Special Meeting of the Development Management Committee

Members of the Development Management Committee:

<table>
<thead>
<tr>
<th>Conservatives</th>
<th>Liberal Democrats</th>
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<tbody>
<tr>
<td>Mr J Mooney</td>
<td>Mr T East</td>
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<tr>
<td>(Chairman)</td>
<td>Dr M Gray</td>
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<tr>
<td>Mr D Blake</td>
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<tr>
<td>(Vice-Chairman)</td>
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<td>Mrs Y Bendle</td>
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<td>Mrs F Ellis</td>
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<td>Mr C Gould</td>
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<td>Mr L Hornby</td>
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<td>Dr C Kemp</td>
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<td>Dr N Legg</td>
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<td>Mrs L Neal</td>
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Pool of Substitutes

| Mr L Dale          | Mrs V Bell             |
|                   |                         |
| Mr C Foulger       |                         |
| Mr B Riches        |                         |
| Mr R Savage        |                         |
| Mr G Walden        |                         |
| Miss L Webster     |                         |

Pre-Committee Members’ Question Time
9.00 am Cavell Room

Date
Tuesday 22 October 2013

Time
10.00 am

Place
Council Chamber
South Norfolk House
Swan Lane
Long Stratton Norwich
NR15 2XE

Contact
Caroline Heasley tel (01508) 533685
South Norfolk District Council
Swan Lane
Long Stratton Norwich
NR15 2XE
Email: democracy@s-norfolk.gov.uk
Website: www.south-norfolk.gov.uk

PLEASE NOTE that any submissions (including photos, correspondence, documents and any other lobbying material) should be received by the Council by noon the day before this meeting. We cannot guarantee that any information received after this time will be brought to the Committee’s attention.

The order of the agenda may change at the discretion of the Chairman, so it is advisable to arrive at the commencement of the meeting if you are intending to speak.

If you have any special requirements in order to attend this meeting, please let us know in advance

Large print version can be made available

14/10/2013
The Development Management process is primarily concerned with issues of land use and has been set up to protect the public and the environment from the unacceptable planning activities of private individuals and development companies.

The Council has a duty to prepare Local Development Documents (DPDs) to provide a statutory framework for planning decisions. The Development Plan for South Norfolk currently consists of a suite of documents. The primary document which sets out the overarching planning strategy for the District and the local planning policies is the Joint Core Strategy for Broadland, Norwich and South Norfolk. The Strategy is broadly consistent with the National Planning Policy Framework (NPPF) and accompanying technical guidance and was adopted by South Norfolk Council in March 2011. It is the starting point in the determination of planning applications and as it has been endorsed by an independent Planning Inspector the policies within the plan can be given full weight when determining planning applications. South Norfolk Council is also in the process of preparing its Site Specific Policies and Proposals DPD, Area Action Plans and Development Management DPD. These documents will allocate specific areas of land for development, define settlement boundaries and provide criterion based policies giving a framework for assessing planning applications.

In accordance with legislation planning applications must be determined in accordance with the policies of the Development Plan, unless material considerations which are relevant to planning indicate otherwise.

The NPPF states that the purpose of the planning system is to achieve sustainable development. The core planning principles contained within the NPPF are summarised as:

- To be genuinely plan-led
- To drive and support sustainable economic development
- Seek high quality design
- Conserve and enhance the natural environment
- Encourage the effective use of land
- Conserve heritage assets

The factors to be used in determining applications will relate to the effect on the “public at large” and will not be those that refer to private interests. Personal circumstances of applicants “will rarely” be an influencing factor, and then only when the planning issues are finely balanced.

**THEREFORE we will:**

- Acknowledge the strength of our policies,
- Be consistent in the application of our policy, and
- If we need to adapt our policy, we will do it through the Local Plan process.

Decisions which are finely balanced, and which contradict policy will be recorded in detail, to explain and justify the decision, and the strength of the material planning reasons for doing so.

**LOCAL COUNCILS**

**OCCASIONALLY, THERE ARE CONFLICTS WITH THE VIEWS OF THE PARISH OR TOWN COUNCIL. WHY IS THIS?**

We ask local parish and town councils to recognise that their comments are taken into account. Where we disagree with those comments it will be because:

- Districts look to ‘wider’ policies, and national, regional and county planning strategy.
- Other consultation responses may have affected our recommendation.
- There is an honest difference of opinion.
AGENDA

1. To report apologies for absence and identify substitute voting members (if any);

2. To deal with any items of business the Chairman decides should be considered as matters of urgency pursuant to Section 100B (4) (b) of the Local Government Act, 1972; [Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.]

3. To receive Declarations of Interest from Members;
   (Please see flowchart and guidance attached, page 6)

4. Planning Applications and Other Development Control Matters;
   (attached – page 8)

   To consider the applications as listed below:

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Planning Ref No.</th>
<th>Parish</th>
<th>Site Address</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2013/0725/F</td>
<td>Pulham St Mary</td>
<td>Land East of Semere Green Road (forming part of Upper Vaunces Farm) Pulham Market and Dickleburgh (with new access from the A140)</td>
<td>9</td>
</tr>
</tbody>
</table>

5. Sites Sub-Committee;

   Please note that the Sub-Committee will only meet if a site visit is agreed by the Committee with the date and membership to be confirmed.
1. GUIDELINES FOR DETERMINING THE NEED TO VISIT AN APPLICATION SITE

The following guidelines are to assist Members to assess whether a Site Panel visit is required. Site visits may be appropriate where:

(i) The particular details of a proposal are complex and/or the intended site layout or relationships between site boundaries/existing buildings are difficult to envisage other than by site assessment;
(ii) The impacts of new proposals on neighbour amenity e.g. shadowing, loss of light, physical impact of structure, visual amenity, adjacent land uses, wider landscape impacts can only be fully appreciated by site assessment/access to adjacent land uses/property;
(iii) The material planning considerations raised are finely balanced and Member assessment and judgement can only be concluded by assessing the issues directly on site;
(iv) It is expedient in the interests of local decision making to demonstrate that all aspects of a proposal have been considered on site.

Members should appreciate that site visits will not be appropriate in those cases where matters of fundamental planning policy are involved and there are no significant other material considerations to take into account. Equally, where an observer might feel that a site visit would be called for under any of the above criteria, members may decide it is unnecessary, e.g. because of their existing familiarity with the site or its environs or because, in their opinion, judgement can be adequately made on the basis of the written, visual and oral material before the Committee.

2. PUBLIC SPEAKING: PLANNING APPLICATIONS

Applications will normally be considered in the order in which they appear on the agenda. Each application will be presented in the following way:

- Initial presentation by planning officers followed by representations from:
  - The town or parish council - up to 5 minutes for member(s) or clerk;
  - Objector(s) - any number of speakers, up to 5 minutes in total;
  - The applicant, or agent or any supporters - any number of speakers up to 5 minutes in total;
  - Local member
  - Member consideration/decision.

**TIMING:** In front of you there are two screens which tell you how long you have left of your five minutes. After four minutes the circle on the screen turns amber and then it turns red after five minutes, at which point the Chairman will ask you to come to a conclusion.

**MICROPHONES:** In front of you there is a microphone which we ask you to use. Simply press the button to turn the microphone on and off

**WHAT CAN I SAY AT THE MEETING?** Please try to be brief and to the point. Limit your views to the planning application and relevant planning issues, for example: Planning policy, (conflict with policies in the Local Plan/Structure Plan, government guidance and planning case law), including previous decisions of the Council, design, appearance and layout, possible loss of light or overshadowing, noise disturbance and smell nuisance, impact on residential and visual amenity, highway safety and traffic issues, impact on trees/conservation area/listed buildings/environmental or nature conservation issues.

Please note: In accordance with the Council’s constitution no one may make photographs, film, video or other electronic recordings of the meeting without the Chairman’s consent
HEALTH AND SAFETY INFORMATION

<table>
<thead>
<tr>
<th><strong>Fire alarm</strong></th>
<th>If the fire alarm sounds please make your way to the nearest fire exit. Members of staff will be on hand to escort you to the evacuation point</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mobile phones</strong></td>
<td>Please switch off your mobile phone or put it into silent mode</td>
</tr>
<tr>
<td><strong>Toilets</strong></td>
<td>The toilets can be found on your right and left of the lobby as you enter the Council Chamber</td>
</tr>
<tr>
<td><strong>Break</strong></td>
<td>There will be a short comfort break after two hours if the meeting continues that long</td>
</tr>
<tr>
<td>** Drinking water**</td>
<td>A water dispenser is provided in the corner of the Council Chamber for your use</td>
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PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Key to letters included within application reference number to identify application type – e.g. 07/96/3000/A – application for consent to display an advert

<table>
<thead>
<tr>
<th><strong>A</strong></th>
<th>Advert</th>
<th><strong>G</strong></th>
<th>Proposal by Government Department</th>
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<tr>
<td>AD</td>
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Key to abbreviations used in Recommendations

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<tr>
<th><strong>S.P</strong></th>
<th>Structure Plan</th>
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<tbody>
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<td>South Norfolk Local Plan</td>
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<td><strong>J.C.S</strong></td>
<td>Joint Core Strategy</td>
</tr>
<tr>
<td><strong>N.P.P.F</strong></td>
<td>National Planning Policy Framework</td>
</tr>
</tbody>
</table>
DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:

1. affect yours, or your spouse / partner's financial position?
2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in

If the answer is “yes” to any of the above, it is likely to be pecuniary.

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE
DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

What matters are being discussed at the meeting?

Do any relate to an interest I have?

A Have I declared it as a pecuniary interest?

