Appeal Decision

Inquiry held on 7 August 2007
Site visit made on 21 August 2007

by Robin Brooks **BA (Hons) MRTPI**

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

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Decision date:
15th January 2008

Appeal Ref: APP/V3310/A/06/2031158
Land at Inner Farm, Edithmead, Burnham-on-Sea, Somerset TA9 4HD

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Next Generation Ltd against the decision of Sedgemoor District Council.
- The application Ref 12/06/00007/CSM, dated 20 April 2006, was refused by notice dated 8 August 2006.
- The development proposed is a wind energy development comprising the erection of 5 wind turbines with a maximum overall height of up to 120m, together with access tracks, hard standing areas, information board, an electricity sub station and vehicular access off Edithmead Lane.

Summary of Decision: I dismiss the appeal.

Procedural Matters

1. The Inquiry sat on 7-10, 14-17 and 22-23 August. On the accompanied visit I visited a number of locations in and around Brent Knoll and I also carried out unaccompanied visits during and after the Inquiry to viewpoints suggested by the parties and to wind turbines near Swaffham in Norfolk, as requested by the Appellant and Knoll to Windfarm (KNOLL). On the last named visits I saw the Swaffham 1 and 2 turbines and the North Pickenham Windfarm at close quarters and from a range of viewpoints in the surrounding area; these turbines are comparable in scale to those in the appeal proposal[1].

2. There is a typographical error in the third reason for refusal relating to the effect of the proposal on the setting of the Grade 1 listed St Michael's Church, Brent Knoll. Reference to criterion (b) of Policy PCS5 of the Sedgemoor District Local Plan (2005) (SDLP) (CD14) should be to criterion (d).

3. In response to representations from Network Rail the siting of the three proposed turbines closest to the railway line was amended in June 2006, after submission of the application but prior to its determination. I have determined the appeal on the basis of the amended site plans 2.1 and 2.2.

4. The application was accompanied by an Environmental Statement (ES) (CD2) prepared under the Town and Country Planning (Environmental Assessment Regulations) (England and Wales) 1999. This was followed in June 2006 by Environmental Statement: Further Information (CD3) which assessed the impacts of relocating the turbines as outlined above. Finally, in May 2007 the Appellant published Supplementary Environmental Information (SEI) (CD8),

[1] The hub heights of Swaffham 1, Swaffham 2 and North Pickenham are 67m, 85m and 80m respectively compared with 79m for Brent Knoll. Blade lengths are 33m, 35m and 45m, compared with 41m.

the principal elements of which are revision of some of the photomontages previously submitted, submission of additional montages and an assessment of the environmental impact of a scheme for four wind turbines, omitting No. 5 in the appeal proposal, that closest to Brent Knoll village. I am satisfied that the two additional submissions were publicised in line with Regulation 19 of the 1999 Regulations and I have taken them into account together with the ES and all representations made by statutory consultees and others.

5. At the opening of the Inquiry the Appellant submitted that, though the full scheme was to be preferred, the amendment for four turbines met the tests set out in Bernard Wheatcroft Ltd v SSE and Harborough District Council (1982) and could lawfully be given planning permission in place of the appeal proposal. The other main parties, though judging the amended scheme to be no more acceptable than the original, submitted that their cases would not be prejudiced by considering it and did not seek to resist such consideration. Accordingly, and bearing in mind the publicity given to the amended scheme, the environmental assessment made of it, and the fact that it represents a reduction in scale of the original proposal, I am satisfied that considering it alongside the original would not prejudice the interests of any party.

Planning Policy Context

6. Planning Policy Statement (PPS) 22 stresses the importance to national energy, climate change, and economic and sustainability policies of developing renewable energy resources; the Government's target is to generate 10% of UK electricity from such sources by 2010 and it aspires to doubling this figure by 2020. Developments should be capable of being accommodated throughout the country where environmental impacts can be addressed satisfactorily. Planning applications should be assessed against criteria-based policies, without undue restrictions, and wider environmental and economic benefits should be given significant weight, irrespective of the scale of the proposals.

7. Policy RE6 of the extant Regional Planning Guidance for the South West (RPG 10) (CD10) states that local authorities should support and encourage achievement of a target of a minimum of 11-15% of electricity production from renewable energy sources by 2010. Policy RE1 of the Draft Regional Spatial Strategy for the South West (RSS) (CD16) sets minimum regional targets of 509-611MW and 850MW installed capacity by 2010 and 2020 respectively. The 2010 target is disaggregated to county level, with Somerset expected to contribute 61-81MW; an indicative breakdown shows that about half of this might come from onshore wind. RSS Policy RE4 advises local planning authorities considering renewable energy development proposals to take into account their wider environmental, community and economic benefits, whatever their scale.

8. Policy 64 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 (2000) (CD12) states that provision should be made, where environmentally acceptable, for development of renewable energy resources. SDLP Policy PCS5 expands on that approach, permitting renewable energy proposals that satisfy a number of criteria, including that they are sited and designed to minimise landscape impact (a); will not unacceptably affect the character or setting of a settlement (b); will not cause unacceptable nuisance through noise, safety, shadow flicker or electro-magnetic interference (c); and

will not unacceptably affect the character or setting of a listed building or scheduled ancient monument (d).

9. SDLP Policies CNE2 and CNE17 deal respectively with landscape character and distinctive features of the District. Under the former, development that would adversely affect local landscape character or scenic quality will not be permitted; visibility from public vantage points will be taken into account and proposals should have proper regard to their context; and important landscape characteristics identified in the Sedgemoor Landscape Assessment and Countryside Design Summary (CD59) will be a material consideration. Under Policy CNE17 development that would adversely affect distinctive features of the local landscape, as identified in the Landscape Assessment, will not be permitted and the stock of features that contribute to such distinctiveness should be retained and added to. Brent Knoll is specifically mentioned in the supporting text as a landscape feature of significant local importance, whose profile is visible across a wide surrounding area.

10. Policy CNE10 seeks to safeguard protected species and their habitats. Harmful proposals will only be permitted where a sustainable species population can be maintained and disturbance is minimized or alternative habitats are provided.

11. Policies HE9-HE12 deal with matters of archaeology and historic landscape. An archaeological assessment will be sought where there is reason to believe there are remains (HE9); historic landscapes of local importance are to be protected from harmful development (HE10); sites or settings of nationally important archaeological sites should not be damaged or destroyed unless the importance of a proposed development outweighs the national significance of the remains (HE11); and locally important archaeological remains are similarly protected in terms of balancing harm against their local significance (HE12).

12. In addition to the RPG and Structure Plan policies noted above, a number of further policies in those documents were advanced at the Inquiry, notably by KNOLL. I have taken these into account but I have not detailed them here as some essentially duplicate Local Plan policies referred to, especially on environmental and countryside protection, and others do not bear directly on the main issues in the appeal.

Main Issues

13. As set out at the Inquiry, I consider that there are four main issues in the appeal, namely:

(i) The contribution that the proposal would make to achieving regional and national targets for renewable energy generation, bearing in mind national planning policy.

(ii) Impact on the character and appearance of the surrounding landscape including Brent Knoll, and the eponymous village and its setting.

(iii) Effects on the living conditions of local residents, particularly in terms of possible visual intrusion, noise and shadow flicker.

(iv) Effects on the settings of local listed buildings, notably St Michael's Church, Brent Knoll, and of the scheduled ancient monument, Brent Knoll Hill Fort.

14. I deal with these issues in the order set out above, then with other matters raised. In my conclusion I consider the extent to which benefits of the proposal in terms of the first issue should be weighed against any harm arising in respect of the other three issues.

15. Other than for objections from KNOLL on grounds of impact on archaeological remains and historic landscape, and which I address later, no substantive issues have been raised concerning the proposed access tracks to serve the windfarm, substation and overhead line connection. Given their limited scale I see no reason why these elements of the proposal should have any significant visual impact. The highway authority has no objection in principle to the proposed highway access and a satisfactory detailed design could be secured by a condition if the appeal proposal was otherwise acceptable. Accordingly I concentrate my analysis on the proposed wind turbines. These would be some 79m high to the hub and have 41m long blades.

Reasons

Issue 1: Contribution to Renewable Energy Generation

16. It is not necessary to rehearse all the documents referred to at the Inquiry (and included in the Core Documents) in order to understand the importance and urgency which Government policy attaches to renewable energy generation; a few references will suffice. PPS22, which itself refers to "the vital contribution" that such generation will make to countering global warming and securing reliable energy supplies, refers back to the White Paper of the preceding year[2]. This stressed the scale of investment that would be necessary if the target of renewables supplying 10% of the national electricity by 2010 was to be met. Some 10,000MW of renewables capacity would need to be installed over the ensuing 7 years, equivalent to over 1,250MW per year, compared with an extant total of only 1,200MW. Onshore wind was identified as one of the most cost-effective ways of limiting carbon emissions in the long term.

17. The Energy Challenge report of July 2006[3] reiterated the key role of renewable energy in reducing carbon emissions and stated that achieving the target of generating 20% of electricity from renewable sources by 2020 would depend on both on- and off-shore wind making "a significant contribution". A Renewables Statement of Need stressed that significant weight should be given to wider benefits, not always evident at local level, when considering planning applications for renewables proposals. The 2007 Energy White Paper[4] pursues the same themes, encouraging decision makers to look favourably at such proposals and reiterating the Statement of Need. Whilst a good deal of emphasis is given to developing the potential of offshore wind, it is clear that on-shore developments are seen as having a continuing and important role.

18. Turning to the regional level, the percentage renewables target in Policy RE6 of the extant RPG is derived from a study commissioned by the Government Office for the South West[5]; that study indicates that the target implies an

[2] Our energy future – creating a low carbon economy; DTI, February 2003; CD35.
[3] The Energy Challenge – Energy Review Report 2006; DTI, July 2006; CD38
[4] Meeting the Energy Challenge – A White Paper on Energy; DTI May 2007; CD36
[5] Renewable energy assessment and targets for the South West; Terence O'Rourke plc for GOSW, February 2001; CD45

additional 207-545MW of capacity by 2010, of which onshore wind might supply some 122-253MW or in very broad terms around half the total capacity. The overall capacity target was endorsed by the Renewable Energy Strategy for the South West of April 2003[6], prepared under the auspices of the Regional Development Agency. The Strategy described achieving the target as "a challenging task" that implied planning consents being given for some 6.3MW per month.

