settlement does not have a distinctive silhouette when viewed from the surrounding landscape and, in the absence of any similar characteristic of defining importance, I conclude that its setting would be suitably preserved.

Other matters

59. For the most part, the "other matters" raised by local people are concerned with points that are dealt with in the PPS22 Companion Guide. After noting the causes of shadow flicker, for example, it advises that such effects have been proven to occur only within 10 rotor diameters of a turbine (in this case 710 m, with the nearest dwelling being at 790 m). In this section, I therefore deal only with matters where the evidence or submissions raise topics of substance additional to those for which suitable responses can be found in the PPS22 Companion Guide.

Outlook from residential properties

60. Site selection criteria listed in the Environmental Statement do not include reference to separation distance from private residences, but being able to see a turbine cannot be said to always translate directly into harm. As with any development much will depend upon the predisposition of the occupiers concerned to changes in their familiar surroundings. Chapter 9 of the Environmental Statement nonetheless, suggests there is a general consensus (based on public inquiry decisions) that in terms of visual effects, intrusive views could only exist within 1 km of the site. BLOT drew my attention to an appeal decision where the Inspector had commented upon visual impacts, suggesting that turbines (in a case involving four 100m turbines) would be verging on "dominant" in their impact at 1.97km and would be so at 0.7 km, and would be "overwhelming" at 100m. Given that physical impacts on outlook will inevitably vary in the light of factors such as orientation, topography and intervening structures and vegetation, as well as turbine height, numbers and layout, it is not in my opinion possible to transfer those or any other precise dimensions to the present appeal case.
61. In the event, BLOT's case focussed on the fact that there would be some 31 dwellings within 1.5 km of the application site. Among these, I observed that the scattering of isolated houses closest to the site have been positioned on rising land to the north and south and, in most cases, designed to maximise

the open views of the countryside. The proposed turbines would impinge upon these views and not always peripherally, and their visual impact would be particularly apparent where there is nothing by way of landform, buildings or vegetation to act as at least a partial screen. Nonetheless, even at the closest property (Downfields) I saw that it was the outlook from the kitchen and a narrow strip of garden behind the house that would be most affected, whereas main living rooms and a large part of the garden on the opposite side of the house used for sitting out would not be. At The Ashes, the farmhouse is set among barns and while there is a magnificent southerly view across the appeal site to Belvoir Castle (in which the proposed turbines would uncompromisingly intervene), this is from a garden area beyond the barns rather than from the house itself. Views from living rooms in Glebe Farm and Endcliffe Farm would be at an oblique angle.

62. New development on the western outskirts of Allington has plainly been designed and oriented specifically to encompass the surrounding countryside with distant views of Belvoir Castle as a key focus. Here, the main effect at the properties to which I was taken would be on the outlook from small rear garden areas and first floor balconies rather than from ground floor living rooms within the dwellings themselves. At Normanton, the properties that I was taken to included former Belvoir estate cottages with long rear gardens, but I saw that intervening rear projections and outbuildings between the houses and their rearmost plot boundaries much curtailed any distant easterly outlook from main ground floor windows. A notable exception was the new dwelling nearing completion much behind the general building line at Elm Farm. The view from the rear main living rooms of this property and its rear garden at present extends from the airfield perimeter in the north to Belvoir Castle in the south. Nonetheless, with careful landscaping, it should be possible to define a field of view towards Belvoir Castle in which the proposed turbines would not appear. I might well come to a different judgement if turbines extended further southwards across this view, but there is no such proposal before me and any such proposal would fall to be determined on its own merits, having regard (among other things) to any cumulative impact.
63. In the light of these factors, and at the distances concerned, it cannot in my opinion be said that the resulting diminution in the quality of outlook is such that unacceptable harm to living conditions would result. I acknowledge that the occupiers of the dwellings concerned universally consider the view of turbines to be objectionable, but not everyone would share that opinion. On the balance of private interests (in maintaining existing views) and public interest (in generating energy from renewable resources), I regard the latter as the more compelling.

Areas of Tranquillity

64. I am aware that the appeal site lies within a broad swathe of countryside bordering the Midlands conurbation, and is an area much appreciated by the urban population for the opportunity it provides for peace and solitude, the enjoyment of quiet recreational pursuits and the sight of dark night skies. CPRE has recognised the value of this area as an area of tranquillity in a mapping exercise undertaken nationally with a view to highlighting the impact on the countryside of incremental levels of noise and other disturbance from human activity. Nonetheless, noise from wind farms derives primarily from the

passage of the turbines blades through the air rather than from machinery noise and, as the PPS22 Companion Guide observes, under most operating conditions turbine noise would be completely masked by the wind-generated background noise. There is also no suggestion that the turbines (or their blades) would be lit at night. Wind farms are increasingly a feature of the open countryside and generally more symbolic of areas notable for their solitude than those which are characterised by urbanity. I do not therefore find any substance in criticisms of the appeal scheme based on loss of tranquillity.