OR

B Does it directly affect me, my partner or spouse’s financial position, in particular:
   • employment, employers or businesses;
   • companies in which they are a director or where they have a shareholding of more
     than £25,000 face value or more than 1% of nominal share holding
   • land or leases they own or hold
   • contracts, licenses, approvals or consents

YES

The interest is pecuniary – disclose the interest, withdraw from the meeting by leaving the room. Do not try to improperly influence the decision

If you have not already done so, notify the Monitoring Officer to update your declaration of interests

NO

The interest is related to a pecuniary interest. Disclose the interest at the meeting. You may make representations as a member of the public, but then withdraw from the room

YES

Does the matter indirectly affects or relates to a pecuniary interest I have declared, or a matter noted at B above?

NO

The Interest is not pecuniary nor affects your pecuniary interests. Disclose the interest at the meeting. You may participate in the meeting and vote

YES

Have I declared the interest as another interest on my declaration of interest form? OR

Does it relate to a matter highlighted at B that impacts upon my family or a close associate? OR

Does it affect an organisation I am involved with or a member of? OR

Is it a matter I have been, or have lobbied on?

NO

You are unlikely to have an interest. You do not need to do anything further.
## PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

**Report of Director of Growth and Localism**

Key to letters included within application reference to identify application type – e.g. 2013/0001/A – Application for consent to display and advert

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**Key to abbreviations used in recommendations**

- **S.P**: Structure Plan
- **S.N.L.P**: South Norfolk Local Plan
- **P.D**: Permitted Development – buildings and works which do not normally require planning permission. (The effect of the condition is to require planning permission for the buildings or works specified).
- **J.C.S**: Joint Core Strategy
- **N.P.P.F**: National Planning Policy Framework.
Special Meeting of the Development Management Committee 
22 October 2013

1. Appl. No : 2013/0725/F
Parish : PULHAM ST MARY

Applicants Name : Upper Vaunces Wind Farm Ltd
Site Address : Land East Of Semere Green Road (forming Part Of Upper Vaunces Farm) Pulham Market And Dickleburgh (with New Access From The A140)
Proposal : Erection of three wind turbines (maximum 126m in height) and associated development for a period of 25 years, including control building, electricity transformers, underground cabling, access tracks, crane hardstandings and vehicular access

Recommendation : Would have refused:

1 Unacceptable impact in the landscape, and that the revised location of the turbines has not overcome the concerns of the Inspector in this regard.
2 The siting of the turbines would continue to have a harmful impact on the setting of St Mary’s Church Rushall.
3 Overall it is felt that the revised proposals would still lead to substantial adverse impacts to the living conditions of a number of properties.
4 Insufficient and inadequate information has been received in respect of contaminated land to enable the application to be appropriately considered.

NOTE: An appeal has already been lodged in respect of the non-determination of this application in advance of the application having been reported to Committee for determination. Nevertheless it is desirable for the Committee to form a view of the application in order to inform the case to be put forward by the Council at appeal.

1. Planning Policies

1.1 National Planning Policy Framework
NPPF 07: Requiring Good Design
NPPF 10: Meeting the Challenge of Climate Change, Flooding and Coastal Change
NPPF 11: Conserving and Enhancing the Natural Environment
NPPF 12: Conserving and Enhancing the Historic Environment
DCLG Guidance: Planning Practice Guidance for Renewable Low Carbon Energy

1.2 Joint Core Strategy
Policy 1: Addressing Climate Change and Protecting Environmental Assets
Policy 2: Promoting Good Design
Policy 3: Energy and Water

1.3 South Norfolk Local Plan
ENV1 - Protection of landscape
ENV8 - Development in the Countryside
ENV9 - Nationally and Locally Important Archaeological Remains
ENV10 - Historic hedgerow pattern – Dickleburgh
ENV13 - Sites of Regional and Local Nature Conservation
ENV14 - Habitat Protection
ENV15 - Species Protection
IMP2 - Landscaping
IMP8 - Safe and free flow of traffic
IMP9 - Residential amenity
IMP10 - Noise
IMP15 - Setting of Listed Buildings
1.3 Supplementary Planning Document
South Norfolk Place-Making Guide
South Norfolk Wind Turbine Sensitivity Study (WTLSS)
Guidance note on assessing the landscape and visual impact of large wind turbine developments (2009)

2. Planning History

2.1 2013/1151 Proposed agricultural portal frame building Withdrawn

2.2 2013/1272 Proposed agricultural portal frame building Prior approval not required

2.3 2010/0383 Proposed erection of three wind turbines with control building, access tracks, hard standings, construction of vehicular access and ancillary development. Refused (Appeal dismissed)

2.4 2008/2247 Scoping Opinion with respect to the erection of three wind turbines with a hub height of 80 metres and blade length of 45 metres (diameter of 90 metres) EIA Required

3. Consultations

3.1 Parish Councils:

Brockdish Refuse – inappropriate location

Starston Refuse
- Unacceptable visual impact across the surrounding area from which the turbines would be visible
- Impact on both local residents and other countryside amenity users
- Contravenes SNLP policies ENV1 and ENV8
- New application does not differ in any significant or material respect from their previous, unsuccessful application. Reasons for refusal of the appeal are still valid.

Tivetshall Refuse
- Slight re-positioning of the turbines is so similar to that presented in 2010 that it has not altered the then views of Tivetshall Parish Council
- Visual impact of turbines to the east of St Mary’s Church, Tivetshall St Mary (Grade 2*) and Boudicca’s Way will dramatically alter the ambience to their detriment.

Dickleburgh & Rushall Refuse
Application is identical in all important regards to previous application, covering same number and size of turbines on the same site by the same developer.
Precedent – application has been exhaustively examined and discussed at local and national level. Parish believes none of the objections have been met, indeed several of problems have been made worse.

Localism – Parish’s opposition to this development have been repeatedly expressed over past three years. If localism means anything, it should no longer be ignored by the developer. Developer declined to put on exhibition in Dickleburgh, applicant attended meeting with council members but requests at that meeting for follow up information were ignored.

Rushall Church – Parish views on application 2010/0383 were entirely supported by the government inspector who cited the impact on St Mary’s Church and the surrounding views as grounds for turning down the appeal. The siting of the three turbines in closer proximity to one another worsens their visual impact.

Residential Amenity – In 2010/0383 objection it stated “It is not sited appropriately. It is too near to many residential homes. The scale of the wind turbines means they will disproportionately dominate the South Norfolk landscape, they will be come landscape features which are entirely incongruous with other landscape features of the area, namely old round tower churches, hedgerows and small field patterns” Both the SNC planning committee and HM government Planning Inspector agree application would have an unacceptable impact on residents. The re-siting of the turbines in this application, in the Parish’s view, makes no difference to the effect on those houses and causes significant new problems to other houses.

Ecology: Support view of Natural England regarding the need for entirely new surveys of bird, bat and mammal life on site.

Landscape – Nothing in new application to change view. Clustering three turbines closer together will significantly worsen the impact on the landscape.

Contamination – Parish endorses the points made by Alison Old, SNC Environmental Protection Officer

Photomontages – Key perspectives were missing from applicants photomontage, notably the view from the graveyard in St Mary’s Church and the wider landscape view from the public footpath leading into Oliver’s Wood. Residents requested a photomontage from this position.

Jobs – Parish notes that there would no employment benefits from this development.

Pulham St Mary

Parish strongly objects to application.

Refuse

- Revised design indicates a smaller cluster in the positioning of the three turbines but does not fully address the objections raised and identified by the inspector as unacceptable. The proposal continues to conflict with the Local Plan ENV8, IMP9, UTL 13 Policy 2 of the JCS for Broadland, Norwich and South Norfolk and with NPPF as the harm to Landscape character and
settings of listed buildings within the surrounding area, and the serious harm to living conditions of properties located closest to the development will demonstrably outweigh the benefits of renewable energy proposed within this application.

- Further to statement delivered to Parliament on 6th June 2013 by Rt Hon Eric Pickles MP, from the number of objections available to view on the LPAs website, consideration must be given to the concerns expressed by local communities. Consideration should be given to the cumulative effect of erecting these turbines, following erection of the two new turbines on Eye airfield.

- Support submission made by 4villages and Dickleburgh & Rushal Parish Council on assessment of environmental statement in relation to ecology and ornithology and to submission of a letter to Marcus Sibley cc Ms Alison Old, SNC by Graham King who has identified several observations and questions on the ‘Golder Associations’ preliminary risk assessment RNAS/RAF Pulham 2013.

Refusal
Reasons in original application still applicable as not enough difference to original application. Still does not comply with Planning Policies ENV8 and UTL13.

Original comments – Refuse – concerned would be in breach of policies ENV1, ENV8 and UTL13.

3.2 District Members:
Cllr K Weeks Can be delegated
Cllr M Wilby To be reported if appropriate
Cllr K Tilcock To be reported if appropriate

3.3 Natural England Broadly satisfied with the approach in the environmental statement and appendices.
Given the number of golden plover (Pluvialis apricaria) and range of bats on site, would expect robust post construction monitoring programmes to be included.
Planning conditions requested under previous applications should be attached as follows:

- An agreed programme of post-construction monitoring, to be submitted to South Norfolk Council, Natural England and the RSPB, to confirm the applicants’ assertion that there will be no significant adverse effects on local wildlife.

- An agreed ecological management plan for the whole site to be submitted to South Norfolk Council, Natural England and the RSPB.

- An experienced ecologist to be on site during any construction works potentially affecting wildlife habits. Note that the ecologist should also be present to check for bird disturbance during the winter works.

- An agreed regime of grass cutting beneath the turbines, as necessary, to prevent the creation of areas suitable for small mammals, thereby discouraging raptors from hunting in the potential collision zone of the turbines.