19. The latest published targets for 2010 are set out in the draft RSS in the form of installed capacity figures as advised by PPS22 and, although they are indeed draft (the report of the Examination in Public Panel being awaited), they derive directly from a detailed consultation exercise[7] and are explicitly supported by the County Council. In my view they accordingly carry considerable weight. The REvision targets are not technology-specific and the breakdowns by technology in the RSS are indicative only; nevertheless the latter are consistent with the County figures in the REvision report, which also states that onshore wind is one of three principle technologies (the others being biomass and energy from waste) likely to deliver significant levels of renewable energy by 2010.

20. Only limited progress has been made in the region towards the 2010 renewables targets, with installed capacity totalling some 137MW in place in April 2007 as against the 509-611MW targets in the draft RSS. The corresponding figures for Somerset are some 9.7MW compared with 61-81MW. The only wind energy developments in the region since 2001 are four schemes allowed on appeal contributing some 26MW and a permission at Avonmouth accounting for 6MW; in Somerset the only approval, on appeal, is for a single 2MW turbine.

21. The Appellant's argument that, given the lead-in times necessary for their development, any substantive proposals would need to be approved very early in 2008 at the latest for them to count against the 2010 target was not convincingly countered. Nor did either the Council or KNOLL bring any clear evidence that there were significant schemes in the pipeline for any form of renewables technology in Somerset with a reasonable prospect of completion by the target date. In particular, a planning application for wind energy development at West Hinckley, with a capacity of some 18MW, appears to be some way from being determined, with no prospect of contributing to 2010 targets, and further landfill gas schemes are unlikely to make a significant contribution. A privately promoted proposal for a Severn barrage, referred to by the Council, does not bear close examination on current evidence and, in any case, as an offshore project would not contribute to the County target. In summary, and as is common ground between the parties, there is no real prospect of the Somerset target being met. All the evidence suggests that there will be a significant shortfall.

22. As the Council and KNOLL pointed out, the Somerset target is not disaggregated to the constituent districts. However, I do not accept the implication that it can thus be safely left to the rest of the County to meet the

[6] Regional Renewable Energy Strategy for the South West of England 2003-2010; regen, April 2003; CD46
[7] REvision 2010-Establishing County/Sub Regional Targets for Renewable Electricity Development to 2010; June 2004, Peter Capener and others for GOSW and SWRA; CD47

target. The Council's assertion that there were bound to be sites that were far preferable was not supported by any cogent evidence and the County Council's Somerset Wind Energy Initiative, whereby developers might lease County Council-owned sites, appears to be at a fairly early stage and in any case is limited to 12MW in total.

23. Also, whilst the targets are for all renewables, and there is no specific encouragement for on-shore wind, I do not give weight to arguments that other technologies, and reconsideration of the role of nuclear power, might in some way take the place of on –shore wind generation, or downgrade its significance in the near future. Certainly there is increasing emphasis, at both national and local levels, on offshore renewables and the fact that these do not count against published onshore targets does not mean that they cannot be considered as part of the overall energy picture. However, although they are clearly gathering momentum, these technologies will only make a real contribution in the longer term and, even when technical difficulties are overcome, obtaining the necessary consents is likely to be a lengthy process. It seems to me that the statement in the draft RSS that they are likely to be increasingly developed after 2010 and could play a significant role in achieving targets by 2020 fairly reflects the situation. Certainly there were no suggestions at the Inquiry that they could contribute up to and around 2010, and at worst arguments in their favour might be characterised, Micawber-like, as a hope that something would turn up.

24. The Town and Parish Councils and KNOLL challenge the Appellant's energy output predictions, namely that each turbine should produce around 6.4 GWh per year, giving some 32GWh in total, with a 35% capacity factor. The former objector cites a range of capacity factors for different functioning wind power schemes from something over 31% down to 16% though they fairly acknowledge that such evidence is essentially anecdotal and offered without expert analysis. Given that there is only limited information on the individual schemes, and none on any particular site-specific characteristics that might affect output, I can give this evidence only very limited weight.

25. KNOLL's critique is more comprehensive. They argue that around 30% would be a more realistic capacity factor and, using Meteorological Office wind speed data rather than the NOABL data base used by the Appellant, they suggest an output from each turbine of around 5.5GWh giving a total of some 27GWh. Also, by assuming a higher household electricity consumption figure, in their view more appropriate to Sedgemoor, they consider that the output from the proposal would be equivalent to the needs of some 4,870 local households rather than the 5,770 put forward by the Appellant. In similar vein they consider that the CO_2 savings, at around 11,300 tonnes p.a., would be something over a third of the Appellant's figure.

26. The outcome of all such calculations is very sensitive to the assumptions made, especially on matters such as mix of generating modes but, even taking the most pessimistic figures, the amounts of power generated and emissions avoided would still be significant at local level. It is unlikely that the developer would embark on a scheme that was self-evidently unviable and it is also important to bear in mind the stress that PPS22 places on installed capacity rather than output as a measure; and its advice that the wider environmental and economic benefits of renewable energy projects, whatever their scale,

should be given significant weight, and that planning applications should not be rejected simply because the level of output is small. Ultimately the decision must be made on the balance between wider benefits and any adverse local impacts but in my view the possibility that the proposal might be somewhat less efficient than the developer suggests is not a matter that should weigh heavily in that balance. The benefits in terms of renewable power supply and emissions savings would be proportionately lower if four turbines were installed rather than five but they would still be significant and endorsed by national planning policy.

27. To sum up, renewables targets have been set for Somerset in line with national guidance. Current installed capacity in the County is below 20% of the lower threshold in the 2010 target in the draft RSS and there is no real prospect of further significant progress by that date. However, this does not mean that the target can be set aside. What PPS22 says about targets being regularly reviewed, and revised upwards if met, clearly indicates that the Government regards striving towards them as a continuing imperative. They are intended to be met, and if possible exceeded, and as such carry significant weight in the ultimate balance to be struck between all considerations relevant to the proposal. Capacity installed at whatever time will contribute to national and regional objectives of generating more electricity from renewable sources as part of a more sustainable energy policy. Wind power may only be one of a range of renewable technologies but it is a proven and productive one which both national and local policy anticipates making a significant contribution to overall renewables targets. I conclude on the first issue that either four or five turbines would make a tangible contribution to regional and national targets for renewable energy generation, bearing in mind national planning policy.

Issue 2: Impact on the Character and Appearance of the Landscape

28. In my analysis under this heading I have been greatly assisted by the photomontages and photographs presented by the Appellant and Council respectively. Taking all these views together, supplemented by those submitted by KNOLL, I am satisfied that the coverage is representative of all important viewpoints from which the proposed windfarm might to a greater or lesser extent be seen. I take the Appellant's point that the montages are intended to represent more sensitive viewpoints, and are therefore something of a worst case, but with due allowance for this I believe they can be taken as reasonable proxies for views obtained elsewhere at similar distances and in landscapes of similar topography and character in terms of the overall scale and appearance of the proposed turbines.

29. Whilst photomontages are a valuable tool, and I have no reason to doubt the veracity of those submitted, they are subject to well known limitations of format, framing and representation and are also sensitive to the precise position from which the photographs are taken, so that a small variation in position can record or omit foreground features that might have a direct bearing on how the proposed development would be perceived. Such differences, and technical constraints, were covered in some detail at the Inquiry, the latter notably in KNOLL's evidence, but as the overall limitations of photography were freely conceded on all sides I see no reason to rehearse the arguments here. Similarly it was accepted for the Council that their photographs had not been compiled within the same parameters as the

photomontages and that the two approaches were not directly comparable. I have used both photomontages and photographs as a field guide and have calibrated the appearance of the turbines as shown in the former, and their given dimensions, against actual features in the landscape.

30. The appeal site is not within any statutory landscape designation; the nearest such designation is the Mendip Hills, some 6.5 kms away at its closest point. The appeal site lies within the Somerset Levels and Moors, as defined in the Countryside Agency's Character Map of England (1998) (CD80), which refers to "flat, open landscape of wet pasture, arable and wetland" and "dramatic and prominent hills such as Brent Knoll". Specifically it is in the clay Levels, characterised by sinuous lanes and irregular fields.

31. The Sedgemoor Landscape Assessment and Countryside Design Summary makes a more detailed assessment of landscape character. It has been adopted as supplementary planning guidance following public consultation and carries weight accordingly. Here also the site is within the Levels, described as a largely flat landscape with a pattern of fields defined by a combination of often sinuous drainage channels, or rhynes, and hedges, and which is largely medieval or earlier in origin. Despite urban influences, the Levels are described as retaining a sense of quiet and unspoilt rural charm and forming an important component of a distinctive Somerset landscape. The extent of views is generally dependent on the degree of tree cover; church towers were traditionally the only significant landmark buildings; and scale is deemed to be particularly relevant in the flat landscape. Brent Knoll hill is identified as a visually prominent area of high quality landscape and a significant focal point and landmark feature which could be adversely affected by new building; from its summit its commanding position above the surrounding Levels is evident.

32. The Appellant's assessment of visual and landscape impact, both in the ES and in evidence to the Inquiry, is based in large part on the Landscape Institute's Guidelines for Landscape and Visual Impact Assessment (GLVIA) (2002) (CD54). Although criticised at the Inquiry in a number of respects, I consider it to be generally sound. In line with the Guidelines the methodology is explicit, judgements are supported by reasoning, and the nature, scale and significance of impacts are logically evaluated. Although the Council and KNOLL argued that the way significance of landscape impact was assessed under-estimated severity at the top end of the scale, I note that for about half of the 24 viewpoints significance of visual impact was assessed at moderate-major or above, and similarly for landscape impact in some 9 cases; moderate-major was the threshold above which the Appellant's landscape witness considered effects would be most material in decision making. It is also significant that the Council's critique of the assessment (which was not itself based on any alternative methodology) endorsed the judgements on significance of visual and landscape impact in more cases than not; where there were differences these were generally over whether an impact deemed "moderate" should be "moderate-major", clearly a legitimate area for differing professional judgement.

33. Of course any such assessment is to some extent an over-simplification as impacts would frequently be perceived progressively across the landscape, and with subtle variations according to precise viewpoint, topography, extent of screening and so on. However, although the alternative methodology of

KNOLL's landscape witness, termed progressive significance, seeks to avoid over-rigid thresholds, I have not found it particularly helpful in practice. The approach is not transparent but appears a good deal more subjective than the analyses of either the Appellant or Council. It is not clear how or what weight is given to "near significant" impacts, and giving increasing but unspecified weight to impacts towards the top of the scale appears to me to run a risk of skewing the appraisal, which from the outcome appears indeed to be the case. Nor do I consider that the Appellant's assessment of the sensitivity of visual receptors underestimates the sensitivity of local residents or people recreating in the countryside. These are generally ranked high or very high and it seems common sense to accord lower sensitivity to users of busy roads or railways given that their views would be transitory and tempered by other preoccupations.