Effect on the public rights of way network

65. The area is traversed by a large number of rights of way and I understand that these are well used by local people whether for circular walks, horse riding, or to travel between settlements. The proposed turbines would not physically obstruct any walking or riding routes and any judgement about the extent to which the presence of the turbines might have on the enjoyment of the paths will again inevitably be influenced by a large measure of subjectivity. Indeed, some wind farms have walking routes laid out between the turbines especially so that people can view them at close range, while others have popular visitor centres attached to them. I see that the British Horse Society has objected to the proposal on the basis that two of the proposed turbines (and notably turbine 9) would be within 375 m of existing riding routes. The PPS22 Companion Guide advises that the British Horse Society normally recommends only a 200 m separation distance, adding that there is no statutory separation distance between turbines and public rights of way, the minimum distance often being taken to be that the turbine blades should not be permitted to oversail a public right of way. The latter requirement would be met in respect of all public rights of way and the 200m dimension would be met with regard to Viking Way and all other riding routes. In these circumstances, I can see no reason to insist upon the re-siting of turbine 9 (the nearest to Viking Way) or any of the others in the interests of rider or walker safety.

Ornithology

66. Detailed assessment of potential ornithological impacts has been undertaken in the Environmental Statement, adhering closely to PPS22 Companion Guide advice with regard to identifying high concentrations of particular species overflying the site, the presence in the area of protected species, and studies of wintering/passage birds. Neither English Nature nor local ornithological groups have objected to the proposal.
67. I do not question the more local knowledge of Mr Staunton and the diligence with which his notes have been compiled over a lengthy period of time. However, greater weight must inevitably attach to evidence which focuses on what is known of risks of bird strike with turbines (as adduced on behalf of the Appellant), than to records of the presence of particular species in the area and observations of their typical flight patterns.
68. The PPS22 Companion Guide advises that bird strike is most likely to occur if turbines are erected directly in a migration path or where there are high concentrations of particular birds (ie birds feeding). This particular site would seem to be peripheral to (even though perhaps not entirely divorced from) main migration routes, is some distance away from water bodies where waders

and ducks are likely to be descending to feed and does not lie within an area subject of any national or local ecological designations. The Appellant's rebuttal evidence refers also to studies of pink footed geese showing a 95-98% avoidance of potential collision with turbine blades and, by reference to radar tracking and other empirical sources, suggests that other species will variously fly mainly at much higher level than the turbine blades (ospreys and migrating birds in general), avoid flying through the blades (such as skylarks) or fly underneath them while searching for prey (such as red kite). Particularly high concentrations of feeding birds swarming in and around the turbine field are also not in evidence.

69. Wherever turbines are erected it would be impossible to be certain that bird strike will not occur, but from the evidence before me there is no reason for me to find that this proposal has been inappropriately designed or located, or would otherwise put ornithological interests unacceptably at risk.

Road safety

70. The PPS22 Companion Guide states that drivers are faced with a number of varied and competing distractions during any normal journey, many of which are deliberately designed to attract attention. At all times drivers are required to take reasonable care to ensure their own safety and the safety of others. It adds that wind turbines should not be considered particularly hazardous and that there is no history of accidents attributable to their presence. The responsible highway authorities have not objected in this case and, given the distances from A1 and A52, I find no reason to depart from this advice.

Overall conclusions

71. It is not unusual for wind farm proposals to attract a large amount of local opposition. Planning applications cannot, however, simply be determined on the basis of a straw poll of numbers in favour and numbers against – such an approach would be likely to thwart many forms of development, including many categories of public utilities, which are perceived by those affected as unattractive neighbours but are nonetheless necessary to serve the largely silent wider community. Instead, the basis of the present planning system is established principally by the Planning and Compulsory Purchase Act 2004. Unlike the “old” plan-making process that went before (often criticised for amounting to little more than the production of a handbook of development control policies), the “new” system created under the 2004 Act has its primary focus on ensuring suitable outcomes. As such, it is intended to be a plan-led system rather than a solely reactive one, with a strong emphasis on stakeholder involvement involving both promoters of development and local people (a point clearly made in PPS1 and, more specifically, in paragraph 1(vii) of PPS22). Primacy is lent to the plan-making process by Section 38(6) of the Act, which requires that applications and appeals be determined in accordance with the development plan unless material considerations indicate otherwise.
72. In South Kesteven, the Statutory development plan includes RSS8 for the East Midlands (March 2005), the Lincolnshire Structure Plan 2006 (SP) and the South Kesteven Local Plan 1995 (LP). However, the plan-making process here is currently at an intermediate stage, transferring between the “old” and “new” systems. Regional Spatial Strategy is currently under review, there are