With these conditions in place, we are satisfied that effective mitigation can be put in place to address residual harm associated with the scheme.
Comments on consultation received 31/5/13

Ornithological information submitted following review of ornithological information.
Bird surveys carried out in 2008-2010 cannot be used as sole source of data. This is due to length of time since survey and assertion from local specialists that the habitat on and around the site has changed since the previous application.
Natural England therefore wishes to see a significant amount of bird survey work completed by the developer to ensure conclusions presented are still valid and ensure mitigation proposals are still appropriate.
Natural England would expect at least one full year's worth of breeding and wintering survey data to be gathered. It may be necessary for another year's survey work. Surveys to be carried out in accordance with our guidance.
Regulation 22 request for Further Environmental Information (FEI).

Supplementary Advice from Natural England received 13/9/13

Following a meeting with TCI Renewables and SLR Consulting on 5th September 2013 they undertook a detailed review of the information submitted and agreed that further ornithological surveys were not deemed necessary.

Satisfied that the habitat has not changed sufficiently to warrant further survey.
The reservoir is unlikely to support waterfowl and waders.
Concluded that robust mitigation in place, further surveys not likely to affect materially either the assessment of impact or design of mitigation.
Post construction monitoring of raptors should take place

3.4    Anglian Water Services Ltd

No objections.

Groundwater conditions as requested by Environment Agency to be applied.

3.5    Environment Agency

No objections
FRA reviewed- no objections on flood risk grounds. Suggest conditions:
Surface water management
Surface water runoff restricted.

Confident appropriate surface water management scheme will be achieved.

Accept findings from intrusive study and geophysical investigation-no significant risk to controlled waters
Suggest mitigation and pollution prevention measures by way of conditions:
Contamination
Ground water monitoring scheme
Excavations deeper than 2mbgl shall not be permitted, without further investigation
Scheme for provision and implementation of pollution control
3.6 Ministry of Defence  
No objections

In the interest of air safety, MOD requests turbines are fitted with 25 candela omni-directional red lighting or infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

3.7 RSPB  
No comments received

3.8 CPRE Norfolk  
Object – Unattractive visual intrusion in immediate vicinity and wider area.. Small amount of renewable energy that turbines would generate does not justify the negative effect on the landscape

3.9 British Horse Society  
No comments received

3.10 Airwave Solutions Ltd  
No comments received

3.11 4 Villages (Local Action Group)  
Object

Environmental Statement
- Relates to previous application
- Has already been proven as flawed, inconsistent and incomplete
- Seeks to rely on key assessment data that is completely out of date
- Has made no attempt to assess the true impact of the three turbines in this application
- Has not incorporated any changes to the area that have occurred in the past 5 years

Landscape
- The re-siting of the turbines has created a visually intrusive impact that is even more damaging than the previous turbine layout
- The density of the close grouping is more physically dominant so that now one will see all three turbines from many directions and viewpoints
- From some viewpoints the result will be particularly jarring because of the alignment of the turbines has produced blade overlap, clashing effect

Cultural Heritage
- Contrary to the claims of the applicants, the Inspector’s concerns about St Mary’s have not only not been addressed, the situation has been worsened.
- The view from the footpath is more damaged because of the greater impact of the three turbines being closer together. The turbines in this closer group “diminish the visual prominence of the church in the landscape” even more than what the Inspector saw. They even further “detract from the simple pastoral scene because of the jarring relationship of the turbines and the tower”.
- The applicants’ proposition regarding the footpath has no merit and their own photomontage 2 shows this clearly.
- No viewpoint has been presented from the entrance of the footpath to Oliver’s Wood, looking back at the church. This
would have shown, from an important viewpoint, a broad perspective of how the church sits in a wider, unspoilt landscape.

- The net effect of the changes to the siting of the turbines is to bring two of the three turbines much closer to Rushall village and its Grade 1 church, in a more concentrated cluster.
- By no standard can this densely situated set of 126m turbines, stealing the sky and the landscape from St Mary’s Round Tower Church and its village nearby, be described as harmonious.
- As before, the turbines substantially change the skyline around the church and the effect is significant and unacceptable.
- It is our opinion that this revised layout of turbines has a more substantial damaging effect on a number of the many Grade II listed homes around the site.

Residential Amenity

- In the case of Lowbrook Farm and Cottage, the applicants say they have addressed the Inspector’s reasons for refusal. They have not. Had they taken the trouble to undertake an assessment of this property it would have been apparent that the outlook has changed since the Inspector’s visit and the increased distance to the turbines has been countered by this alteration and by the density of the closer grouping.
- In the case of Barnacres, we disagree with the Inspector’s finding that the impact of the previously located turbines was not overbearing. Aside from that, even the applicants’ own recent photomontage demonstrates clearly how much worse the impact is of this now denser grouping. We believe that SNC should consider the impact on this property as grounds for refusal.
- Of the other properties where SNC previously considered the impact unacceptable, Semere Green Farm and Semere Cottage, the same applies as above. One turbine moving further away has been offset by another being closer.

Noise

- The applicants ask SNC to rely on noise data that does not comply with the current ETSU guidelines. We can think of no reason why that could be considered acceptable.

Shadow Flicker

- No account has been taken of the possible impact and increase in severity of shadow flicker in relation to the alignment of the turbines.

Ornithology & Ecology

As Natural England originally requested further information from the applicant, this area was not covered in detail when first responding. However, since the retraction of this request by Natural England, 4 villages comment as follows

- NE’s first advice on 31st May was based on unverified information, therefore it cannot be relied upon.
- Natural England’s change of position on 13th June was based on sound evidence.
- NE’s retraction on 13th September was based on reasons which are demonstrably inaccurate therefore it cannot be relied upon.
In the spring of 2013, the habitat on the site had altered significantly, in several aspects.

Contrary to the applicant’s and SLR’s claims, there is no evidence that any up-dated ecological assessment of this site has been made in the intervening 5+ years since Atkins carried out the original work. (It is apparent that Atkins has not been involved in this ES submitted in 2013).

NOTE: THE ABOVE IS A SUMMARY OF THE RESPONSE FROM ‘4 VILLAGES’. MEMBERS ARE REQUESTED TO VIEW THE FULL CONTENTS ON THE COUNCIL’S WEBSITE

3.12 NCC- Planning Obligations No comments received

3.13 Norfolk Gliding Club Limited No comments received

3.14 Seething Airfield No comments received

3.15 Public Right Of Way No objections. Does not appear to directly affect any Public Rights of Way

3.16 National Grid No comments received

3.17 Joint Radio Company No objections. Do not forsee any potential problems based on known interference scenarios and data provided.

3.18 OFCOM No comments received

3.19 CAA General guidance. Consult with NATS, MoD and aerodromes

3.20 Hutchinson 3G Uk Ltd No comments received

3.21 T Mobile No comments received

3.22 O2 Uk Ltd No comments received

3.23 Vodafone No comments received

3.24 Orange No comments received

3.25 EDF Energy (Networks) Ltd No comments received

3.26 Conservation Officer The re-location and grouping together of the three turbines would not reduce their impact. He states that ‘it is accepted that their scale would make them the tallest structures in the area, dwarfing the church towers which are currently the most dominant buildings in most parishes. While moving the turbines away from some of the key buildings identified by the inspector should help in theory, given their scale, I do not feel that this has made a discernible difference to the impact on the setting of St Marys or the other listed buildings noted in the appeal decision in paragraph 29.’

3.27 District Ecologist Agrees with comments received from Natural England, surveys are out of date.
Comments on 4Villages objections to be reported verbally at Committee.

3.28 Norwich International Airport

No aerodrome safeguarding objection subject to the following conditions:

- Agreement to be reached between wind farm operator and Norwich Airport Limited with respect to a Radar Mitigation Solution
- No turbines shall be erected or operated until the requirements of the Radar Mitigation Solution have been implemented in full
- Wind farm operator shall give in writing 6 months prior notice to Norwich Airport Limited of the intended construction of the development.
- The wind farm operator shall provide a minimum of 21 days prior notice to Norwich Airport Limited prior to commencing erection of the development to allow for adequate notification to airspace users.

3.29 National Air Traffic Services Ltd

No safeguarding objection to the proposal

3.30 SNC Environmental Services (Protection)

Contamination

The applicant has confirmed they are submitting and relying on the contamination report submitted in relation to planning application 2010/0383. This planning application relates to a different site, with the exception of some of the access routes. The site investigation report does not relate to the application site and this report is of questionable relevance to the development site. The same will be true of the report into potential UXO that was submitted in respect of 2010/0383 especially as the current application proposes to locate the wind turbines in the former munitions storage area. Without site investigation information relating to the actual application site, rather than another part of the RNAS/RAF Pulham site, I would question whether the requirements of paragraph 121 of the National Planning Policy Framework can be met in relation to this application.

An error was noted in Section 13 of the April 2013 Environment Statement which covers Geology, Hydrology & Hydogeology. Paragraph 13.2.4 states:

“13.2.4 A foundation works risk assessment and a site land contamination investigation determined with the proposed mitigation measures in place, there are no residual significant effects. SNC’s own assessment of the former RNAS/RAF airfield carried out in 2012 and located within the site boundary has confirmed that there is no unacceptable risk to human health, supporting the finding of the land contamination study.”

Our site investigation only covered potential radioactive contamination – chemical contamination was not considered. Our conclusion was that for the site, in its current use, there are no unacceptable risks to human health. This investigation is therefore not relevant for this application as the use of the site will change if this application is approved.
Noise
ACCON UK Limited  Review of ES noise chapter in respect of proposed wind farm development submitted dated 17/6/13. Based on ACCON’s advice, no objections on noise and vibration grounds provided that suitable planning conditions to limit noise to the predicted levels are attached to any planning consent that may be granted.