34. Whilst I take a different view from the Appellant on the sensitivity of the Levels landscape, a point I cover below, I broadly endorse the conclusion that the most significant impacts, both visual and landscape (moderate-major and upwards), would be found within a radius of about 1.5 km of the appeal site, with moderate and lesser impacts beyond, up to around 7-8 kms. The judgement then becomes whether or not the impacts are acceptable, looked at against policy and other material considerations. I deal first with the impact of the appeal proposal on the surrounding landscape, including the setting of the village[8], seen from various viewpoints, and then with the matter of historic landscape.

Brent Knoll Hill

35. The public footpath from the village past the Church to the top of Brent Knoll is clearly signed and waymarked, evidently well used, and from what KNOLL say, is popular with local residents and visitors alike. Ascending the path, and once above the village, an extensive view opens up to the west and south west over the Levels towards Burnham-on-Sea and the Severn Estuary (*A19 and 19a, C7)* Such vertical features as there are, principally Burnham Church and Lighthouse and distant Hinkley Point Power Station, appear muted in the overall scene and the landscape beyond the village forms an evident and attractive pastoral break between it and the built-up area of Burnham.

36. The Appellant fairly judges the significance of impacts on receptors and landscape as major and moderate to major respectively. There is no doubt that the full height of the turbines would be very evident, at a distance of some 900m to the closest, No. 5, and with no effective foreground screening. Although the SEI argues that seeing the full extent of the development would enable the viewer to make sense of it visually, the other side of that coin is that it would occupy and dominate a good deal of the field of view. I consider that the sheer scale of the turbines, and the motion of the blades, would be disturbing and intrusive in the otherwise generally tranquil landscape seen from the lower reaches of the path to the hill top. Whilst from higher up on the hill, and from the upper of the two paths that run northwards towards Manor Farm, the impact would be reduced by foreground hedgerow screening, on the lower

[8] Numbers and letters in italics are those of photomontages and photographs submitted by the main parties, prefixed by A, C and K for the Appellant, Council and KNOLL respectively. In making my analysis I have made comparisons with all the Appellant's corresponding photomontages omitting turbine 5, suffixed a, but I only refer to certain of them here to make specific points.

link path, running across the hill slope, the impact would also be dramatic (*C8*), as it would from other paths on the lower slopes of the hill both north and south (*C4 and A4*). In all these cases omission of turbine 5 would somewhat reduce both visual and landscape impact by giving a more "legible" linear layout but the march of the turbines across the flat landscape, very much out of scale with any existing vertical features, would remain. In my opinion the footpaths in question would be markedly less attractive to walk under either option.

37. Here as elsewhere I have borne in mind that the proposed turbines are intrinsically well designed and even elegant structures and are "point" features in the landscape, in contrast to the lateral extent of say housing development, or the linearity of electricity transmission lines (or, indeed, the bulk of Brent Knoll). However, to argue, as the Appellant's landscape witness did, that they would be largely "permeable" to view, the landscape still being visible around and through them, is I think to ignore their sheer height which, together with the motion of the blades, would immediately draw the eye at viewpoints close at hand, and the way in which the eye would inevitably "read" them as a sizeable linear group.

38. From the top of Brent Knoll, a popular vantage point, there is a 360° view over the surrounding Levels and the wider landscape, bounded by the Mendip Hills to the north-east, the Quantocks to the south-west, and with Glastonbury Tor visible in the distance. The M5 Motorway and A38 together form a conspicuous movement corridor to the east, noise from which is clearly audible at times, and there are a number of urban influences in the landscape, including the extensive GardenWorld Garden Centre and other development along the A38, Brent Knoll village in the foreground, the Home Farm Holiday Park some 2 kms to the south-west and, more distantly, the built up areas of Burnham-on-Sea, Highbridge and Weston-super-Mare. However, none of these intrusions detract from the openness and generally tranquillity of the Levels between the hill and the edge of Burnham-on-Sea in which the proposed windfarm would be a central feature (*A1 and C23*). Indeed, the presence of these urban elements in the landscape underlines the importance of that open break.

39. At a distance of some 1.4 kms to the closest turbine, No. 5, the height of the turbines would be fully apparent, hub height and blade tip being respectively about 50m and 10m below summit level, contributing to the major significant visual impact assessed by the Appellant. The fact that the proposal would only occupy part of the total available view appears to account in part for the moderate-major assessment of landscape impact but I consider this to be a relatively unimportant consideration. For reasons set out above, the area that the turbines would occupy is a particularly important component of the view and in my opinion the proposal would urbanise a landscape prospect that is of great public interest and importance. Omitting turbine 5 would give a more coherent grouping better related to the horizontal emphases in the view but would not appreciably affect the adverse impact on landscape character.

The Levels

40. I deal here with that area of the Levels lying between Brent Knoll and Burnham-on-Sea traversed by a number of public rights of way, notably footpaths running broadly south-north from Edithmead to Brent Knoll; east-

west past turbines 2 and 4; and east-west north of turbine 1, becoming a bridleway westwards towards the town (*A2, A3, A6, A8, A 18, A20, A21 and A24; and C9-11 and 19-21*). For five out of their eight viewpoints the Appellant rates visual impact as of major significance, with landscape impact so rated in four cases. I do not agree with the Appellant's assessment of the landscape as essentially simple and its sensitivity as generally medium or low-medium. Whilst it may be simple in terms of its elements, namely flat grazing land, hedges and rhynes, the way these combine makes a fine-grained, attractive. pastoral landscape and, although in no sense remote in national terms, it is largely tranquil. It is certainly a good deal more than unremarkable farmland, as the Appellant's planning witness described it.

41. Away from roads the paths are quiet, and although noise from passing trains can be sudden, and intrusive close at hand, it is quickly past and does not seriously disturb the overall sense of peacefulness. Whilst the immediate surroundings of Inner Farm are somewhat unattractive at close quarters, they make no real impact on the area as a whole, there is little sense of the closeness of Burnham-on-Sea and the other urban elements referred to above are not seen. Although the landscape is not formally protected in any way, I can appreciate why, on KNOLL's evidence, it is cherished by local people and why the footpaths are popular and well used. Also, of crucial importance in terms of landscape character is the distinctive and attractive contrast between the flat, hedged fields of the Levels and Brent Knoll, the latter rising sharply from the former with the Manor House and tower of St Michael's Church prominent among the trees above the village, and increasingly the focus of views approaching from the west. This contrast is evident not only from viewpoints close at hand but also from further afield, as I outline below. Whilst Brent Knoll may not have the iconic status of Glastonbury Tor, I consider that it is of more than purely local importance in the Somerset landscape. Nor do I interpret absence of a strategic planning objection to the appeal proposal from the County Council as in any way lessening that importance.

42. Here, as elsewhere, the Appellant argues that the apparent height of the turbines would be masked or offset, at least in part, by hedges and trees in the foreground. However, from what I saw of the developments at Swaffham I consider this effect to be highly sensitive to local topography and to the precise location of natural features relative to the turbines. In my view the larger scale, more open and more coarse-grained Norfolk landscape is capable of accommodating turbines more satisfactorily than would be the case at Brent Knoll, particularly as it contains a number of copses and more sizeable areas of woodland not found around the appeal site. Even allowing for the flat landform, my judgement is that the masking effect of hedgerows and hedgerow trees would be generally limited within a radius of about 1.5 kms or so, and that at very close quarters (for example where footpaths pass close to turbines) or in views from higher ground it would be virtually non existent. Only in longer distance views would such screening have any significant effect and then by no means universally so. Where I consider it would come into play I say so below.

43. I consider that by virtue of their height and motion the turbines would be markedly intrusive in attractive views across the Levels from rights of way and surrounding roads to the west and south-west of Brent Knoll. The effects on

those travelling along the roads would be limited by their speed of travel through the landscape, and even more so in the case of those travelling along the nearby railway line, but walkers on the footpaths would in my view have their enjoyment of the countryside significantly diminished over considerable distances and corresponding lengths of time. The Appellant rightly points out that the full extent of the windfarm would not be evident from all viewpoints; walking through the turbines they would be perceived more individually and views would open up through and around them. I also accept that some people might well regard the turbines as an exciting addition to the landscape and awe-inspiring at close quarters. However, it seems more likely to me that in this particular context those using the paths would find them oppressive and, although there would be no oversailing of paths, and I do not give credence to public safety objections, where paths pass close to turbines 1, 2 and 5, I believe the effects could be disturbing and intimidating.

44. In some views the turbines would not be seen in the foreground to Brent Knoll or in association with it and this is reflected in the Appellant's assessment of the landscape impact as moderate (A*2, A3, A6 and A14*[9]). The impact would be markedly more severe (and is acknowledged as major) in views towards the Knoll in which the relationship between the Levels and the hill, as already referred to, is an important part of the character and attractiveness of the landscape (*A8, A20, A21 and A24*[10]). I consider that, interposed between Levels and Knoll, the tall turbines would compromise the relationship between these two landscape elements, and markedly reduce the attractiveness of the latter.

45. Omitting turbine 5 would from certain viewpoints make for a more compact grouping with somewhat less adverse impact on the landscape (*A2a, A3a, A6a and A14a*). Looking towards Brent Knoll the reduced scheme would widen through views of the hill (*A8a, 21a and A24a*), and traversing the east-west footpaths the distance over which the turbines would impinge on the view would be significantly reduced (*A20a*). Turbine 5 would also be one of the closest to a path so its removal would reduce any perceived intimidation. However, whilst these would be significant changes, they would not ameliorate the adverse effects on the important visual relationship between hill and Levels.

The Setting of the Village

46. I deal here with the effects of the appeal proposal on the setting of the village both insofar as the turbines would be seen from within the village generally and how they would appear in relation to the village, seen from viewpoints close at hand (*A*4, A*15-18, A20, A22 and A23; and C5, C6 and C22*).

47. The village's linear form along Brent Street reflects in part its historic origins as a settlement established at the interface of former marshland to the south-west and the slopes of the Knoll to the north-east. I agree with the Appellant's landscape witness that it is the latter that generally predominates in outward views from the main street. Only in a few places, such as opposite the Methodist Chapel and by the Primary School, are there significant views

[9] The impact would be similar in C9-11 and 21.
[10] As would also be the case for C19 and 20.

towards the Levels and where there is flat land on the north-east side of the road it is generally visually enclosed by buildings, trees or hedges, as at the Village Green. Brent Street is largely enclosed visually by the buildings that line it, their grounds and associated trees, and the Levels are largely an unseen presence, evidenced by open sky above the roof tops.