“saved” policies in the “old style” SP and LP, and the first part of a “new style” Local Development Framework in the form of a Core Strategy document is at present only at issues and options stage. Policy 41 of adopted RSS8 nonetheless establishes a welcoming stance to renewables projects in general where (mirroring PPS22) environmental, economic and social impacts can be addressed satisfactorily. For on-shore wind energy proposals, however, it does no more than set out a range of topics that should be considered in the formulation of local development framework policies. Policy NE9 of the Lincolnshire Structure Plan (SP) adopts a similar approach. SP policy NE11 has a particular focus on development control decision making rather than policy formulation and, as the policy requires, I have taken account of landscape character assessments, to the extent that the currently exist, in my consideration of the proposals. However, its criteria are expressed only as factors against which proposals are to be evaluated, without giving any guidance as to the value attaching to them, whether positive or negative or individually or cumulatively. Saved policies in the adopted South Kesteven Local Plan (LP) do not refer to renewables projects at all and certain of the more generally applicable policies in both SP and LP include the word “normally”. This is unhelpful, because it renders any proposed development potentially Section 38(6) compliant. Policies and related guidance from neighbouring Councils’ areas have only passing relevance to development in South Kesteven. As matters currently stand, I therefore find that extant development plan policies add little to the broad thrusts of national planning guidance (PPGs and PPSs) acting in combination with normal development control practice.

73. Importantly, however, in seeking suitable outcomes the “new” 2004 Act planned system can, in its simplest terms, be encapsulated as a four part process. Through this process, it seeks to identify and quantify development required to meet community needs and aspirations (*how much of what?*), promote suitable and sustainable patterns for the distribution of development (*where?*), control its design details (*what should development be like?*) and secure its implementation (*how?*). While the first two parts of the process are generally given effect through the formulation and application of quantitative and distributional requirements and guidance, the latter two find voice primarily through the operation of generic development control policies and a mix of site specific allocations and developer- or plan-led proposals, supplemented where necessary with planning conditions and Obligations. Planning appraisal of development under this process requires consideration of all four parts and it is not a “menu” from which particular parts can be chosen for compliance to the exclusion of others.
74. With regard to the first question (*how much of what?*), the need to maintain continuity of energy supply nationally, regionally and locally in the face of diminishing resources of fossil fuels, is unarguable. More particularly, wind energy is an integral component of the Government’s desired energy mix for reasons of diversity and security of supply, and sustainability in its “Bruntland” sense. These points are made in PPS22 and reflected in extant and emerging RSS8. Whether the claimed output from this scheme should, in reality, be reduced by 42% and carbon savings by 71% as claimed by BLOT, compliance with Government aims is not in question. Importantly, however, targets for renewables are intended to be set having regard to the capacity of different

areas to accommodate different technologies rather than to stipulate pre-determined amounts of electricity that particular areas will be expected to generate irrespective of their different resource characteristics. It is thus entirely appropriate to use capacity rather than delivery as the measure against which quantitative assessment is made at the planning stage. Relevant capacity targets for the period from 2010 to 2020 in draft RSS8 do not currently form part of the statutory development plan for the area. Paragraph 3 of PPS22 nonetheless affirms that the fact that a target has been reached (in this case the 2010 target in adopted RSS8) should not be used in itself as a reason for refusing planning permission for further renewable energy projects. In the light of Government aims, I regard this advice as a material consideration of importance sufficient to stand in the place of a plan-led target. I therefore find no conflict with the statutory development plan in this respect and, as will be apparent from my conclusions at paragraph 25 above, there is no doubt in my mind that the proposal is acceptable in quantitative terms.

75. Turning to the second question (*where?*), I do not attach any significance to arguments that there may be other parts of South Kesteven where wind turbine development could be more easily accommodated. Residents in those other areas might contest such arguments with reciprocal vigour. It is, in any event, the case that unlike other development subject to Environmental Assessment processes where a choice might need to be made between competing locations (such as the site for a new hospital or airport) the contribution to energy supply from wind turbines is inevitably expected to come from a range of sites, the only requirement being that all of the sites selected are acceptable. If there are other sites better than one that is acceptable, then the assumption should be that those are acceptable for wind farm development as well as, not instead of, site concerned.
76. Matters such as wind speed (or, as one objector put it, "don't put wind farms in valleys") might be relevant to distributional guidance in policy formulation (subject to consultation with the development industry to avoid uninformed "assumptions"). However, in schemes initiated through the development control process, as here, such matters are primarily for the developer to decide upon as part of the economics of development equation. That is the purpose of the existing anemometry mast on the site, which will provide more accurate details of wind speed across the site at the requisite altitude than that from sources recorded elsewhere. The advice in paragraph 1(v) of PPS22 is also relevant in this respect and it is clear from Volume 2 of the Environmental Statement that wind speed, as well as a range of other locational factors, including aviation interests and flood risk, have also been taken into account in formulating the appeal scheme.
77. I note, in particular, that there are no specific landscape designations or criteria in RSS, SP or LP that preclude wind energy development in this part of the Region, and nothing in policy to suggest that resource potential should not be exploited in South Kesteven's part of the Vale of Belvoir provided qualitative criteria, when applied to this particular site, would be met. However, paragraph 16 of PPS7 states that when preparing policies and determining applications for development in the countryside, Local Planning Authorities should (among other things) provide for the "sensitive exploitation of renewable energy sources in accordance with policies set out in PPS22". In