3.31 ESP Connections Ltd (formerly British Gas Connections Limited) No gas or electricity apparatus in the vicinity of the site address and will not be affected by the proposed works. Notification valid for 90 days from 31st May 2013 as continually laying new gas and electric works.

3.32 National Planning Case Unit No comments received

3.33 Norfolk Wildlife Trust No comments received

3.34 Fisher German No comments received

3.35 The Ramblers (Norfolk Area) No comments received

3.36 Defence Infrastructure Organisation (DIO) No comments received

3.37 British Telecom No comments received

3.38 Mid Suffolk District Council No comments received

3.39 Historic Environment Service Conditional Support

Although they will still cause harm to the setting of designated heritage assets (most notably St Mary’s Church, Rushall) this harm would be weighed against the benefits of the development, in accordance with paragraph 134 of the NPPF. The strategies for recording any heritage assets with archaeological interest directly affected by the construction works are appropriate and can be secured via the following condition in accordance with paragraph 141 of the NPPF:

No demolition/development shall take place until a Written Scheme of Investigation has been submitted to and approved by the LPA in writing.
No demolition/development shall take place other than in accordance with the written Scheme of investigation approved The development shall not be occupied until the site investigation and post investigation assessment have been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination or results and archive deposition has been secured.
The Historic Environment will provide a brief for these works on request.

3.40 English Heritage
Refuse

Turbines have been repositioned but will be seen in combination with Rushall Parish Church. Photomontage submitted illustrates how the particular view from the public footpath has changed with the relocation of the turbines, also indicating the more general impact on the setting. It shows the turbines as very large structures with no precedent in the landscape either in terms of scale, form or motion. Precise location has changed and removed the flanking effect from the footpath view point referred to by the inspector. The current proposed turbines are seen to still possess ‘dominating height’ and the ‘jarring relationship between turbines and tower.’

The erection of three wind turbines in the vicinity of St Marys Church, Rushall will result in harm to the significance of the historic building through inappropriate development in its setting. The application fails to satisfy paragraphs 132, 134 and 137 of the NPPF and we recommend that permission is refused.

3.41 Health And Safety
Executive
No objections. If there are any high pressure pipelines in vicinity, seek views of National Grid

3.42 British Gas Transco
No comments received

3.43 Network Rail
Condition to be added as follows:

Prior to any works to Network Rail property including the remodelling of the bridge underneath the railway at Station Road, the applicant must secure in writing agreement from Network Rail and the local authority following assessment.

3.44 NCC Highways
No objections.

Impose the following conditions:
- All access gates on the haul road shall be hung to open inwards, set back and thereafter retained a minimum of 15 metres from the near channel edge of the adjacent highway.
- Construction traffic management plan and access route.
- Details of the wheel cleaning facilities to be submitted.
- For the duration of the construction period all traffic associated with the construction of the development permitted will use the approved wheel cleaning facilities.
- No work shall commence on site until a detailed scheme for the off-site highway improvement works as indicated in drawings figure 5.6 (site entrance detail) and figure 5.7 (Semere Green Road crossing detail) has been submitted and approved.
- Prior to commencement of the use hereby permitted the off-site highway improvement works shall be completed to the written satisfaction of the LPA.
- No work shall commence on site until the Traffic Regulations Orders for a temporary 40mph speed limit and a no overtaking ban, both on the A140 road, shall have been secured by the Highway Authority.
• The haul road shall be permanently closed to the A140 road and to Semere Green Lane upon commissioning of the turbines and shall not be reopened until decommissioning takes place.

3.45 Richard Bacon MP

The application should be refused:
• not a suitable place for industrial structures
• applicants have treated resident’s wishes as something to be undermined and overridden
• breeches national and local policy
• fails the tests set out by Communities Secretary.

3.46 Representations

242 letters of objection received expressing concerns in the following areas:

Landscape impact

• Will ruin a beautiful landscape
• Turbines will be bigger than Big Ben and the London Eye – just look at the two turbines at Eye
• If we wanted to live an industrial landscape we would have bought a house in the city
• Clumping turbines together has made the impact in the landscape even worse

Heritage impact

• Impact on views of Rushall Church is a 12th Century Grade 1 listed building
• Impact on Pulham St Mary church
• 10 Grade II listed buildings within 1km of one or more turbines
• the site is surrounded by a number of Conservation Areas to which the three turbines will not blend in as required by policy IMP18 in any respect

Residential amenity

• Turbines will emit noise which will have a significant detrimental impact on the amenity of residents
• The villages around the site are very quiet, especially at night where there is minimal background noise
• Turbines produce a low pitched thumping sound, which is particularly noticeable at night when there is little other background noise
• Shadowing of residential properties
• Flicker from turbines would result in loss of amenity
• Guidance states that nearest receptor to a wind turbine producing shadow flicker should be no closer than 10 turbine rotor diameters – in the case of the proposed Upper Vaunces Farm, this should equate to 900m, not 600m.
• New proposed legislation that wind farms should not be erected within 2km of residential housing, which is the case in Scotland and many other EU states. Residential areas are some 700m from these turbines, some 80 properties within ½ mile
• Health effects for people who suffer epilepsy and migraines
• Sleep patterns will be disturbed
• Psychological impact cannot be ignored even if potential physical health issues are disregarded
• To subject people to such a risk in the light of such evidence would be totally irresponsible and quite possibly a violation of the Human Rights Act
• Turbines cause cancer
• The amendments have made situation worse for properties close to the site
• Still harmful impact to Lowbrook Farm and Semere Green Farm

Ecological impact

• The area around Upper Vaunces Farm is rich in wildlife and we have regularly observed golden plovers, sparrow hawks, brown hares and lapwing in this area
• Impact on birdlife and game birds – it is unquestioned that many birds are killed by turbine blades
• Birds that particularly vulnerable include Lapwings, Golden Plover and Black-headed gulls which winter on and in the vicinity of the wind farm site in much larger numbers than TCI claim
• Bats are foremost in the wildlife that would be placed at risk. Studies of dead bats have shown signs of internal haemorrhaging suggesting that vortices forming around the tip of the moving blade create a regional low air pressure causing the bats’ delicate lungs to suddenly expand and bursting the blood vessels
• Impact of noise and shadows on livestock
• Longer term changes to the flora and fauna may take place as a result of changes to the soil due to the large amounts of concrete used in the construction

Contamination

• Potential major health & safety hazards involved in excavating what is known to be a contaminated area
• Previous military use increases the possibility of UXO and toxins in the area
• Revised location of turbines brings increased risk due to contamination and UXO’s

Policy objections

• Policy UTL13 states that planning permission should be granted where the benefits of exploiting the renewable resource are not outweighed by demonstrable harm to the locality – in this instance the benefits are not sufficient to outweigh the clear harm

Criticisms of wind turbines

• Will have no measurable impact in preventing climate change
• Would contribute less than 0.2% of the total target set for East Anglia by 2020
• Unreliable way to generate electricity as wind is an unreliable medium
• Perceived benefits from wind turbines are at best negligible
• Other European countries are now backtracking on wind turbines
• Are not able to supply power at the times power is most needed
• Renewable companies always claim that monitoring masts show there is enough wind, however those who live round here no differently
• Do not offset the environmental cost of their construction
• Wind turbines should be site offshore
• Should consider tidal or nuclear energy instead
• Should look at sites somewhere windier than East Anglia
• Only people to benefit will be energy companies enjoying large Government subsidies
• Nothing different from previous application rejected for giant wind turbines
• Should be on brownfield sites
• What were the readings from the wind mast?

Aviation issues

• Very dangerous for low flying aircraft, including amateur, commercial and military flights which all use this airspace
• Impact on Air Ambulance flights

Highway safety

• Distraction to drivers on the A140 as is the case on the A47 at Swaffham, which could be a particular danger in the morning due to shadow flicker from the low morning sun
• Road access is not sufficient
• The addition of a new access of the A140 and the resulting heavy machinery using this road during the construction phase and over the operational period of the development for maintenance purposes will be detrimental to the safety of road users
• Increased traffic down narrow country lanes
• Access onto Semere Green Lane would be an accident waiting to happen due to people driving fast along there often on their mobile phones

Other impacts and issues

• The area is designated as a dark area – the tops and tips of the turbines will need to be illuminated by red lights, causing light pollution
• Pulham Airfield is a significant site in aviation history and therefore should not be defaced by such development
• Area around Dickleburgh has been extensively used going back to the prehistoric period
• Why was Pulham Airfield selected? It was an airship station, chosen due there being a lack of wind!
• This application represents no material change from the last one
• The villages will receive no financial benefit from the electricity produced as it will be fed into the National Grid
• We would not holiday here if the turbines are built
Complaints about the application itself

- Application is unsound as there so many inaccuracies and false assumptions
- Application is vexatious
- This is corporate harassment
- Photomontages do not give an accurate representation

39 letters of support received:

- This is a great opportunity to do our part to avoid climate change
- Very keen to support the natural and renewable energy rather than use fossil fuels or nuclear energy with the resulting problem of disposal of nuclear waste
- Complies with South Norfolk Wind Turbine Sensitivity Study
- Turbines not located within any ecologically sensitive areas
- Better for the environment
- Country needs to be self-sufficient in power production
- The District Council should be supporting measures that contribute to the use of renewable energy
- The rather plain landscape would be made more interesting by the shape and movement of the turbines
- Find turbines beautiful
- Will provide for enough clean energy for around 4000 homes

NOTE: THE ABOVE IS A SUMMARY RESPONSES RECEIVED FROM LOCAL RESIDENTS. THE FULL LETTERS ARE AVAILABLE TO VIEW ON THE COUNCIL’S WEBSITE.