48. In this context views of the turbines from the main street would be principally confined to glimpses over and between buildings and only from a few viewpoints would they be seen in a wider landscape setting, and then not in views combining hill and Levels (*A22 and C22*). As Brent Street carries only light traffic, and is otherwise quite quiet, its perceived tranquillity might be somewhat affected by the movement of turbine blades where seen but overall the turbines would not in my opinion be so conspicuous and intrusive as to materially affect the setting of the village seen from its main street. Omission of turbine 5 would also much reduce the visual impact on this part of the village.

49. From viewpoints on the lower slopes of the Knoll, both within and around the built-up area, the turbines would be clearly visible for virtually their full height against the sky (*A4, A23 and C5*). Where public access is limited then the effects would be largely upon occupiers of individual properties. As I discuss further below, such occupiers enjoy no "right to a view" in planning terms and the issue then becomes one of effects on living conditions. However, effects on the setting of the village as perceived by residents and their visitors at such properties as Manor House *(A23)* and Ball Copse Hall are as legitimate a consideration as perceptions from publicly accessible viewpoints such as the footpath to Battleborough (*A4*) and the churchyard of St Michael's Church (*A15-18; and C6*)[11]. Whilst in some such views individual buildings in the village are of variable quality, the overall form and location of the settlement, strung along the foot of the hill, low lying and reflecting the horizontal emphasis of the Levels beyond, are attractive.

50. The proposed turbines, upward of a kilometre or so away, would effectively supplant this horizontal emphasis and would stand four square above the village. In some places, such as the churchyard, tree foliage in the immediate foreground might provide a partial foil to some of the turbines for at least part of the year but the elevation of the viewpoints would mean that ground level features such as hedges or trees further from the viewer would be of limited effect. Because of their height, quite at odds with other more distant features such as Burnham Lighthouse, the turbines could be perceived as bearing down visually on the village setting and the motion of the blades would disturb the tranquillity of that setting. Omission of turbine 5 would give a simpler, linear layout but the adverse landscape impact would be little reduced.

Burnham-on-Sea

51. The turbines would be clearly visible from highways and dwellings on the east side of the town but the nature and degree of impact would depend very much on distance and presence of hedges and trees in the middle distance. At the closest viewpoint (*A7*), some 1.4 kms away on the B3140, the Appellant

[11] I deal with the setting of the Church as a listed building under Issue 4 but views from the churchyard also show the setting of the village.

reasonably assesses visual and landscape impacts as major and moderate-major respectively. The turbines would be seen against the background of Brent Knoll and would crowd the intervening landscape, harming the setting of the hill for the same reasons as in views over the Levels (above). Omission of turbine 5 would be of no effect as it would be that furthest away. Adverse effects would be mitigated because most observers would be travelling on a busy road, and thus having a transitory view, and because the Home Farm Holiday Park is itself assertive in the landscape a short way to the east. Further east still the turbines would be largely concealed from view from the highway by roadside hedges and trees.

52. From housing areas on the eastern edge of the town, deemed by the Council to be sensitive residential receptors, they consider that the visual impact of the windfarm would be moderately significant or significant but this does not readily compare with the Appellant's methodology. My assessment is that from most viewpoints in which the turbines would be seen against the backcloth of the Knoll, their impact would be limited by hedges and trees in the immediate foreground (*C17, C18*) or in the middle distance (*C13, C14 and C16*); and that elsewhere they would be seen as a relatively compact group in an expansive landscape (*C12*). Increasing distance would temper the prominence of the turbines, intervening vegetation would blur the landscape relationship between the Knoll and the Levels, and the layout of housing areas would mean that in a good many cases views from dwellings would be oblique rather than direct. For all these reasons I consider that, whilst the proposals would inevitably change the outward views from the town, their effects would not be unacceptably harmful.

More Distant Views

53. The windfarm would be seen from a number of popular recreation areas along Bridgwater Bay. From on and around Brean Down (*A11*), south of Weston-super-Mare and just under 9 kms away, it would form a small part of a panoramic vista. Brent Knoll is seen as a prominent, freestanding hill and the turbines would tend to diminish its distinctiveness but views are strongly influenced by extensive caravan parks and associated holiday development in the foreground. Although visual and landscape impact are reasonably assessed by the Appellant as moderate, they would not in my opinion be unacceptably harmful.

54. From further south along the coast (*KA*) the turbines would be visible against the skyline and again would tend to reduce the isolation of Brent Knoll but impact would be markedly reduced where there are buildings and trees at close quarters; the latter would be particularly so within the built-up area of Burnham-on-Sea (*C15*) where the foreground is so "busy" visually that the addition of the turbines would be little noticed. From more remote stretches of the coast, such as the wild and elemental land beyond the River Parrett , south-west of Stert Point (*A10 and KC*), the turbines would be clearly seen over the flat foreground landscape and the movement of the blades would attract the eye. However, Brent Knoll has little apparent separate identity in these views, appearing against the background of the Mendips, and this, together with the presence of the urban edge of Burnham in the middle distance, would reduce impact. Impact could indeed be perceived as positive, reflecting the strong windblown character of the near landscape.

55. Inland, elevated viewpoints from which the windfarm could be seen are essentially confined to the Mendip Hills to the north and north-east. From Crook Peak (*C1*) and Hellenge Hill, Bleadon (*A13 and C2*), both around 7 kms away and within the Mendips AONB, the isolation of Brent Knoll in the surrounding Levels is very evident, as is the absence of strong vertical features in the landscape, other than Hinkley Point Power Station in the distance. Despite the presence of the M5 Motorway, and development along the A370, the landscape is generally pastoral. Although Brent Knoll would partly conceal some turbines, the development as a whole would be dissonant in relation to the hill, the apparent height and standing of which would be diminished; and the motion of the blades would inevitably further distract and detract from the landform. Seen from lower ground the apparent height of the turbines would increase. Whilst neither the character of the AONB itself nor its setting would be harmed, the quality of the landscape to the south, as perceived by walkers on the West Mendip Way and others, could be adversely affected.

56. Impact on views from lower vantage points east of Brent Knoll would depend very much on context. Near urban and recreational development, and along the M5 Motorway (*A9 and KB*) the viewer's focus on the foreground would mean that the turbines would not be prominent and from many places they would appear well detached from the hill. I agree with the Appellant that in such cases both visual and landscape impacts would be of minor significance. Viewpoints *A5, A12, KD and K5** are reasonably representative of the surrounding rural area for assessing impact at fairly low levels at distances upward of 3 kms or so though that at Chapel Allerton is to some extent a worst case because it stands somewhat above the surrounding land. Impact would be tempered by distance and from many points the turbines would not be seen in juxtaposition with Brent Knoll. In addition the hill would itself cast a visual shadow to the north-east such that some or all of the turbines, in whole or in part, would not be seen from a significant quadrant of the surrounding area, as the Zone of Visual Influence Map in the ES demonstrates.

57. The Appellant's assessment of visual impact as of moderate significance, and landscape impact as minor-moderate, seems to me to fairly reflect the relatively low sensitivity of views from the more distant landscape. Whether the proposal was for 5 or 4 turbines would not materially affect visual or landscape impact. I consider that such impact would be acceptable through most of this wider area, apart from in views from Crook Peak and Hellenge Hill where there would be harm to landscape character.

Historic Landscape and Archaeology

58. The historical significance of the landscape and direct effects upon archaeological remains are not matters that feature in the reasons for refusal but they were raised at the inquiry by KNOLL[12]. As far as the former is concerned, the landscape around the appeal site is not specifically protected under SDLP Policy HE10 but could come within its scope if of "local interest". Planning Policy Guidance Note (PPG) 15, Planning and the Historic Environment advises that local planning authorities should take account of the historical, dimension of the landscape as a whole and should seek to protect its most

[12] The reasons for refusal refer to SDLP Policy HE11, which deals with nationally important archaeological sites, but the Council put forward no substantive evidence relating to it.

important components. English Heritage has published similar advice specific to wind energy development[13]. I deal with the historic landscape as a separate matter from the setting of listed buildings and ancient monuments. Although the distinction is to some extent artificial, the former is to look at the historic structure of the landscape in the round whereas the latter have specific statutory and policy connotations.

59. Both the ES and KNOLL's historical and archaeological evidence is of occupation of the area from at least the Iron Age onwards and of a rich pattern of local history reflecting early settlement on Brent Knoll and associated use of the Levels, both before and after drainage and reclamation. This history is reflected tangibly in the landscape in features such as field boundaries following former streams, patterns of drainage ditches and old trackways, and clearly adds interest to its appreciation.

60. However, the weight to be given to historic landscape calls for some judgement. All landscapes in the country are historic to a greater or lesser extent, showing the effects of human occupation and settlement, and to seek to preserve them too dogmatically would be to run the risk of stymieing all development and halting the process of landscape evolution. Here the direct effects upon the historic landscape in physical terms would be very modest, essentially confined to loss of some short sections of field hedgerow to accommodate the access track and the laying of that track itself. Whilst I understand KNOLL's argument that the medieval and earlier field boundaries defined by these hedges are an integral part of the historic landscape, the losses would be very small indeed in relation not only to their extent in the Levels landscape generally but also to their ubiquity locally. Also, although there is a small risk that construction of the access track and cable trenches might remove traces of ridge and furrow, gripes and rhynes, again the disruption would be very limited in scale, with the proposed access track being only some 4m wide and of shallow construction and aggregate finish. What is proposed would certainly be no more invasive than comparable works frequently undertaken for agricultural purposes and exempt from planning control. Overall I consider that the underlying historic structure of the landscape would not be unacceptably compromised and there would be no significant conflict with SDLP Policy HE10.

61. Whilst there are clear links between landscape history and the myths and legends referred to by KNOLL, and in which Somerset is particularly rich, the latter are not a matter to which I accord great weight. Myths and legends have proved robust enough to endure through many changes to the landscape more profound and far reaching than what is proposed here. Nor am I convinced that their appreciation and enjoyment depends as much on the present character of the countryside as has been claimed.