that respect, I do not accept the point put to me on behalf of the Appellant, that simply identifying a site outside any area designated for its landscape quality is sufficient to demonstrate that the PPS7 requirement has been met. To accept that argument would be equivalent to agreeing that just because a particular application site lay, for example, within an area designated for housing development, matters such as height, layout and design fall outside the decision-maker's control. Even in the absence of specific development plan policies, the trinity of care for the environment, neighbour living conditions and traffic safety would, it seems to me, normally be considered at development control stage. Indeed, intervention in detailed design matters is provided for in paragraph 35 of PPS1 and is inherent in the third of the four part planning process that I have outlined. In this particular case, while I have found, under issue 2, that the natural landscape character of the Vale (as I have defined it in paragraph 27 above) is of a type capable of accommodating wind farm development, the requirements of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in any event demand special consideration of scheme details.

78. Moving then to the third, qualitative, part of the process (*what should development be like?*) I triggered debate at the Inquiry (specifically, but not solely, in the context of the view from the Bellmount Tower) on the extent to which I could be assured that the foregoing statutory duties could be satisfied in acknowledged absence of design iteration (in terms of turbine height, numbers or layout) to demonstrate the sensitivity required by PPS7. The Appellant argued strongly that there is no requirement from a legal or policy point of view to demonstrate that effects on cultural heritage assets have been reduced to the least level of impact or effect. Despite lengthy closing submissions on the subject, I am not persuaded by that argument, because my point is a different one. Put simply, it having been accepted by the Appellant's witness that the scheme, as presented, would not preserve or enhance the setting of Belton House, and it being apparent that there may be a possibility that the harm could be avoided or reduced by a change of design (namely a reduction in height to blade tip or change to the number or layout of turbines within the site), then the requirement for "special consideration" suggests to me that such re-design and its viability effects should at least be explored before permission is granted (if not at pre-application stage). This is not for the purpose of requiring developers to demonstrate least impact in general (or "minimisation" as the Council put it). Rather, it is specific to this particular case, where a small change to the scheme might benefit the historic environment while giving rise to relatively minor implications for energy generation. Such information is, I consider, necessary to enable me to understand the reasoning behind the development response (or, in this case, the absence of response) to the acknowledged failure to preserve or enhance, and to balance actual harm (no matter how slight) against potential effect on benefits in exercising my statutory duties.
79. However, it became apparent during the debate that there was no appetite among any of the principal parties for delaying the Inquiry to enable such exploration to take place (necessarily via the Regulation 19 procedure, because there may be other impacts to take into account, such as different noise emission profiles from varying ratios of mast height to rotor diameter). I accordingly ruled that I would consider the appeal proposals under this issue on

the basis of the extent to which the submitted scheme would, or would not, cause harm to the historic environment.