4 Assessment

Site and Proposal

4.1 Following the refusal of permission and subsequent dismissal at appeal on the 15 October 2012 of a similar scheme, the revised proposal again seeks consent for the following main components:

- Three wind turbines with a maximum tip height of up to 126 metres and total capacity of up to 8 Megawatt (MW) – hub height approximately 80 metres and a rotor diameter of approximately 90 metres
- A control building
- Crane pads
- Transformer cabinets
- Underground cabling
- The formation of vehicular access for construction traffic to the A140
- Access tracks and crane hard standings
- Temporary construction compound

4.2 The only perceivable difference between the previous refused scheme and this amended scheme is that the 3 turbines are grouped more tightly and set out over a smaller part of the site.

4.3 The site itself is located within the Parishes of Dickleburgh and Pulham Market within an area of farmland occupying 423 hectares. This farm is known as Upper Vaunces Farm, which was once part of the Pulham airship station dating back to 1915. The bases to the
substantial airship sheds still exist to the east of the site. The farm is characterised by large arable fields divided by tracks and by the occasional block of trees and other vegetation. It is stated once operational the wind farm will take up approximately 2.5 hectares or 0.6% of the total area of the holding.

4.4 The three wind turbines, referred to as Turbine 1, 2 and 3, will be located within two adjacent fields where no public rights of way exist. The proposed wind farm would be approximately midway between the villages of Pulham St Mary (approximately 1.9 km to the north-east) and Dickleburgh (approximately 2.0 km to the south-west). To the west of the site is the A140 at a distance of approximately 1.4 km. The application proposes a new vehicular access directly onto the A140, for construction traffic to avoid traffic using Semere Green Road. A number of internal access tracks are also proposed. There are approximately 57 residential properties within 1 km of the turbines. The nearest public right of way is Lonely Road, approximately 220 metres to the south of Turbine 2 with Semere Green Road 470 metres to the north west of Turbine 1. The site forms part of gently rising land northwest of the River Waveney Valley, which is approximately 4 km away. A site location plan is attached as Appendix 1.

4.5 The application has been submitted with the following documentation:

- Planning application forms
- An Environmental Statement and Non-Technical Summary in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (to be referred to as the ES), comprising three volumes:
  - Volume 1 Environmental Statement
  - Volume 2 Appendices
  - Volume 3 Figures, maps, photomontages and technical drawings (including planning drawings)
- A Design and Access Statement
- A Planning Statement

4.6 A copy of the ES Non-Technical Summary is attached as Appendix 2

4.7 As stated above the proposed wind turbines will have a maximum tip height of 126 metres, comprising a hub height of approximately 80 metres and rotor diameter of approximately 90 metres. The applicants state the final tip height, within this maximum range, will be dependent on the actual model of turbine selected, this being dependent on turbine models available at the time of installation.

4.8 The proposed development has been designed with an operational life of 25 years. At the end of this time it would be decommissioned. Electricity generated by the development will be connected to the local electricity grid via the proposed onsite control building. The colour of the turbines is to be agreed in advance but the applicant anticipates being off white with a low reflective semi-matt finish. The turbines would generate power from wind speeds between 4 and 25 metres per second. For safety and efficiency reasons they do not operate outside this range. It is proposed to stand each turbine on reinforced concrete gravity foundations, measuring approximately 16 metres square and a maximum of 2 metres in depth (excluded protruding up stand). There will also be crane hard standings adjacent to each turbine base.

4.9 The control building, to be constructed with load bearing masonry walls, with brick facing, and felt roof, measures approximately 10 metres x 4 metres x 6 metres high and is proposed to be located to the north of the existing farm buildings at Upper Vaunces Farm, adjacent to an existing farm access track.

4.10 Two contractor’s compounds will be required to be located at the A140 entrance and at the Semere Green Road entrance. These would be temporary and would be removed following the installation of the turbines.
4.11 The applicants anticipate that three 2.5 MW turbines could generate nearly 17 million units of electricity per year, which could meet the average needs of around 4000 homes.

Policy Context

4.12 A number of policies and guidance are relevant to this application. Primary amongst these is saved Local Plan policy UTL 13 which states:

Renewable Energy

Planning permission will be granted for renewable energy projects, provided that the benefits of exploiting the renewable resource in the national interest are not outweighed by demonstrable harm to the locality in terms of

1. Visual intrusion
2. Pollution from noise, vibration, smell, fumes, smoke, ash or the treatment and disposal of waste
3. The Safe and free flow of traffic

In areas designated for their archaeological, historic or landscape quality, special consideration will be given to the compatibility of the proposals with the features that such designations are intended to protect.

In areas adjacent to the Broads area, conservation of the natural beauty of the countryside and of its wildlife and cultural heritage will be given particular weight, and regard will also be had to the economic and social wellbeing of local communities. Major development will not be permitted save in exceptional circumstances.

Emerging Local Policy

4.13 DPD policy DM 4.2 ‘Renewable Energy

Although this policy can only be given very limited weight, as it has not completed its due consultation process, it should be noted that it does reiterate the fact that development (in particular wind turbines) will only be acceptable where any harm can be outweighed by the benefits of the proposal, and that it has been demonstrated that the proposals has been tested against the South Norfolk Wind Turbine Landscape Sensitivity Study. The policy states that:

Proposals for renewable energy generating development will be supported and considered (taking account of the impact of relevant ancillary equipment) in the context of sustainable development and climate change on the wider environmental, social and economic benefits of maximising use of renewable energy. The Council will encourage the use of on-site communal-scale energy generation measures.

Proposals will be permitted where either individually or cumulatively the adverse impacts outweigh the benefits in terms of:

a) Significant adverse impact upon the visual landscape, nature conservation or historic features; and

b) Significant adverse impacts on the amenities and living conditions of nearby residents by way of noise, outlook and overbearing or unacceptable risk to health or amenity by way of other pollutants such as dust and odour; and
(2) For large scale wind turbines, applicants will need to demonstrate that they have assessed and tested their proposal against the methodology contained within the South Norfolk Wind Turbine Landscape Sensitivity Study.

(3) Where appropriate planning conditions will be imposed requiring the decommissioning and removal / dismantling of all plant and ancillary equipment, and if necessary the restoration of land, on the cessation of use.

National Planning Policy Framework

4.14 Specifically in respect of renewable energy development paragraph 97 of the NPPF states that

To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;

In determining planning applications, Local Planning Authorities should

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application (taking into account material considerations) if its impacts are (or can be made) acceptable.

In assessing the likely impacts of potential wind energy development when identifying suitable areas, and in determining planning applications for such development, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure (read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure, including that on aviation impacts).

4.15 The overall approach to conserving and enhancing the natural environment is set out section 11 of the NPPF. It states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes and minimizing impacts on biodiversity and providing net gains where possible.

4.16 Paragraph 113 states that distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives weight to their importance and the contribution that they make to wider ecological networks.
Paragraph 118 states that when determining planning applications, LPAs should aim to conserve and enhance biodiversity by following a number of principles, including:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest (SSSI) likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted. An exception should only be made where the benefits of the development, clearly outweigh the impacts;
- opportunities to incorporate biodiversity in and around developments should be encouraged; and
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats.

Paragraph 123 states that planning policies and decisions, amongst other things, should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts arising from noise, including through the use of conditions.

The approach to conserving and enhancing the historic environment is set out in section 12 of the NPPF.

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Paragraph 133 goes onto state that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Ministerial Statement: Local Planning and Onshore Wind (6th June 2013) and DCLG Planning Practice Guidance for Renewable and Low Carbon Energy

This recent statement subsequent guidance note sets out the Government’s intention to ensure that planning decisions better reflect the balance in the NPPF, and to allow for greater weight to be given to the views of local people. Specifically it states that

- the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities;
- decisions should take into account the cumulative impact of wind turbines and properly reflect the increasing impact on (a) the landscape and (b) local amenity as the number of turbines in the area increases;
- local topography should be a factor in assessing whether wind turbines have a damaging impact on the landscape (i.e. recognise that the impact on predominantly flat landscapes can be as great or greater than on hilly or mountainous ones); and
4.24 Although the above requirements are already required by existing policy, it is clear that the Government wishes local authorities to take a more balanced approach when weighing up environmental impacts against the national need and benefits. The advice is a material consideration in this case. (Note: - On the back of the advice having been issued, the Secretary of State has called in several wind turbine applications/appeals, and so until the decisions have been released on these, the amount of weight to attach to this advice is unclear.)

Previous Inspector’s appeal decision

4.25 This is the starting point for consideration of this application as this revised proposal has attempted to address the reasons for the dismissal of the appeal for a similar scheme set out in the Inspector’s decision attached as Appendix 3 to this report. In her decision, the Inspector considered that proposal was acceptable in respect of

- Shadow flicker
- Noise impact
- Impact on bats
- Impact on birds
- Ice throw

4.26 In accepting that the relevant policies in the Local Plan accorded with the NPPF, she also acknowledged that the national and local need for renewable energy weighed heavily in favour of the scheme.

4.27 However, in dismissing the appeal the Inspector accepted that there would be

- Harm to the landscape setting around the settlement of Rushall
- Significant harm to the setting of St Mary’s Church, Rushall (a Grade I listed building)
- Serious harm to the living conditions of the occupiers of Lowbrook Farm and limited harm to the occupiers of Semere Cottage

4.28 The key consideration in respect of assessing this revised application is whether or not a tighter grouping of turbines has addressed the above harmful impact to such an extent, as to shift the planning balance in favour of allowing the development having regard to the development plan, national policy, and the recent ministerial statement and planning practice guidance.