62. KNOLL criticise the Appellant's archaeological assessment as too restricted in scope and underestimating the archaeological potential of the appeal site. However, although the geophysical survey on the turbine footprints might be regarded as inconclusive in that it did not identify presence of any archaeological remains on the limited sites examined, I note that on the basis of this survey and the proposed mitigation strategy the County Archaeologist

[13] Wind Energy and the Historic Environment, English Heritage, 2005; CD53.

did not request any wider field survey, as could have been done under SDLP Policy HE9, and raised no objections to the proposal. Presence of ancient peat deposits, artefacts and early enclosures cannot be ruled out, and the Appellant accepts as much, and also that the magnitude and significance of any consequent impacts are uncertain. However, on all the detailed evidence, and bearing in mind the limited ground disturbance involved, I am not convinced that the direct risks to archaeological remains are so cogent that they ought in themselves to weigh against the proposal, or that the proposal seriously conflicts with SDLP Policies HE11 and HE12 in that respect. A condition requiring archaeological investigation, along the lines of that in PPG16, Archaeology and Planning, would deal adequately with any remaining uncertainties were the proposal acceptable in other respects.

63. Drawing together my conclusion on the effects on the character and appearance of the landscape, I consider the visual relationship between Brent Knoll and the surrounding Levels to be a key element in local character, principally as perceived in views from the area between the hill and Burnham-on-Sea, an area popular for local recreation, but also from some more distant viewpoints. Regardless of whether wind turbines are perceived positively or negatively in themselves, the appeal proposals would in my judgment seriously compromise that visual relationship to the detriment of local landscape quality and character. They would also adversely affect the setting of Brent Knoll village seen from the lower slopes of the hill and would be intrusive in a critical component of the landscape seen from the popular viewpoint on the summit of that hill. Whist the local landscape is not formally protected in any way, and the area of maximum adverse impact is relatively limited in extent, that landscape is in my view of considerable distinctiveness and quality and of a scale and character that would not readily accommodate structures of the scale here proposed. The omission of turbine 5 would improve the appearance of the layout of the scheme seen from certain viewpoints but it would not materially alleviate harm to landscape character.

64. In this assessment I have weighed adverse impact against the range of more distant viewpoints from which the turbines would not be seen as unduly prominent or at odds with landscape character, and I have borne in mind that certain weather conditions, such as mist or low cloud, would render them less conspicuous (though probably not at close quarters). I have also put into the balance the absence of any compelling objections in terms of historic landscape character and archaeology. Likewise the fact that planning permission is sought for 25 years so that impact on the landscape is arguably more transitory than for other forms of development. However, as such a time period is roughly a third of an average lifetime I have some difficulty in regarding it as “temporary” in any real sense. If the turbines would cause significant harm to landscape character, as I believe is the case here, that harm would not be made more acceptable by the prospect of their ultimate removal.

Issue 3: Effects on Residents’ Living Conditions

Visual Intrusion

65. It is a well held planning principle that there is no “right to a view” such that an attractive or cherished outlook from a private property can be protected from

development that would adversely affect it. The fact that the proposed wind turbines would be seen from a number of dwellings in the surrounding area, and in some cases would be prominent and would significantly change views of the countryside, is not determinative in itself. A change in the view is simply that and how it is perceived depends in part on how the viewer is disposed to the development in question. The concept of "valency", as discussed at the Inquiry, acknowledges that residents who are strongly opposed to wind turbines might well object to a distant view of them whereas those who feel positive towards them, possibly as part of the overall harnessing of renewable energy, may well accept a far higher level of impact on their outlook; this underlines the point that private views are a private matter.

66. However, private and public interests may coincide where a proposal would have such a severe adverse impact on the outlook from a property that it would make it a significantly less attractive place to live, as perceived by a reasonable observer without strong views for or against the type of development in question. In such a situation protecting the amenities of a dwelling may be a legitimate and material planning consideration (though also one to be weighed against other such considerations, a point to which I return later).

67. In judging impact on individual properties in these terms there are no hard and fast rules about the distance over which turbines might be seen, as is evident from the Inspectors' letters submitted at the Inquiry which cover a wide range of individual situations and come to a similar variety of conclusions. Whilst impact will generally diminish steadily with increasing distance, I think it is going a step too to suggest, as the Appellant does, that turbines are only likely to be unacceptably dominant at distances less than 400-600m where views are direct, focussed or framed and without screening or alternative views. Much depends on the circumstances of each individual case, including size and number of turbines and the way they would be laid out, and on local characteristics such as ground levels, screening provided by hedges and trees, degree of enclosure of gardens, disposition of rooms in dwellings and aspect of windows. Highways and public rights of way together enable a reasonable appreciation of such matters for most of the dwellings in Brent Knoll that would be closest to the proposed turbines and I was also able to see some in more detail on the accompanied site visit.

68. I agree with the Appellant's landscape witness that most of the properties along the west side of Brent Street look principally inwards into the village rather than out over the surrounding landscape, and in many cases have quite tightly enclosed gardens bounded by substantial hedges and trees so that views of the proposed turbines would be very limited. As an example, 113 Brent Street, which KNOLL asked me to visit, and which would be one of the closest houses, at some 550m from turbine 5, has a large rear garden enclosed by substantial mature trees, including a dense belt along its south west side such that even in winter there would be substantial screening and views of the turbines would be little more than narrow glimpses. In this and similar situations it could not reasonably be argued that the impact of the turbines would be excessive or that the attractiveness of the property as a place to live would be significantly undermined. The apparent scale of the turbines seen from dwellings further south along Brent Street would quickly reduce with

increasing distance and generally speaking properties to the east of the village street would be effectively screened by those on the opposite side of the highway.

69. However, seen from some properties the impact would be significantly greater. The principal elevation of the closest property, 119 Brent Street, would directly face turbine 5 at a distance of some 440m over a low garden hedge. Although trees in the garden would filter the view to some extent, I consider that that turbine would be particularly intrusive in the outlook from the dwelling, especially when the blades were in motion. Omitting turbine 5 would reduce the impact of the scheme a good deal, the other turbines being further away (at around 650m and upwards) and again trees would provide a partial foil. At these greater distances the question of impact on living conditions begins to shade into effects on landscape character and appearance which I have considered above. However even the reduced scheme would in my view appear dominant and overbearing seen from No. 119, extending across a significant arc of view from its principal windows.

70. The situation is very similar at 67 Brent Street, which would be some 660m from turbine 5. The turbines would be seen from principal windows and from the large conservatory, as well as from the open garden, and would be dominant and particularly intrusive elements in the flat landscape in a broad arc of view to the west and south west. There is no intervening screening of any significance and it would take a good many years for the recently planted trees in the garden to provide any foil or screening. Again, omitting turbine 5 would reduce impact but not in my judgement to wholly acceptable levels.

71. The Manor House and Ball Copse Hall are two large properties that stand on higher ground east of the village and have panoramic outlooks over a broad arc of countryside from the north-west to the south. Both properties would be some distance from the nearest proposed turbine, No. 5, at around 850m-900m, and somewhat more from the next nearest; some 1,150m to No. 4 in the case of the former and 950m to No. 1 for the latter. However, because of their elevated position the full height of the turbines would be seen from the principal windows and grounds, across a broad expanse of countryside and with little or no foreground screening. Again, at these distances the impact is arguably more on landscape character than on living conditions but given the particular siting of these properties the two considerations largely coincide. It is also relevant that the Appellant's landscape witness assessed the proposals as having a high visual impact at this point, tantamount to large scale or dominant elements in the landscape, of major significance.

72. I consider that because of their height and disposition, and the movement of the blades, the turbines would appear intrusive and oppressive in the outlook from both properties to an extent that would harm residents' living conditions. As the Manor House is divided into flats, the number of residents affected is potentially greater than if the property was occupied by a single household.

73. The Withies, on Crooked Lane, would be some 510m from turbine 1 in either the 4 or 5 turbine option. Omission of turbine 5 would reduce the impact of the turbines in the outlook, which would be largely confined to Nos. 1-3 sited along a north-south axis. There would also be some screening from intervening vegetation. In my opinion the closest turbine would still be

dominant in the outlook from some principal windows and from the garden but overall the harm would be markedly less than in the cases referred to above.

74. In all these assessments I have borne in mind that the turbines proposed are slim, simple structures whose towers in themselves interpose in the landscape to only a limited degree, and whose blades turn significantly more slowly than in earlier windfarm proposals. However, they are self evidently very tall and, whilst I consider the use of "blade swept area" as an indicator of visual impact, as advanced by KNOLL's landscape witness, to be over-simplistic, the motion of the blades would in my view be persistently intrusive and potentially disturbing seen from the closest dwellings with a clear view of the proposal. I have also taken into account the arguments of the Appellant's landscape witness that for reasons of perspective the turbines might appear no higher than trees at closer quarters, and in some cases significantly lower so that the trees would impart a sense of scale as well as providing screening. However, I think this is to somewhat over-simplify visual perception and in the cases I have referred to I believe that the impact of the turbines could reasonably be regarded as significantly intrusive rather than simply prominent.

Noise

75. The Council initially expressed misgivings about the Appellant's use of the ETSU approach to noise assessment[14], apparently on the grounds that it might be unduly lenient to proponents of wind farms, but they accepted that it is recommended in PPS22. I see no reason to question its use here; it has been devised by a working group of representatives from local authorities as well as the wind energy industry, and seeks to address some of the limitations of BS 4142 in assessing wind turbine noise. No obviously preferable methodology or alternative appraisal was forthcoming at the Inquiry.

76. The noise assessment, revised in the SEI, is based on measurements at 4 representative locations and with levels for other locations interpolated. It predicts that at all residential locations noise, from both 5 and 4 turbines, would be within ETSU limits, namely 5dB above background noise, or 43 dB at night and 35-40 dB during the day, whichever is the greater, all $L_{A90,\ 10\ mins}$. This was not seriously challenged by the Council and my reading of the graph plots in the SEI is that most of the locations are within the limits by a comfortable margin and in that in all cases turbine noise levels would be below background noise levels for all wind speeds during the day. The Council's concern over night time sleep disturbance in general is taken account of by the fact that the ETSU standard is consonant with the WHO recommended external noise level in that respect. All predictions are worst case, assuming constant downwind propagation of noise and hard ground, giving further confidence that the proposal would, in the words of the Companion Guide to PPS22, "offer a reasonable degree of protection to wind farm neighbours".