80. From the evidence and my site inspections, I have found that this part of the Vale is unusually rich in the number of historic assets of the highest grades within it, and especially so in the historic significance of visual relationships between them and their surrounding landscapes. In some cases, the effects of the proposal would amount to little more than distracting glimpses of distant blade tips (but up to 20 in number) flicking above tree lines or horizons or, more closely, encroaching inappropriately into only the edge of an important field of view. In other cases (such as Bennington Grange), the impact on setting would be more immediate. In all cases, however, the sensitivity of views concerned, not least to those who come to the area specifically to enjoy the number and range of features of national heritage on display (and who thereby contribute in various ways to their upkeep) is, I consider, exceptionally high. In itself, failure to preserve or enhance is not a finding that must lead automatically to the refusal of the appeal scheme. However, as I have identified in the third main issue, the proposals would impact with various degrees of harm on the settings of 3 Grade I Listed buildings (Belton, Belvoir, Harlaxton), 3 Grade II* Listed Buildings (Bellmount Tower, St Mary's Church, Staunton Manor), 2 Historic Parks and Gardens (Belton and Harlaxton), one Ancient Monument of National significance (Bennington Grange) and at least one Conservation Area (Allington). Grade I Listed Buildings represent the top 2% of Listed Buildings in England and Grade II* buildings the top 4%. Cumulatively, I am left in no doubt that, given the height of the proposed turbines and the siting of turbine 9, harm to the historic qualities of the landscape would result of such significant and unacceptable magnitude as to outweigh the electricity generation benefits of this particular scheme in its entirety.
81. Lastly, on *implementation*, it will be evident from my conclusions on the first main issue that I have some procedural reservations on the subject of noise, but these should be readily capable of satisfactory resolution. On health and "other matters" I am content that the potential impacts of the scheme can, inasmuch as may be necessary in those respects, be suitably controlled by planning conditions. As I intimated at the Inquiry, I also attach no weight to any offer of, or request for, a developer contribution to a community fund or liaison group. No matter how desirable the Appellant and/or local people may consider those to be, they are not "necessary" for the development to go ahead, and may be seen as "buying" or "selling" a planning decision. For these reasons, any planning condition or Obligation seeking such provision would not accord with the guidance in Circulars 11/95 and 05/05. The Council also advised that it did not seek a "bond" to secure removal of the turbines at the end of the 25 year period of permission sought, by way of Obligation. Even so, none of those matters, nor any others raised at the Inquiry or in the representations, lead me to alter my view that the scheme as submitted would be unacceptably harmful to the historic environment of the area. Planning conditions or Obligations cannot overcome this concern. The appeal therefore fails.

D Lavender

APPEARANCES

For The Local Planning Authority:

Mr Richard Kimblin	Of Counsel, instructed by Mrs A Braithwaite, Legal Executive, South Kesteven District Council
He called	
Mr M Dawson	CgMs Consulting
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Ms Z Mellor	Enviros Consulting Ltd
BSocSci in Architectural Studies, BPhil(Landscape Architecture, MLI	
Councillor J Harvey	Member of South Kesteven District Council
TD, BSc, CEng, MIMechE	Development Control Committee
Mr M Davies	Drivers Jonas LLP, property consultants
BSc, Dip TP, MRTPI, AIEMA	

For The Appellant:

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He called	
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For Belvoir Locals Oppose Turbines (BLOT):

Ms Tina Douglass	Instructed by Nelsons Solicitors
She called:	
Ms M Bolger	LiZLaKe Chartered Landscape Architects and Urban Designers
Chartered Landscape Architect, MLI, Dip.LA, BA(Hons)LA, PGCE, BA(Hons) Eng	
Mr Sibthorpe	Mike Sibthorpe Planning
BA(Hons), BTP, MRTPI, DMS	

DOCUMENTS

General

Document	1	Attendance lists for each day of the Inquiry.
Document	2	Inspector's Pre-Inquiry briefing note.
Document	3	Amended drawing of substation.
Document	4	Amended drawing of wind turbine.
Document	5	Statement of Common Ground (planning).
Document	6	Statement of Common Ground (landscape and visual).
Document	7	Statement of Common Ground (historic environment) .
Document	8	Core documents, as follows:

1. Planning Application and Determination Papers

CD 1.1	Planning Application and Submitted Plans
CD 1.2	Environmental Statement Volume 1
CD 1.3	Environmental Statement Volume 2
CD 1.4	Environmental Statement Volume 3
CD 1.5	Environmental Statement Volume 4
CD 1.6	Planning Statement
CD 1.7	Design and Access Statement
CD 1.8	RPS – Supplementary Effects on the Settings of Cultural and Heritage Resources : A Response to English Heritage
CD 1.9	Committee Report and Subsequent Minute
CD 1.10	Decision Notice

2. Statutory Development Plan Documents

CD 2.1	Regional Spatial Strategy for the East Midlands (RSS8), March 2005
CD 2.2	Lincolnshire Structure Plan, September 2006
CD 2.3	South Kesteven Local Plan, April 1995 and Direction regarding Saved Policies (Written Statement and Proposals Maps)

3. Other Material Planning Policy Documents

CD 3.1	Planning White Paper: Planning for a Sustainable Future, May 2007
CD 3.2	The Planning System: General Principles, 2005
CD 3.3	Draft East Midlands Regional Plan (as issued for consultation on 28/09/06)
CD 3.4	Draft East Midlands Regional Plan: Report of the Panel (Examination in Public 22/05/07-19/07/07), November 2007
CD 3.5	Draft East Midlands Regional Plan: Proposed Changes, July 2008
CD 3.6	Local Development Framework for South Kesteven: Core Strategy Preferred Options (Consultation May 2007)