4.29 In considering the environmental impacts of this revised scheme, reference will be made to the assessment and conclusions of the Inspector set out in her decision.

4.30 A number of abbreviations will be used in this assessment and I thought it might be helpful to list these at the beginning of this section:

- Landscape and Visual Impact Assessment (LVIA)
- Environmental Statement (ES)
- South Norfolk District Wind Turbine Landscape Sensitivity Study (2008) (WTLSS)
- Landscape Character Area (LCA)
Technical objections have been received from the Council’s Landscape Consultant with respect to landscape impact and impact on residential visual amenity. In addition it will be noted from Section 3 of this report, the application has generated a significant amount of local opposition from local residents, surrounding parish councils, and the campaign group ‘4Villages’. Taking into account the objections and concerns raised, the Inspector’s decision, and the fact that the turbines have been relocated, in my opinion, the main issues for members to consider are

- Visual impact and its effect on the character of the area
- The setting and visual amenity of nearby heritage assets
- The effect on living conditions (residential amenity) of nearby residential properties in relation to:
  - Visual impact and dominance of the structures
  - Noise
  - Shadow Flicker
- Impact on birds, ecology and bats
- Contamination
- The effect on Aviation interests
- Other material considerations

Visual impacts on the local landscape character

The Council’s Landscape Consultant has considered the revised proposal and assessed whether sufficient information has been provided to enable an assessment of the impacts of the scheme; whether the current application has addressed the landscape and visual reasons for the Inspector dismissing the appeal; and, whether the revised arrangement raises any new issues.

The Council’s Consultant notes that the applicants have assessed the visual sensitivity of the Tributary Farmland Landscape Character type as ‘low to medium’. This is inconsistent with the conclusions of the WTLSS, and no explanation for this departure is given. The WTLSS assesses the Tributary Farmland as having a ‘Moderate sensitivity’, and views were a key aspect of this sensitivity.

The Inspector considered that the turbines in the previous scheme would have a significant adverse impact on the smaller scale landscape to the south, around the village of Rushall. Whilst the revised application does move Turbines 1 and 2 further away from this landscape, resulting in a slight improvement, significant impacts will still remain. Although the turbines will no longer be seen to either side of St Mary’s church tower, they will be seen immediately adjacent. They will continue to dominate in respect of their height, and will diminish the existing visual prominence of the church, and will continue to have a jarring relationship. The turbines will continue to detract from the simple pastoral scene and will be contrary to the specific guidance in the WTLSS to ‘respect the site and setting of key landmark features such as churches.’

I have concluded that the turbines would have an unacceptable impact in the landscape, and that the revised location of the turbines has not overcome the concerns of the Inspector in this regard.

The setting and visual amenity of nearby heritage assets

The ES accompanying the previous application on this site identified over 240 listed buildings within 5 kms of the site, 7 of which are grade 1 and 6 grade 2* (mostly churches), 2 Scheduled monuments and 8 Conservation Areas. Given the nature of the landscape and topography and the height of the turbines and blades, they would be visible from
certain viewpoints much beyond the 5 km radius. The ES submitted with this current appealed application makes reference to 3 Grade I listed churches being within 1 km of the site. There are no heritage assets within the site that would be directly affected.

4.37 Although the turbines have been repositioned so that they are seen as a tighter group, they will still be seen in combination with St Mary’s church at Rushall, an impact that the Inspector in the previous appeal found to be significantly harmful. (The Inspector also noted that although there would be harm to the setting of several other listed buildings, the impacts were not as severe.) English Heritage consider that the revised proposal will still harm the setting of St Mary’s church, particularly in respect of detract from its character and significance. As such the development fails to satisfy paragraphs 132, 134 and 137 of the NPPF and is not sustainable development. In light of the previous appeal decision, having weighed up benefits against harm, English Heritage recommends that the application be refused.

4.38 Since the appeal decision there has also been a High Court judgement in the summer which emphasised that considerable weight should be accorded to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, the ministerial statement in June hints that further guidance will be produced requiring that greater care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. This reflects the High Court decision that greater weight should be given to the protection of landscape and the heritage.

4.39 The Planning Practice Guidance for Renewable Energy has also confirmed that wind turbines may cause substantial harm to a heritage asset as described in the NPPF Paragraph 132.

‘Depending on their scale, design and prominence a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset.’ (Para. 34)

4.40 The Council’s Conservation Officer is of a similar opinion in that the re-location and grouping together of the three turbines would not reduce their impact. He states that ‘it is accepted that their scale would make them the tallest structures in the area, dwarfing the church towers which are currently the most dominant buildings in most parishes. While moving the turbines away from some of the key buildings identified by the inspector should help in theory, given their scale, I do not feel that this has made a discernible difference to the impact on the setting of St Marys or the other listed buildings noted in the appeal decision in paragraph 29.’

4.41 In terms of the T&CP Act 1990, section 66(1), and paragraph 137, the Conservation Officer also does not feel that the scheme could be seen to be preserving the building or its setting in relation to St Marys and the other listed buildings noted in paragraph 29, or better revealing their significance.

4.42 In the ES non-technical summary the impact on St Mary’s church is described as being slight and of minor significance. However, given the level of harmful impact identified by the previous Inspector’s decision, I do not agree that the impact has been reduced to this degree. Photomontage (viewpoint 19) within the ES shows that the siting of the turbines would still dominate St Mary’s church and have a jarring relationship with the building’s tower. The visual prominence of the church is diminished.

4.43 I have therefore concluded that the proposal does not accord with saved local plan policy IMP15 and paragraphs 132, 134 and 137 of the NPPF, and conflicts with the requirements of the Town and Country Planning Act 1990, section 66(1).
The effect on living conditions (residential amenity) of nearby residential properties in relation to the visual impact and dominance of the structures

4.44 The key issue to assess here is whether or not the revised locations of turbines 1 and 2 have reduced the harmful impact on the residential amenity of Lowbrook Farm and Semere Cottage, as referred to by the Inspector in her decision. It must also be considered whether or not additional impacts have been created.

4.45 The Council’s Landscape Consultant has undertaken as assessment of the revised proposal, and comments in respect of four properties, Semere Green Farm, Semere Cottage, Barnacres, and Lowbrook Farm.

4.46 Semere Green Farm - there has been no improvement in respect of the impacts on amenity to Semere Green Farm as although turbine 1 is now further from the dwelling itself, it has also moved further away from the elements that provided an alternative focus to the turbine (mainly the woodland).

4.47 Semere Cottage - The re-location of turbine 1 has improved the impact on the patio and sun room of Semere Cottage, although it is still felt that a substantial adverse impact remains.

4.48 Barnacres – the repositioning of turbine 1 results in a significant change for the amenity of this property. In views approaching the house the hub of Turbine 1 will appear well above the thatched roof of the property and almost the whole of the diameter of the turning blade will be visible. Turbine 1 will be on a similar alignment from the house as turbine 2 in the previous application, but will be over 400 metres closer. The Inspector notes in her decision that a distance of 1 km to the nearest turbine would not be overwhelming for this property (this being turbine 2), however, the revised location of turbine 1 now brings the nearest turbine over 400 metres closer, greatly increasing its impact. All three turbines will now also been seen within the area of open views available to Barnacres.

4.49 Lowbrook Farm - the revised application places all turbines beyond 1km from this property, this normally being the distance where it impact is considered to be less overwhelming. The applicants ES relies heavily on a large evergreen hedge located between the house and the turbines that provided screening from both inside the house and from within the garden. However, subsequent to the determination of the last appeal the hedge was lost to a fire and there is currently no screening between Lowbrook Farm and the turbine site.

4.50 Had circumstance not changed the revised application would have significantly improved the situation with regard to Lowbrook Farm, however, due to the loss of screening that the hedge provided, there remains a substantial adverse impact on the visual residential amenity of this property.

4.51 The revised application has improved the situation for Semere Cottage and Lowbrook Farm and left in unchanged for Semere Green Farm. However, it has exacerbated the impact at Barnacres. Overall it is felt that the revised proposals would still lead to substantial adverse impacts on this group of properties. The application is therefore contrary to saved local plan policy IMP9.

4.52 Although the Inspector in her previous decision did not find the impacts in terms of noise and shadow flicker to be unacceptable, as turbines have been relocated, their impacts have been re-assessed. Whilst I acknowledge the views of local residents and the Parish Council there have not been any objections with respect to noise and shadow flicker, received from the relevant consultees, and I do not consider that the impacts in this regard would result in significant harm.
Birds, ecology and bats

4.53 Previously, the Inspector found the overall impacts on the previous scheme to be acceptable in respect of impact on birds, bats and ecology in general. Although it should be noted the Planning Inspector did request additional environmental information during the Inquiry process. In commenting on this revised scheme on the 12 June, Natural England requested further information (under Reg. 22 of the EIA regulations 2011) as it felt that the habitat surrounding the development had changed significantly, warranting additional surveys. However, the latest position of Natural England has changed in that they formally retract this earlier request and do not now feel that a repeat of the ornithological surveys is justified. They also conclude that further autumn surveys are not likely to materially affect the assessment of impact or the design of mitigation.

4.54 The local residents’ action group ‘4 villages’ have undertaken their own appraisal of the Natural England position, and raise serious concerns and misgivings as to the justification behind it. There concerns can be summarised as follows:

- NE’s first advice on 31st May was based on unverified information, therefore it cannot be relied upon.
- Natural England’s change of position on 13th June was based on sound evidence.
- NE’s retraction on 13th September was based on reasons which are demonstrably inaccurate therefore it cannot be relied upon.
- In the spring of 2013, the habitat on the site had altered significantly, in several aspects.
- Contrary to the applicant’s and SLR’s claims, there is no evidence that any up-dated ecological assessment of this site has been made in the intervening 5+ years since Atkins carried out the original work. (It is apparent that Atkins has not been involved in this ES submitted in 2013).