77. A particular concern of the Council is that amplitude modulation of aerodynamic noise (AM) might cause sleep disturbance at night, especially to people staying in caravans and tents at the Home Farm Holiday Park, upwards of 600m south of the southernmost proposed turbine. AM is a particularly pronounced

[14] The assessment and rating of noise from Wind Farms; Energy Technology Support Unit (ETSU) for the DTI, September 1996; CD61

fluctuation in aerodynamic noise as a turbine blade passes that has been likened to the noise of a distant train or piling operations and, though not intrusive enough to disturb sleep, it has been found to cause difficulties in getting to sleep, or returning to sleep once awake. The causes of the phenomenon are not fully understood and the Appellant's noise witness accepted that the possibility of it occurring at the appeal site could not be ruled out, though he considered it very unlikely.

78. The most recently published study on AM, undertaken by Salford University for DEFRA and DTI[15], surveyed all 133 operational windfarms in the UK and found AM implicated in 4 cases and possible in another 8. The results may be to some extent skewed by the inclusion in the survey of offshore sites, and by the focus on complaints which does not address situations where the problem might occur but no complaints had been made, possibly because the person affected saw no reasonable prospect of a remedy. However, on the latter point, given the high profile that windfarms have, I consider it more likely than not that a perceptible noise problem would lead to a complaint (a point that appears to be confirmed by cross-checks within the study) and that the study can thus be regarded as a reasonable indicator of the scale of AM. As such it shows a very low incidence statistically and the Council put forward no evidence of local factors that might suggest a particular risk of AM at the appeal site, as against the Appellant's argument that there was nothing in the local topography or proposed layout to suggest such a risk. Overall, on the information available I consider that the risk of AM causing problems is low and acceptable. The fact that in the light of the Salford University report the Government sees no compelling case for further research on the phenomenon adds some weight to this.

79. Nor is there any cogent evidence to suggest that AM might be particularly problematical for those sleeping overnight in caravans or tents; the Appellant's noise witness described it as a component of the noise assessed rather than something that would impose further discomfort. Even if noise levels were 1dB or so higher in such structures, as it was accepted for the Appellant they could be, they would still be within the ETSU night time standard. The Appellant also produced a prediction, not convincingly challenged by the Council, that turbine noise at the Holiday Park would be lower than the average existing night time ambient noise level at all wind speeds, measured on the L_{Aeq} index. Traffic on the nearby M5 motorway, and on the Stodden's Lane (B3140) link from it to Burnham-on-Sea, would contribute significantly to noise levels at Home Farm and in my judgement would probably be more intrusive there at night than turbine noise, even though traffic flows would be lower than during the day. Overall, I have seen no cogent evidence that the appeal proposal would impose an unacceptable or overly intrusive level of noise on those using the Holiday Park.

80. Covering briefly other noise matters raised, the ETSU methodology includes a correction for tonal noise from turbines but in any case it seems unlikely that the gearless turbine proposed would cause any significant such mechanical noise. The Appellant produced graph plots to show the effects upon noise levels of wind shear whereby wind speed increases with height above ground level. In relation to the reference height of 10m at which wind speed is

[15] Research into Aerodynamic Modulation of Wind Turbine Noise, University of Salford, July 2007; CD81

measured for the noise assessment, turbines which are significantly higher, such as those proposed here, will generate more noise because of higher wind speeds at higher levels. Predicted noise levels are particularly likely to be exceeded in very stable atmospheric conditions. The graph plots show that even if wind shear did occur, ETSU night time noise levels would not be exceeded and I also agree with the Appellant that stable atmospheric conditions are relatively unlikely at the appeal site given its closeness to the coast. There was no cogent evidence that buildings standing above Brent Street, including St Michael's Church, would be subjected to significantly higher levels of noise because of their greater elevation relative to the rest of the village, or that the local landform would aggravate noise impact.

81. Although Dr Pascoe suggested that infrasound, low frequency and noise vibration might pose risks to health, what she said does not in my view suggest that the appeal proposal would justify a particularly stringent precautionary approach. Nor does it clearly contradict the results of research specific to wind turbines commissioned by the DTI and others, and Government advice in the Companion Guide to PPS22, that there is no evidence that turbines noise does pose such risks.

82. ETSU noise levels, like all such limits, are only guides to what might happen in practice; they are not guarantees that turbine noise will not be heard. Indeed it is inevitable that it will be heard at the places surveyed, and comparable locations, if and when background noise falls beyond its normal level. Nor, though they attempt to render what is often subjective, objective, can they take full account of subjective effects of noise, as referred to by the Town and Parish Councils. That said, on my visit to the Swaffham turbines I was able to hear turbine noise at a range of distances and even at very close quarters I did not find it inherently unpleasant or disruptive, being akin to a rhythmic "threshing" sound. At around 400m (closer than all the dwellings in the appeal case except Inner Farm) the noise was barely audible above locally generated wind noise, even directly downwind.

83. Living conditions can be interpreted to include what local residents and visitors would experience moving around the village. Although KNOLL expressed concern about the wider effects of noise, including on outdoor events such as theatre performances, at the levels predicted I consider that turbine noise, if audible within the village, would be no more than a minor component of ambient noise. Neither noise not motion of the blades would be likely to present any greater distraction to actors in outdoor theatre than the aircraft noise, car alarms, bird song and so on that they already have to cope with on a summer evening. Turbine noise would certainly not be readily audible within buildings in the village within which events were being held.

84. All in all I am satisfied that the ETSU limits are met with sufficient margin, and that particular noise problems are sufficiently unlikely, to ensure that noise would not have an unacceptable impact on local residents' living conditions. Empirically, the distance between the proposed turbines and dwellings, and the presence of other significant noise generators in the area, such as road and rail traffic, support that conclusion. Conditions along the lines suggested, controlling noise to ETSU levels and setting out measures to be taken in the event of any complaints, would in my view satisfactorily address any residual concerns.

Shadow Flicker

85. Shadow flicker, the effect of the sun shining behind the rotating turbine blades and creating an intermittent shadow, only occurs in buildings where there is a narrow window opening and, broadly speaking, where certain meteorological, seasonal and geographical conditions prevail. It also only occurs within a distance equivalent to ten rotor diameters of a turbine, in this case 820m. Although the EA suggests that some properties might be at risk from shadow flicker, it is predicated on worst case assumptions. More importantly, a condition has been suggested that would ensure the turbines were shut down by sensors if the conditions for shadow flicker occurred. The efficacy of such a condition was not convincingly challenged and in my view it would adequately protect residents from this potential nuisance.

86. Although the Council and objectors raised the possibility that turbine noise or shadow flicker might adversely affect people with autism living at Somerset Court, or visiting within the village, this was not supported by any cogent evidence. I see no good reason why turbine blades, seen turning at some distance, and markedly more slowly than on earlier models, might cause any problems in this respect. I also saw that Somerset Court is largely contained and screened by trees and hedgerows and stands immediately alongside the M5 motorway, the noise and activity on which is likely to be far more disruptive than any middle to long-distance views of turbines.

87. Similarly, although turbine 4 would be clearly visible from the village primary school, the others would only be obliquely visible from classroom windows and would be partially screened by mature trees on the school boundary, at least during the summer months. At upwards of 700m noise and blade movement would be unlikely to materially add to the other distractions to which children are subject in the classroom or to interfere with learning in any tangible way.

Quality of Life

88. KNOLL expressed concerns that the proposed windfarm would harm community life in the village, deter visitors from coming to local events and damage an environment from which artists and craftsmen and women have long drawn inspiration. These are matters that involve elements of visual impact and effects on landscape character that I dealt with as a main issue and to some extent relate to impact on the local economy which I also consider below. However, they also go further to include more intangible (and perhaps speculative) considerations of quality of life.

89. Brent Knoll evidently enjoys a vibrant community life, is an attractive place to live and visit, and is cherished accordingly. However, these are qualities enjoyed by many other communities throughout the country and I am not convinced that they are so special in this particular case that protecting them should in itself weigh against the appeal proposal, over and above impacts on living conditions in individual properties, and on the overall character of the local landscape. Personal dislike of a proposal, even if widely shared, does not in itself equate to harm in planning terms.

90. Drawing together my conclusions on living conditions I consider that the visual intrusion of the proposal for 5 turbines would significantly detract from residents' living conditions in five properties in and around the village. The 4

turbine option would be less intrusive in all these cases though still harmful. There is no clear evidence that noise from the turbines, noise-related problems or shadow flicker would cause any unacceptable harm to living conditions locally, especially if controlled by appropriate conditions.

Issue 4: Effects on Listed Buildings and Scheduled Ancient Monuments

Listed Buildings

91. S66 of the Planning (Listed Buildings and Conservation Areas) 1990 states that in considering whether to grant planning permission for development that would affect the setting of a listed building special regard is to be had to the desirability of preserving that setting. There is no statutory definition of what constitutes a "setting" but PPG15 advises that is often an essential part of the building's character, may include land some distance away, and might be affected by a high or bulky building some way away.

92. I agree with the Appellant's planning witness that it is not sufficient to define a building's setting simply by reference to where it can be seen from or, conversely, whether proposed development would be seen from the listed building or its curtilage. It seems to me that among the matters that need to be considered in defining the setting are the function of the listed building and why the particular site was chosen for it; the relationship between building and surrounding area, the character of that area and whether the relationship or character have changed over time; and the extent to which the surrounding area contributes to the value and appreciation of the building. It is then necessary to assess the effects of proposed development on the setting, whether that development is seen in views towards the listed building or outward views from it, and finally to come to a view on the desirability of preserving the setting, weighing any adverse effects on the setting against other material considerations.

93. St Michael's Church, a Grade 1 listed building, stands above the village on the lower slopes of Brent Knoll, and the nearest turbine, No. 5, would be some 800m away. Although the hill shields the Church from view from a sizeable arc of the surrounding area to the north and east, it seems fairly clear that an elevated site was chosen for the building for symbolic reasons, evidence of the pastoral role of the Church in the community, and that the building was intended to be a landmark seen from lower ground to the west and south. That landmark role continues to hold good in a more secular age, the 15th century Church tower being clearly seen from a wide range of viewpoints on the Levels, rising from surrounding trees and against a wooded background. Along with the unlisted but elevated Manor House it is clearly seen from just east of the edge of Burnham-on-Sea but at this distance it is of limited significance in the landscape. However, walking towards the village along the public footpaths from the west and south west it rapidly becomes a focus in the view and an important marker for the village and, although the main body of the Church is not seen, the tower forms a major and attractive part of the landscape of the landscape where Levels and hill meet.