4. Documents Relating to Noise and Health

- CD 4.1 EFP-06 project: Low frequency noise from large wind turbines: Summary and Conclusions of Measurements and Methods: Danish Energy Authority
- CD 4.2 The measurement of low frequency noise at three UK wind farms: BERR
- CD 4.3 In-home Wind Turbine Noise is Conducive to Vibroacoustic Disease: Mariana Alves-Pereira: Second International Meeting on Wind Turbine Noise, Lyon, France
- CD 4.4 Proposed Criteria for the Assessment of Low Frequency Noise Disturbance: DEFRA
- CD 4.5 UKNA Location, Location, Location
- CD 4.6 Impacts sanitaires du bruit généré par les éoliennes: afsset: agence française de sécurité sanitaire de l'environnement et du travail: March 2008
- CD 4.7 ETSU-R-97: The Assessment and Rating of Noise from Wind farms ETSU for the DTI (now BERR)
- CD 4.8 Low frequency noise and vibration levels at a modern wind farm: ETSU W/13/00392/REP
- CD 4.9 Low frequency and infrasound immissions from wind farms and the potential for Vibroacoustic Disease: 12th International Meeting of Low Frequency Noise and Vibration and its control: Bristol UK 18 – 20 September 2006
- CD 4.10 Measurement of Human Body Surface Vibrations Induced by Complex Low-Frequency Noise Composed of Two Pure Tones: Y. Takahashi, S Maeda: Journal of Low Frequency Noise, Vibration and Active Control: Vol. 22 No. 4 2003
- CD4.11 A New Approach to Assess Low Frequency Noise in the Working Environment: Y. Takahashi, Y Yonekawa, K. Kanada: Industrial Health 2001, 39, 281 – 286
- CD4.12 Building Bulletin 93
- CD4.13 Noise radiation from wind turbines installed near homes – B J Frey, P J Hadden 2006
- CD4.14 World Health Organisation - Guidance For Community Noise 1999
- CD4.15 World Health Organisation - Night Noise Guide for Europe. 2007.
- CD4.16 Leventhall G. 2003 A review of the effects of Low Frequency Noise DEFRA
- CD4.17 Hayes McKenzie Report 2006 Measurement of low frequency noise at Three UK Wind Farms (DBERR)

- CD4.18 Chouard report – Academie Nationale De Medecine (French version) – English translation

5. Documents Relating to Landscape

- CD 5.1 South Kesteven Landscape Character Assessment, January 2007
- CD 5.2 'Landscape Character Assessment Series: Topic Paper 6 – Techniques and Criteria for Judging Capacity and Sensitivity' (Countryside Agency and Scottish Natural Heritage)
- CD 5.3 'Landscape Character Assessment Series: Topic Paper 9 – Climate Change and natural forces – the consequence for landscape character' (Countryside Agency and Scottish Natural Heritage), 2003
- CD 5.4 'Guidelines for Landscape and Visual Impact Assessment' (Landscape Institute and Institute of Environmental Management and Assessment (revised 2002)
- CD 5.5 Countryside Character Volume 4: East Midlands (Countryside Agency), 1999 (Relevant Character Areas)
- CD 5.6 Landscape Character Assessment – Guidance for England and Scotland, Countryside Agency and Scottish Natural Heritage, 2002

6. Documents Relating to Cultural Heritage

- CD 6.1 Wind Energy and the Historic Environment. English Heritage, 2005
- CD 6.2 Conservation Principles - Policies and Guidance for the Sustainable Management of the Historic Environment. English Heritage, April 2008
- CD 6.3 Setting Standards: A Review. IFA (Institute of Field Archaeologists) Working Group on the Setting of Cultural Heritage Features. April 2008
- CD 6.4 'The Setting of Cultural Heritage Features' by Simon Colcutt. Journal of Planning and Environmental Law. June 1999, 498-513
- CD 6.5 *Belvoir Castle, Leicestershire* (guidebook)
- CD 6.6 Extract from R F Hartley Formal Gardens of Leicestershire & Rutland - an archaeological survey of the evidence: 1500-1750. 1988. Unpublished manuscript
- CD 6.7 Bishop, M. 2002: *The Characterisation of Nottinghamshire's Historic Landscape*. Nottingham County Council and English Heritage, Nottingham
- CD 6.8 Historic Landscape Characterisation Project for Leicestershire, Leicester and Rutland. Method Statement. Leicestershire County Council Community Services. Historic and Natural Environment.
- CD 6.9 South Kesteven Planning Archaeologist Comments – official recommendations to South Kesteven District Council regarding the Thackson's Well Wind Farm Proposals
- CD6.10 Response to the Supplementary Assessment of Effects on the Settings of Cultural Heritage Resources, (ex litt G Coppack, J Edgar to K Cartwright 6th March 2008).