4.55 Given the level of concern expressed by ‘4 Villages’ and the need to ensure the Council has sufficient information to determine the application, officers are, at the time of writing this report, seeking further clarification and comments from the applicant and the District Ecologist in respect of the above, and this should be available for consideration by members at committee.

Contamination

4.56 This issue was considered by the Inspector at the previous Public Inquiry, where it was concluded that there is likely to be some contamination from radioactive paint, scrapped vehicles and machinery in the area, as well as some potential for buried remains of unexploded ordnance (UXO) from its previous use as RNS Pulham, and as a storage/salvage site during WWII. However, the Inspector agreed that a suitably worded condition could be applied to any permission requiring further investigation and remediation of localised areas affected prior to the commencement of development.

4.57 Paragraph 121 of the National Planning Policy Framework states that:

Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and adequate site investigation information, prepared by a competent person, is presented.
4.58 The applicant has confirmed that they are resubmitting, and relying on, the contaminated land report submitted in relation to planning application 2010/0383/F (Comprehensive Environmental Site Assessment Report 241013 R1 (01) dated February 2010.) Whilst the previous planning application also related to part of the former RNAS/RAF Pulham site, Planning Application 2013/0725 relates to a different part of this site, with the exception of some of the access routes. Therefore the site investigation report in question does not relate to the application site and thus this report is of questionable relevance to the development site. The same will be true of the report into potential UXO that was submitted previously, especially as the current application proposes to locate the wind turbines in the former munitions storage area. This latter matter is a consideration for the HSE, and will need to be dealt with on site by the developers prior to commencement.

4.59 Without site investigation information relating to the actual application site, rather than another part of the RNAS/RAF Pulham site, the requirements of Paragraph 121 of the National Planning Policy Framework can’t be met in relation to this application.

The impact on aviation interests

4.60 The impact on Civil And Military aviation is required to be considered by section 5.4 of the Overarching National Policy Statement for Energy (EN-1), and aviation impacts are assessed in section 12 of the ES. There are a number of potential impacts of wind farms on aviation and these include:

- Effects on primary surveillance radar systems
- Effects on secondary surveillance radar systems
- Effect on aeronautical radio navigational facilities
- Obstacle hazard to low-level military activities
- Obstacle hazard to certain low level civil helicopter operations (eg policy, air ambulance, search and rescue, pipeline and power line survey)

4.61 The main statutory consultees have been consulted and in particular the Ministry of Defence (Estates Defence) (MOD); National Air Traffic Services Ltd (NERL Safeguarding and Civil Aviation Authority (CAA). All three do not raise any objections on safeguarding grounds and conditionally support the proposal.

4.62 The MOD confirm that their principal safeguarding concern with respect to wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations. They have also confirmed that infrared lighting for turbines is an agreed method of lighting. Any proposal for approval would need to be conditioned accordingly.

4.63 Norwich Airport has expressed some concerns in respect of the structures giving returns on their radar system. They feel that a condition could be attached to any permission requiring a technical solution to be agreed with the applicants allowing for the installation of a system that would ensure that the turbines would not be visible. Whilst I am not convinced that the suggested wording is robust enough, I have found evidence of other cases where conditions have been applied and found to accord with the relevant guidance. Therefore subject to a suitably wording condition requiring a radar mitigation scheme to be approved and implemented before any turbine is erected, I am satisfied this issue can be addressed.

Other material considerations

4.64 In reaching my conclusion I have had regard to matters including archaeology, potential impact on public rights of way, flood risk, highways and any cumulative impact. These matters were all dealt with at the previous appeal on this site and the impacts were considered acceptable by the Inspector. No objections to the revised application have been received from relevant consultees, and the application is considered acceptable in respect of these impacts.
5 Conclusion and reasons for refusal

5.1 Notwithstanding the recent ministerial statement and DCLG Guidance Note, in overall policy terms there is still an overarching requirement to support renewable energy proposals in meeting relevant national aspirations and the assistance in reducing the impact of climate change. The proposal may only provide a small percentage of the renewable energy requirement but each wind farm development would be important in incrementally contributing to the target. However, as section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires, development should be considered in accordance with the development plan unless material considerations indicate otherwise. A significant consideration in this case has been the Inspector’s previous decision on this site.

5.2 I have concluded that the turbines would have an unacceptable impact in the landscape, and that the revised location of the turbines has not overcome the concerns of the Inspector in this regard. They would continue to dominate in respect of their height, diminishing the existing visual prominence of the church, and would continue to have a jarring relationship. The turbines would continue to detract from the simple pastoral scene contrary to the specific guidance in the WTLSS to ‘respect the site and setting of key landmark features such as churches.’ The application is therefore contrary to JCS Policies 1 & 2, local plan policy IMP13, and section 11 of the NPPF.

5.3 The siting of the turbines would continue to have a harmful impact on the setting of St Mary’s Church Rushall, contrary to JCS Policies 1 & 2, and saved local plan policy IMP15. It is considered that the impact would not enhance or better reveal the significance of the heritage asset, and as such is contrary to para 137 of the NPPF, nor would it preserve the setting of the church contrary to section 66(1) of the Town and Country Planning Act 1990. The harm is considered to be less than substantial and contrary to para.134. It is felt that the harm has not been justified, contrary to para 132. In reaching this conclusion, I have had regard to the public benefit of providing additional renewable energy as required by para 134, but do not consider these benefits outweigh the impact on the landscape setting of the area and the setting of the heritage asset, St Mary’s Church, Rushall.

5.4 In respect of the impact on the visual amenity of nearby properties the revised application has improved the situation for Semere Cottage and Lowbrook Farm and left it unchanged for Semere Green Farm. However, it has exacerbated the impact at Barnacres. Overall it is felt that the revised proposals would still lead to substantial adverse impacts to the living conditions of this group of properties. The application is therefore contrary to saved local plan policy IMP9.

5.5 Insufficient and inadequate information has been received in respect of contaminated land to enable the application to be appropriately considered. Without the correct site investigation results the requirements of Paragraph 121 of the National Planning Policy Framework can’t be met in relation to this application. The application is also therefore contrary to saved local plan policy UTL15.

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This non-technical summary is available free of charge from www.uppervauncesswindfarm.co.uk. Copies of this and the environmental statement can also be obtained from the following address:

TCI Renewables Limited, Willow Court,
Minnis Business Park, 7 West Way
Oxford, OX2 0JB

The non-technical summary is free; the environmental statement is £250 + VAT (paper) or £25 + VAT (DVD).

## 1. Introduction

1.1. This is a non-technical summary of an Environmental Statement (ES) that has been prepared by TCI Renewables Limited (TCIR) on behalf of Upper Vaunces Wind Farm Ltd (a wholly owned subsidiary of TCIR) to accompany a planning application to South Norfolk Council (SNC) for the development of the Upper Vaunces Wind Farm, located to the north-east of Diss in South Norfolk. The wind farm would produce clean, renewable electricity that would help to achieve Government policies and targets for increasing the generation of renewable power and addressing climate change and security of energy supplies. The ES and its appendices provide more detail, and have been submitted with this non-technical summary and other documents including the planning application forms and drawings, a Planning Statement and a Design and Access Statement.

1.2. TCIR is a UK-based independent renewable energy business that develops, builds and operates onshore wind projects in the UK and North America.

1.3. The ES is a report of the findings of an Environmental Impact Assessment (EIA) undertaken to describe existing conditions at and around the site, to identify the likely environmental effects of the wind farm proposal and, where necessary, to propose appropriate measures to reduce or offset any significant negative effects.

1.4. The complete application can be viewed at the offices of SNC by direct arrangement with the planning department of the Council.

1.5. Unless otherwise stated, copyright of all diagrams, illustrations and photographs belongs solely to TCIR and they must not be reproduced without written permission. Ordnance Survey maps have been used and reproduced with permission under licence.
2. Policy Context

2.1. In order to achieve its commitments and targets relating to renewable energy and greenhouse gas emissions, the Government is promoting renewable energy within a strong policy framework and has put in place mechanisms, legislation and guidance to encourage the growth of electricity generation from renewable sources. These aims are recognised in the planning system for the UK.

2.2. The National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied. There is a presumption in favour of sustainable development, and in relation to climate change, renewables and low carbon energy it states:

'...Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions...

...local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources; and

...local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions and approve the application if its impacts are (or can be made) acceptable.'

2.3. The planning policy context for the Upper Vaunces Wind Farm has been tested at the international, national, regional and local level and discussed in the Planning Statement that accompanies the planning application. This finds that the proposals would make a valuable contribution in terms of energy and environmental policies, and that the effects identified in the ES are acceptable in the context of these benefits and the planning policy framework.

3. The Site

3.1. The site is located in Norfolk to the north-east of Diss between Dickleburgh and Pulham Market. It is situated within an area of farmland which occupies 423 hectares. The total amount of land to be occupied by the wind farm during the operational phase is approximately 2.5 hectares, 0.6% of the overall development site. A site location plan is provided in Figure 1.

3.2. The site forms part of gently rising land north-west of the River Waveney Valley which is approximately 4.5 km away. It is on an area of middle ground between the lower lying Waveney Valley and higher land of the plateau which extends to the north. It is predominantly intensively farmed arable land, dotted with copses and small pockets of woodland and hedgerows which break up the view.