94. Although the character of the Levels countryside has obviously changed significantly since the Church was built, the visual relationship between them remains unaltered. A key element in that relationship is the open, pastoral and

tranquil quality of the low lying ground, the views from which towards the elevated Church tower inform historic understanding of the listed building and enhance its value. I consider that in broad terms the Levels between Crooked Lane to the north and Edithmead Lane to the south, and extending to the railway or just beyond to the west, can be considered as part of the Church's setting.

95. In views from the north and south extremities of that setting the turbines and Church tower would both be seen but as distinct and detached elements in a wide field of view such that there would no significant impact on the setting. However, within the major part of the setting, and notably from the public footpaths from Burnham-on-Sea, the turbines would dominate views of the tower and dwarf its present eminence. Whilst clearly it would be unreasonable to expect such a widely defined setting to be kept clear of all forms of development, the scale and movement of the turbines would in my opinion be quite at odds with the present quiet nature and subdued scale of the landscape. The setting of the listed building would not be preserved and would be harmed.

96. Seen from the Church its setting embraces the hillside churchyard, buildings on the opposite side of Church Lane and, more distantly, the landscape of the Levels to the south-west, towards Burnham-on-Sea. The last named comes increasingly into view moving from the south door towards both the south-east and north-east corners of the churchyard and again serves to put the Church into its historic symbolic context. Although the character of the landscape has changed significantly since the Church was built, notably through the establishment and growth of Burnham-on-Sea, that urban area occupies a relatively small proportion of the view, the overall verdant and tranquil quality of which contributes significantly to the character of the listed building.

97. The turbines would be concealed from view from the main south door of the Church by buildings and evergreen vegetation so that this aspect of the setting would be preserved. From elsewhere in the churchyard, and notably from the war memorial in its south east corner, they would come clearly into view and any screening by trees close at hand would be very limited and virtually absent in winter. Their height would be intrusive and overbearing and the motion of the blades would be distracting to anyone in the otherwise quiet and contemplative churchyard and the setting of the listed building would be harmed.

98. Although the Council did not argue adverse effects on the setting of any other listed buildings, other parties, notably the Town and Parish Councils, did. In addition to St Michael's Church there are some 44 listed buildings within a radius of about 2.5 kms of the appeal site though some of these are essentially constituent parts of other such buildings, separately identified, or are small structures such as memorials and tombs. Listed buildings in East Brent would be screened from the turbines by the intervening hill and most of the others, notably those in Burnham-on-Sea, would be so far distant that there would be no tangible effects on their setting. The nine substantive listed buildings on Brent Street (the main concern of the Town and Parish Councils), and the few others in the surrounding area, have settings of limited extent, generally defined by enclosing trees or hedges or other nearby buildings, none of which would materially affected and all of which would be preserved.

Scheduled Ancient Monuments

99. PPG16 advises that there should be a presumption against planning proposals that would have a significant impact on the setting of visible, nationally important archaeological remains. There are two scheduled ancient monuments here, Brent Knoll Hill Fort and the Edithmead enclosure, respectively some 1.4 kms and 600m from the nearest proposed turbine. I consider that, broadly speaking, the considerations that should inform the definition of the setting of a listed building, outlined above, also apply to ancient monuments. I also endorse the approach taken by a colleague in a recent windfarm appeal in West Devon[16], namely that it is necessary to distinguish between historic setting and present landscape setting, and that preservation of the former requires preservation of the latter only inasmuch as it facilitates understanding of the relationship between the monument and its historic setting.

100. I agree with the Appellant's planning witness that the setting of the Hill Fort has two elements, its physical setting and its wider landscape setting; that in the former the scale of the remains is dwarfed by the mass of the hill; and that the latter is now markedly different in character from when the Fort was created. However, the Fort can be clearly discerned from the lower ground around Brent Knoll and modern development in the surrounding area does not impinge directly upon its defining characteristic, namely its hilltop location. That location is self evidently integral to its one time role as defensive site and base of tribal power. The Fort's commanding and discrete position in the landscape speaks directly of its origins and purpose and thereby informs understanding and appreciation of the monument.

101. Seen from the hilltop, the Levels form the wider landscape setting, albeit in a more diffuse sense than in the case of St Michael's Church (above). The predominantly horizontal emphasis underscores the position and role of the Hill Fort whereas the introduction of the turbines at fairly close quarters, and virtually as high as Brent Knoll itself, would reduce its status. More seriously, viewed from the Levels, the presence of the turbines would reduce the perceived height and pre-eminence of the monument. As in the case of Listed Buildings it would be unrealistic and, indeed, artificial, to expect to protect the settings of ancient monuments from all forms of development but in this particular case I consider that it is important to the historic understanding and appreciation of the Hill Fort that its isolation in the landscape be maintained, free from strong visual competition. In my view the proposed turbines, by reason of their height, would have a significant adverse impact on the setting of the ancient monument.

102. The Edithmead enclosure, reckoned to be an 11th or 12th century motte and bailey, is an earthwork of limited extent in the Levels landscape that would be separated from the proposed turbines by the Inner Farm steading and by a substantial belt of trees. Its setting is quite self contained visually and there is no evidence of any clear historic links with the land around the appeal proposal that would justify particular protection. In my view there would be no significant effect on this monument's setting.

[16] APP/Q1153/A/08/2017162; CD29(n).

103. My overall conclusion on this issue is that the setting of St Michael's Church would not be preserved, and there would be a significant impact on that of the Brent Knoll Hill Fort, but there would be no significant effects on the settings of other local listed buildings or ancient monuments. Omission of turbine 5, that closest to both the Church and Hill Fort, would reduce the degree of harm to the setting of both but, given the prominence of the remaining turbines in the critical views to and from both sites, not to any great extent.

Other Matters

Ecology

104. A great deal of detailed survey and background information on bats was submitted for KNOLL and analysed in equal detail for the Appellant. The essential points appear to me to be as follows. It is agreed that that there is bat activity in the area of the appeal site, that there are roosts of Lesser Horseshoe and Serotine Bats at the Manor House and The Willows respectively in the village, and that it is likely that there is a Pipistrelle roost at Orchard Hall. However, the extent to which bats from these or other roosts are foraging around the appeal site is in dispute, as is the question of whether hedges are being used as flight lines rather than simply feeding areas.

105. Whether and to what extent wind turbines are a hazard to bats, whether in terms of disturbance, collision mortality or habitat loss, appears to be even more uncertain. Research sources quoted by KNOLL pose as many questions as they answer and it cannot necessarily be assumed that experience in other countries will be replicated in the UK. Nor does it follow that if bats from local roosts are foraging around the appeal site they would necessarily be at risk. Both sides agree that Lesser Horseshoe bats do not generally forage at a height that would place them in danger from turbine blades and any loss of habitat as a result of the development would be negligible compared with that that would remain. Whilst Serotine and Pipistrelle bats may at times fly at heights that would put them at risk, I believe there is weight in the Appellant's argument that in windy conditions when the turbines would be operating they would be more likely to forage in the shelter of hedgerows. Local sightings of other bat species known to fly at height and that might be at risk, such as Noctules, are too few and far between to suggest that they would be in serious jeopardy.

106. Whilst the Appellant accepts there might be flight lines in the area, there is no conclusive evidence that there are. I also note that English Nature took the view when consulted that it was unlikely that a windfarm at Brent Knoll would have any more impact on bat populations than at any other similar inland site. Overall, I consider that there is no compelling evidence to suggest that the proposed turbines would pose a tangible threat to bat species and that KNOLL's advocacy of a precautionary approach is over-stated. Nor is there anything to suggest that there would be unacceptable risks to any other species or habitats; whilst English Nature (now Natural England) expressed some concern about the scope of the ES, they did not object to the planning application.

Tourism and the Local Economy

107. There is no convincing evidence that the proposed windfarm would pose a significant risk to Sedgemoor's tourism industry in general, or to local tourism

businesses in particular, by deterring visitors. Although the results of a survey of owners of tourist accommodation quoted by Sedgemoor Tourist Association refer to a number of grounds of opposition to windfarm development such as visual impact and effects on wildlife, none of them relate directly to effects on tourism. Surveys of tourists' attitudes elsewhere are subject to varying interpretations but on the Appellant's unchallenged evidence there is nothing to indicate that development of windfarms has led to an identifiable decline in tourist numbers. The reasons why potential visitors may decide in favour of one area or against another are likely to be many and various and, given the wide range of attractions around Brent Knoll, and in Sedgemoor and Somerset generally, it seems to me unlikely that any tangible numbers would be likely to be deterred from coming to the locality either by advance knowledge of a windfarm or by seeing one in passing. Suggestions by KNOLL that any tourists who might decide not to come are likely to be the highest spenders, with particularly serious multiplier implications for the local economy generally, is entirely speculative. There is a valid distinction to be drawn between identifiable impact on the landscape and conjecture as to the effects of that impact on transient visitors; I do not give weight to the latter.

108. Impact on property prices is not generally regarded as a valid planning consideration, as KNOLL acknowledge. Arguably it could be if reductions in value were so severe and wide ranging as to put at risk the health of the local economy but I do not see the appeal proposal posing any real threat in that respect. Evidence on its effects on property values locally was limited and anecdotal and it seems to me particularly difficult to tease out the extent to which property transactions might have been affected by views on the windfarm as opposed to a myriad of other influences. If there was any adverse effect it seems likely that this could have been due more to uncertainty over the outcome of the planning application rather than to long-term concerns and I note that the quoted results of an RICS survey in 2004 tend to corroborate this, with prices recovering once windfarms are operational. Predictions that the proposal would wipe some £40m off the total value of local property, and have serious knock-on effects on the local economy and health and social services, are in my view unrealistic and alarmist. Effects on tourism and the local economy are not matters that weigh against the proposal.

Other Matters

109. A number of other matters were raised as objections to the appeal proposal including public safety and electro-magnetic interference with radio and television signals. The Companion Guide to PPS22 makes clear that wind turbines pose minimal direct risks to safety. In this case separation distances are adequate, notably from the railway; the proposed turbines would not oversail footpaths; and there is only a marginal shortfall on the British Horse Society's guideline for separation from bridleways of 3 times turbine height. Neither horses nor vehicle drivers would be likely to see the turbines so suddenly or dramatically as to cause distraction; and, as the Companion Guide emphasises, wind turbines should not be regarded as particularly hazardous in this respect. Any interference with radio and TV signals could be satisfactorily remedied by technical measures secured by a condition if the proposal was otherwise acceptable. Neither these, nor any of the other matters raised, weigh significantly against the appeal.