- CD6.11 Letter dated 18th Jan 2008 from the National Trust (Alan Hubbard) including the statement of significance etc for Belton House

7. Other Documents

- CD 7.1 Energy White Paper: Our Energy Future – Creating a Low Carbon Economy. DTI (now BERR), 2003
- CD 7.2 The Energy Challenge: Energy Review Report. DTI (now BERR), 2006
- CD 7.3 The Stern Review “Economics of Climate Change”, October 2006
- CD 7.4 Energy White Paper: Meeting the Challenge. DTI (now BERR), 2007
- CD 7.5 UK Renewable Energy Strategy: Consultation. BERR, June 2008

8. Appeal Decisions

- CD8.1 Auchtermuchty
- CD8.2 Boxworth & Connington
- CD8.3 Mynydd Y Gwrhyd
- CD8.4 Inner Farm, Edithmead, Burton on Sea
- C8.5 Guestwick
- CD8.6 Penpell Farm, Par, St Austell
- CD8.7 Lettercynon Farm, Garthbreny
- CD8.8 Land at Jordanston, Pembrokeshire
- CD8.9 Broadlees, Lanarkshire
- CD8.10 Land at Ton Mawr Farm and Castell Farm
- CD8.11 Parc Cynog Farm, Pendine, Carmarthen
- CD8.12 Land north of Marsh Lane, Hogsthorpe
- CD8.13 The Hollies, Croft, Skegness, Lincolnshire
- CD8.14 Knabs Ridge, Kettlesing, Harrogate, North Yorkshire
- CD8.15 Shooters Bottom, Townsend Lane, Chewton
- CD8.16 Near Wood Farm, Shipdham, Norfolk
- CD8.17 Land north of Elsham Industrial Estate, Elsham, Lincolnshire
- CD8.18 Hockley Farm, Hockley Lane, Bradwell, Essex
- CD8.19 Keadby
- CD 8.20 Middlemoor, North Charlton, Alnwick

- Document 9 Inspector’s letter dated 8 October 2008 to Mr Glover, concerning adequacy of Environmental Statement.
- Document 10 Plan showing site visit itinerary.
- Document 11 Inspector comments on Council’s proposed conditions.
- Document 12 Glyndbourne conditions provided by Inspector.
- Document 13 Inspector’s letter dated 16 October 2008 to Mr and Mrs Davis concerning noise conditions.

Appellant Documents

- Document 14 Mr Hayes — Proof of Evidence (MH/1).
- Document 15 Ms Fisher — Summary of Landscape Evidence (MF/1).
- Document 16 Ms Fisher — Landscape Proof of Evidence (MF/2).
- Document 17 Ms Fisher — Appendices to Landscape Evidence (MF/3).
- Document 18 Ms Fisher — Rebuttal Evidence (MF/4).
- Document 19 Mr Le Quesne — Summary Proof of Evidence (CL/1).
- Document 20 Mr Le Quesne — Proof of Evidence (CL/2).
- Document 21 Mr Le Quesne — Proof of Evidence Figures (Corrected) (CL/3).
- Document 22 Mr Le Quesne — Proof of Evidence Appendices (CL/4).
- Document 23 Mr Wood — Summary Proof of Evidence (PW/1).

- Document 24 Mr Wood — Proof of Evidence (PW/2).
Document 25 Mr Wood — Appendices to Proof of Evidence (PW/3).
Document 26 Responses to concerns raised in BLOT's Proofs of Evidence (INF/1).
Document 27 Critique of Benefits Analysis from BLOT (INF/2).
Document 28 Amended Figure 1.1 from Environmental Statement (INF/3).
Document 29 Carsington Pastures Appeal Decision (INF/4).
Document 30 Appellant's Opening Statement (INF/5).
Document 31 Extract from Book by Michael Honeybone entitled "The Vale of Belvoir" (INF/5a).
Document 32 Extract from the Town and Country Planning (Environmental Impact etc) Regulations 1999 (INF/6).
Document 33 Plan showing suggested extent of the Vale of Belvoir highlighted on local landscape character areas and designations figure from the Environmental Statement (INF/7).
Document 34 Plan showing boundary for base line ecology surveys (INF/8).
Document 35 Letter from the Environment Agency to South Kesteven District Council dated 1 February 2008 (INF/9).
Document 36 Plan showing historic landscape characterisation around the appeal site, as stated by Leicestershire and Nottinghamshire County Councils (INF/10).
Document 37 Figure showing CPRE Tranquillity Mapping around the appeal site (INF/11).
Document 38 Figure showing 1500m buffer zone around residential properties within South Kesteven District Council (INF/12).
Document 39 Details of wind turbines located close to business parks and industrial premises (INF/13).
Document 40 Response from Local Highway Authority and the Highways Agency to South Kesteven District Council (INF/14).
Document 41 Figure showing listed buildings and scheduled monuments within the region surrounding the site (INF/15).
Document 42 Figure showing spread of villages, electricity pylons and roads within the Trent and Belvoir Vale Character Area (INF/16).
Document 43 Enercon E-70 test report on noise.
Document 44 Two tables recording background noise levels and background noise levels+5dB, for planning condition formulation.
Document 45 Response to Inspector questions on Environmental Statement (INF/17).
Document 46 Response from Mr Hayes to Mr and Mrs Davis's comments on noise conditions.
Document 47 Appellant's suggested amendments to Glyndbourne style conditions.
Document 48 Appellant's Closing Statement.

Council Documents

- Document 49 Mr Dawson's proof of evidence.
Document 50 Mr Dawson's appendices.
Document 51 Mr Dawson's summary proof of evidence.

- Document 52 Mr Dawson's response to Inspector's questions about international significance of listed buildings and ancient monuments and reasons for designation of local conservation areas (bound).
- Document 53 Ms Mellor's proof of evidence and appendices.
- Document 54 Ms Mellor's summary proof of evidence.
- Document 55 Ms Mellor's rebuttal proof.
- Document 56 Cllr Harvey's proof of evidence and appendices.
- Document 57 Cllr Harvey's summary proof of evidence.
- Document 58 Mr Davies's proof of evidence and appendices.
- Document 59 Guidance for the assessment of cumulative impacts on the historic environment from off-shore renewable energy, commissioned by Cowrie Ltd, January 2008.
- Document 60 Council's response to Inspector's question on status of the District's Landscape Character Assessment.
- Document 61 Council's response to Inspector's questions regarding energy targets.
- Document 62 List of consultees on the application scheme.
- Document 63 Schedule of applications involving wind turbines in South Kesteven District.
- Document 64 Extract from EC Directive 97/11/EC on Environmental Assessment process.
- Document 65 Report of judgement in Regina-v-Cornwall County Council ex parte Jill Hardy 2000, regarding adequacy of environmental information prior to the grant of planning permission.
- Document 66 CEMP condition from Thames Gateway decision (re condition relating to construction management plan).
- Document 67 Council's opening and closing statements.

BLOT Documents

- Document 68 Ms Bolger's proof of evidence and appendices (2 volumes).
- Document 69 Ms Bolger's amended figure 5.8 (view from Belvoir Castle).
- Document 70 Bound volume of witness proofs and written representations.
- Document 71 Bound volumes of appendices.
- Document 72 Statement by RD Associates on noise and health concerns.
- Document 73 Benefits analysis, prepared by Mr G Horbury.
- Document 74 Mr Sibthorpe's proof of evidence.
- Document 75 Mr Sibthorpe's appendices (2 bound volumes).
- Document 76 Mr Sibthorpe's summary proof of evidence.
- Document 77 3 plans showing internal layout of Belvoir Castle.
- Document 78 Mr Horbury's rebuttal note on benefits of the appeal scheme.
- Document 79 Note on Bambers and Bambers II wind farms, Lincolnshire.
- Document 80 Agenda Item from East Midland Regional Assembly meeting on 17 September 2008, concerning proposed changes to DRSS.
- Document 81 Numbers of properties within 1.5 km of a turbine.
- Document 82 Plan showing locations of dwellings closest to turbines.
- Document 83 Map of tranquillity in the East Midlands and map of the East Midlands (for reference).
- Document 84 Mr Finch's response to appellant's comments on CPRE evidence.
- Document 85 Note on Wind farm Consultation being undertaken for bridleways by BHS.

Document	86	Note on public attitudes towards wind farms in Scotland.
Document	87	Bar Graph relating public attitudes and distances from wind farm.
Document	88	References to noise and health, including extract from the Pedersen report 2004.
Document	89	Plan showing location of Burton Wold wind farm and relevant contours.
Document	90	Letter of 25 January 2008 from BHS objecting to the appeal scheme.
Document	91	BLOT's opening and closing statements.

Third Party Documents

Document	92	Letter of support dated 22 September 2008 from the Belvoir Estate.
Document	93	Undated statement of support from Mr Padley, Market Rasen.
Document	94	Submission from Ridgewind Ltd, relating to noise.
Document	95	Plan of suggested view points for site inspection provided by Leicestershire County Council.
Document	96	Supplementary written note from Mr Strawson.
Document	97	Letter of objection from Mrs S Woollard, dated 10 October 2008.
Document	98	Letter from Mr A Clark, dated 12 October 2008 concerning planning conditions.
Document	99	Letter from Mr and Mrs Davis dated 14 October 2008 concerning planning conditions.
Document	100	Bundle of written statements from third parties who appeared at the Inquiry.
Document	101	Bundles of third party representations received at application and appeal stage, prior to the opening of the Inquiry.