Policy Considerations, Balancing and Overall Conclusions

110. Although I have taken account of all policies that have been quoted, and accepting that all those in the development plan need to be read together, I consider that the principal policies against which the appeal proposal should be judged are RPG Policy RE6 and SDLP Policy PCS5. The former encourages action to meet national targets for electricity production from renewable energy resources (though indicating that there is a balance to be struck in development plans between the benefits that would result and environmental impacts). SDLP Policy PCS5 sets out the criteria against which renewable energy proposals should be judged. Material considerations to be taken into account are government policy on renewables, as expressed in PPS22 and the other documents referred to, and Policies RE1 and RE4 in the emerging RSS. Although the latter are still in draft I consider that they carry weight in that they are promotional and encouraging policies and contain regional and sub regional renewable energy targets, all as advised in PPS22.

111. There was a good deal of debate at the Inquiry about the relationship between SDLP Policy PCS5, which deals specifically with renewable energy development, and other policies in the Local Plan, notably CNE2 and CNE17 which respectively cover landscape character and distinctive features of the District. As noted at the outset, PCS5 sets out a number of criteria for assessing proposals including that they would not be **unacceptable** in a number of respects, including effects on the character and setting of a settlement, living conditions and the character or setting of listed buildings or scheduled ancient monuments. The other two policies are arguably more restrictive in that they presume against development that would **adversely affect** either landscape character or distinctive features of the local landscape. It was accepted for the Appellant that some of the visual and landscape impacts effects of the appeal proposal would be significant and adverse, as would inevitably be the case for wind energy developments in general. However, that is not in itself determinative. It is necessary to assess whether or not any adverse effects are unacceptable, in terms of Policy PCS5. Integral to that assessment is a balancing of any adverse effects against the benefits the proposal would bring, bearing in mind national and regional policy on renewable energy.

112. In terms of the development plan the proposal would self-evidently comply with RPG Policy RE6 in that it would contribute to meeting national targets for renewable energy production. Turning to SDLP Policy PCS5, criterion (a) requires proposals to be sited and designed so as to minimise their impact on the landscape. I read this as in part guidance to a developer but as also requiring the decision maker to assess whether or not what has been achieved is acceptable in terms of landscape impact. The ES shows the site selection procedure that was followed, sieving out areas covered by a range of constraints followed by consideration of a number of sites, and finally assessment of a number of configurations for the preferred Inner Farm site. There is no requirement, either explicit in the EIA Regulations, or implicit in PPS22, to examine alternative sites in great detail, and indeed the latter specifically proscribes a sequential approach. I also consider there is weight in the Appellant's argument that, in the light of Government policy on targets, sites identified as alternatives can arguably be regarded as potential additional

sites; and of course proposals can only be feasible where certain practical requirements can be met, such as access and a viable wind resource.

113. However, although the site selection process took landscape impact into account, and the proposed siting and design would minimise that impact compared with other configurations considered, it would not in my view be acceptable judged against criterion (a) of Policy PCS5. Under Issue 2 above I conclude that the appeal proposal would be harmfully intrusive in the landscape seen from Brent Knoll hill, from the Levels between there and Burnham-on-Sea, and from certain more distant viewpoints in which hill and turbines would be seen together. That most of the harm would occur within a relatively limited area would not render it acceptable, given the sensitive character of the landscape and its value for recreation. Also under Issue 2, I conclude that the setting of the village would be severely compromised, especially seen from viewpoints on the lower slopes of Brent Knoll, contrary to the aim of criterion (b) of the Policy.

114. Under Issue 3 and Other Matters I conclude that there would be no unacceptable nuisance from the matters referred to in criterion (c) of Policy PCS5, namely noise, safety, shadow flicker and electro-magnetic interference. Although visual impact on living conditions is not specifically referred to in the Policy, I consider that there would be some harm in this respect to occupants of five properties. This is not in itself a compelling objection but weighs in the balance against the proposal.

115. Under Issue 4, I conclude that the setting of St Michael's Church would not be preserved, and that there would be a significant adverse impact on that of the Brent Knoll Hill Fort, contrary to Policy criterion (d). Criterion (e) would be satisfied in that there would be no significant harm to the archaeological interest of the area.

116. Under Issues 2 and 4 I conclude that omission of turbine 5 would reduce visual impact to some extent, produce a more satisfactory layout and somewhat lessen the harm to the settings of listed building and ancient monument (and to living conditions in certain of the small number of properties affected). However, I consider that there would still be significant harm in respect of both Issues.

117. As is often the case the appeal proposal satisfies some provisions of the development plan and conflicts with others. Overall I consider that the harm in terms of criteria (a), (b) and (d) of SDLP Policy PCS5 is such that it does not accord with the development plan. I turn now to other material considerations and their part in the ultimate balance.

118. The principal such considerations are Government policy on renewable energy and how it translates into regional policy. I have concluded under Issue 1 that the proposal would make a tangible contribution to meeting national and regional targets for renewable energy generation in the context of a strongly supportive national policy stance set out in PPS22 and echoed and amplified in a range of subsequent documents. Whilst the contribution would be small in national terms, the Appellant rightly argues that it is by a succession of small steps that progress will be made to achieving targets. At regional and county level the contribution would be significant because little substantive progress

has been made towards meeting the respective targets for 2010 set out in draft RSS and very little time remains to do so. Arguments as to the degree of weigh to be given to targets as the relevant dates approach are not of central importance in the light of PPS22 advice that targets should be minima and should be reviewed and revised upward if met. They are clearly intended to mark progress on a continuum and the contribution that the appeal proposal would make to meeting them is a consideration of significant weight.

119. However, the encouraging policy stance towards renewable energy development in PPS22 and elsewhere is not unqualified. Advice that such development should be capable of being accommodated throughout England is predicated on environmental and other impacts being satisfactorily addressed; and exploitation of the various sources is to be subject to appropriate environmental safeguards.

120. I have taken account of what is said in Guidance about giving significant weight to the wider environmental and economic benefits of renewable power proposals which may not be immediately evident to those most directly affected, and which have been stressed by FORCE and others supporting the proposal. I have also borne in mind the very real dangers that climate change itself could pose to the landscapes in which such proposals would be sited. However, national considerations are to a large extent the sum total of myriad local concerns, among them conservation of cherished landscapes, buildings and monuments; and action for the future must involves quality of life issues as well as utilitarian decisions. In this case I consider that the objections in terms of impact on the character of the local landscape and on the settings of St Michael's Church and Brent Knoll Hill Fort are compelling, and that neither they, nor conflict with the development plan, are outweighed by other material considerations. My overall conclusion is that the appeal should be dismissed. I have considered all the other matters raised but none lead me to decide otherwise.

Formal Decision

121. I dismiss the appeal.

Robin Brooks

INSPECTOR

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Terence Ewing	National Heritage, Nature and Environmental Preservation Society; 104A Valley Road, Cradley

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Mrs J Brown	Families for Clean Energy (FORCE); Blackthorn, Pilsmouth, Burnham-on-Sea, Somerset TA8 1BZ

DOCUMENTS SUBMITTED AT THE INQUIRY[17]

Documents submitted by the Council

1 Letter of notification of the Inquiry and list of those notified
2 Email to Highways Agency re. possible distraction to drivers and letter dated 6 August 2007 in reply
3 Meteorological Office data on wind direction and speed for the South West
4 Tables of numbers of passenger trains per day passing Brent Knoll
5 Photomontages based on photographs previously submitted
6 Appeal decision letter ref. APP/W0530/A/05/1190473; proposed wind turbines south west of the A14, between Boxworth and Connington, Cambridgeshire
7 Extract from Guidelines for Landscape and Visual Impact Assessment; The Landscape Institute
8 Email on consultations on renewable energy targets in draft RSS
9 Fax from Somerset CC on planning permissions for renewable energy developments
10 Response to Appellant's note on approaches to the Council prior to submission of the planning application
11 Addendum to Appellant's tables of installed renewable electricity capacity by scheme, Somerset 2006 and 2007

Documents submitted by the Appellant

12 Correction note on Supplementary Environmental Information concerning power output loss resulting from shadow flicker mitigation
13 Details of proposed Severn Barrage submitted to Sedgemoor DC by Mr G Woodham and related correspondence
14 Extract from Journal of Planning Law 37 (1982); report of Bernard Wheatcroft Ltd v SSE and Harborough DC
15 Rebuttal proof by Melvyn McKeown, Ecotricity, to evidence of Wendy Gilpin, KNOLL
16 Two rebuttal proofs by Neil Bostock to evidence of Robert Dalziel, KNOLL
17 Set of wireline views relating to the photographs submitted by the Council and KNOLL
18 Note on approaches to, and discussions with, the Council prior to submission of the planning application, and related correspondence

[17] Additional Core Documents CDs 29(W) and 81-83, submitted immediately before the Inquiry, are included in the Core Documents and listed in Document 38.

19 Letter from Sedgemoor DC to West Somerset Council dated 29 January 2007 re. proposed windfarm west of Hinkley Point
20 Tables of installed renewable electricity capacity by scheme, Somerset 2006 and 2007
21 Map showing location of listed buildings referred to in David Stewart's evidence

Documents submitted by Burnham on Sea and Highbridge Town Council and Brent Knoll Parish Council

22 Addendum to Appendix G of proof of evidence; data on Dagenham and Mablethorpe Windparks

Documents submitted by Knoll to Windfarm

23 Map of sites of Roman settlements around Brent Knoll and distances from appeal site
24 Note on method of establishing angle of view for Appellant's photomontage 18(a)
25 Note on suggested improvements to photomontage methodology
26 Map of National Trust land ownership, Brent Knoll
27 Map of boundaries of Brent Knoll parish and adjoining parishes
28 Extract from Inspector's report on proposed wind turbine development at Garthbrengy, Powys, ref. APP/T6850/A/03/1122720
29 Substitute p28 to Geoffrey Sinclair's proof
30 Photographs of wind turbines at Avonmouth Docks
31 Extract map from Somerset Levels and Moors Plan (draft) 1983
32 Response by Robert Dalziel to Neil Bostock's rebuttal
33 DVDs of bats and bat sounds

Documents submitted by other parties

34 Statement by Dr Janet Pascoe
35 Statement by Mrs J Brown, Families for Clean Energy (FORCE)
36 Statement by Terence Ewing, National Heritage, Nature and Environmental Preservation Society

Other Inquiry documents

37 Inquiry attendance lists
38 List of Core Documents
39 Statement of Common Ground
40 Statement of Common Ground on Noise
41 Draft and final lists of suggested conditions
42 Conditions suggested by Knoll to Windfarm
43 Suggested viewpoints and associated maps