3.3. The current planning application follows the refusal planning permission in 2010 in relation to a three-turbine wind farm at Upper Vaunces Farm by SNC and subsequently dismissed at appeal in October 2012 following a public inquiry.

3.4. The current three-turbine scheme is of a similar scale to the original proposal, but with a tighter grouping of turbines set out over a smaller part of the site. It addresses the issues raised by the Planning Inspector in her decision on the previous scheme.

4. The Proposal

4.1. The proposed wind farm consists of three wind turbines, together with new access tracks, crane pads, a control building, underground cabling and temporary construction compounds. The planning application is for 25 years of operation, after which it is anticipated that the wind farm would be removed or, subject to a future consent, replaced.

4.2. Each turbine would comprise a tower some 80 metres in height, and three blades each some 45 metres long. The maximum height to blade tip when in the upright position would be 125 metres. The final selection of turbine
model will be made following planning approval to allow for on-going technical and efficiency advances and the turbine models available at the time.

4.3. The generated electricity would be supplied to the local grid. With three 2.5 megawatt wind turbines, and based on five-year average figures from the Department of Energy and Climate Change, the Upper Vaunces Wind Farm could generate nearly 17 million units of electricity per year, which could meet the average needs of around 4,000 homes.

4.4. The site access will be directly from the A140, crossing an arable field at the shortest point possible and then following the hedge line. The route further crosses Semere Green Road 380m south of Semere Green Farm and crosses a further arable field before joining the network of existing farm tracks on the site. The site layout is shown on Figure 2.

4.5. The main components of a modern wind turbine are illustrated in Figure 3. The tower is bolted to a foundation, which is likely to be a buried, square, reinforced concrete slab measuring 16 metres by 16 metres with a maximum depth of 1.7m. Some of the large turbine components would be delivered to site on abnormal load vehicles with an escort.

4.6. During the assembly of the turbines, heavy components need to be lifted to a height of up to 80 metres, so very large mobile cranes are required. These vehicles need stable, level ground and a clear area over which to operate, so an area of hardstanding known as a crane pad is created next to the base of each turbine.

4.7. Each turbine is connected to a control building via underground cabling, and this is likely to be installed within or immediately alongside the tracks to minimise land disturbance.

4.8. The control building will be a small, single-storey building, approximately 10 metres by 4 metres, and 6 metres to ridge height, in materials to match the local style. It houses electrical switch gear, cable connections, meters and turbine control equipment, and will be located to the north of the main farm buildings at Upper Vaunces Farm adjacent to an existing track and Semere Lane.
Figure 2: Site Layout
UPPER VAUNCES WIND FARM

NON-TECHNICAL SUMMARY

4.9. The control building will be connected to the local electricity grid, but this connection has to be the subject of a separate application by the owner of the grid at a future date. The connection is anticipated to be underground cable to the existing substation to the north of Dirty Lane, Pulham St Mary.

4.10. Two contractors’ compounds will also be required near to the new site entrances, a small one at the A140 entrance and a larger one at the Semere Green Road entrance. These will be temporary and reinstated to agricultural use following the completion of construction, which is likely to take place over 6 to 12 months.

4.11. As mentioned above, the permanent (25 year) land take will be 2.5 hectares for the new access tracks, turbine bases, crane pads, and control building. This is around 0.6% of the wider agricultural holding. All could be returned to agricultural use at the end of the life of the project, though in practice, some or all of the tracks and hardstandings may be retained for farm use by agreement.

4.12. The turbines automatically monitor their own operation and optimise power generation. All other monitoring is done remotely. The turbines are designed to shut down automatically if safety limits are approached, for example if there is a high temperature in the generator, excessive wind speed or ice build-up on the blades. Once operational periodic visits to the wind farm would be made in relation to the routine maintenance of the turbines.

4.13. At the end of the wind farm’s life, the wind turbines can be completely dismantled and removed using a crane. The majority of parts would be recycled. Most items would be broken down so specialist abnormal load vehicles would not be required unless the wind turbines were to be reused elsewhere. The foundations would be excavated and removed below plough level, and the soil cover reinstated for agricultural use.
5. The Need for Wind Power

5.1. The principal reason for promoting the development is the production of renewable electricity, which brings environmental benefits at a much wider scale. There is broad consensus amongst scientists and politicians globally that climate change is happening and that human activity such as the burning of fossil fuels is a major source of greenhouse gases, especially carbon dioxide (CO₂), and that these are contributing to the increasing rate of climate change. Wind turbines generate electricity without releasing measurable amounts of CO₂.

5.2. Onshore wind energy is the most advanced form of renewable energy production. The cost of onshore wind energy is competitive with other forms of energy generation even when factoring in intermittency of supply and it is significantly cheaper than offshore wind.

5.3. Energy generated from the proposed wind farm will offset electricity produced by fossil fuel generation, such as coal and gas. Coal and gas fired power stations are the most flexible plant within the system and are therefore the most likely to be adjusted to meet demand. It is likely that the proposed wind farm will reduce CO₂ emissions by around 7,300 tonnes per annum.

5.4. If the wind farm performs as well as others in the UK it should generate approximately 17 million units of electricity per year. This is equivalent to the domestic needs of around 4,000 average households.

5.5. Even taking into account the CO₂ released while obtaining raw materials, and in the manufacturing, transport, servicing and disposal of the turbines, wind turbines typically become carbon neutral in considerably less than a year of operation. Hence the electricity generated during the remaining 24 years of the wind farm’s life is effectively carbon-free.

5.6. The proposal will thus make a positive contribution to the reduction of greenhouse gas emissions and to alleviating the adverse effects of climate change. Given the need to address climate change, this positive effect is generally considered at a global rather than local scale.

6. Cultural Heritage

6.1. Headland Archaeology Limited was instructed to carry out a cultural heritage study. This included desk-based and field work. Cultural heritage assets considered in the study included:

- Listed buildings and other buildings of historic or architectural importance;
- Conservation Areas and other significant historic townscape;
- Scheduled Monuments and other archaeological sites and features; and
- Historic Parks and Gardens and other historic landscapes.

6.2. There are no designated assets within the application site, though there are 21 (all grade II listed buildings) within approximately 1 km of the application site boundary; these include Dickleburgh Hall, a barn, a stable building and various houses, farmhouses and cottages. There are Conservation Areas associated with several local settlements.

6.3. Construction works have the potential to damage presently unknown, below-ground archaeological remains. These possible effects are of minor significance and can be fully mitigated by an excavation and recording, if necessary.

6.4. Operation of the wind farm will affect the significance of five heritage assets through visual change in their settings. There will be an impact of slight magnitude and minor significance on the Church of St Mary, Rushall, the Church of St Mary, Pulham St Mary and the Church of St Mary Magdalen, Pulham Market (all grade I Listed Buildings). There will be an impact of negligible magnitude and negligible significance to Dickleburgh and Pulham Market Conservation Areas.
6.5. The layout of the present scheme has been amended to minimize impacts to the significance of St Mary’s church, Rushall compared to a previous scheme for the site. This has also reduced the Impacts to St Mary’s church, Pulham St Mary and to St Mary Magdalene church, Pulham Market. Any effects on the setting of heritage sites will persist for the duration of the operational life and then be fully reversed on decommissioning.

7. Landscape and Visual Impact

7.1. A landscape and visual study was carried out by specialist landscape architects, Pegasus Planning Group Ltd, to describe the value and character of the local landscape, to determine key views towards the site, and then to evaluate the effects of landscape designations, landscape character and views from key public viewpoints and local residential properties.

7.2. The wind farm site lies on the northern slopes of the River Waveney and is typical of the wider landscape. There are notable man-made influences on the landscape, particularly the large expanse of arable fields criss-crossed with farm tracks and drainage ditches.

7.3. Extensive, long-ranging views are available from some parts of the site across farmland which is largely under crop production. The site lies in the Waveney Valley with lower ground to the east and west of the site. To the north, the land rises and flattens towards Tivetshall St Mary and the Great Moulton Plateau Farmland. In the south the land is more undulating, being dissected by the River Waveney and a more intimate landscape.

7.4. It is generally judged that a study area extending to approximately 25 km radius around a proposed onshore wind farm development is appropriate to cover all potential landscape and visual impacts. This was adopted for this study.

7.5. The work began with a desk study of policy, national and local landscape designations, and landscape character assessments for the site and surrounding areas.

7.6. A map was drawn up using a computer program to indicate the zone of theoretical visibility of the turbines within the 25 km study area. This was used to assist in the identification of representative viewpoints and to indicate the potential extent of visibility of the proposed wind farm, and therefore the receptors that might experience changes to views.

7.7. An assessment of effects was carried out on the basis of the visibility maps, extensive field visits to experience the likely views from key viewpoints, and using computer-generated turbine outlines and realistic turbine images overlain on baseline photographs to show what the proposed development would look like from the viewpoints agreed with SNC.

7.8. The assessment concluded that there would be no significant effects on protected landscapes such as the Broads, and that only the Waveney Tributary Farmland Landscape Character Area would be significantly affected up to 1 km from the turbines. Locally, between 1 km and 2 km from the turbines the effects are reduced becoming moderate.

7.9. In terms of changes to views, the assessment predicts that where these are available, there will be substantial effects up to 1 km of the turbines, decreasing to moderate effects between 1 and 4 km. Beyond 4 km, some of the more sensitive receptors would experience effects of slight significance, but in general effects would tend towards being not significant. Beyond 7 km, all visual effects are not significant.

7.10. The assessment concluded that none of the local settlements will be visually dominated by the turbines. The density of buildings and trees in the area is such that the turbines will be screened from most of the surrounding villages, though there will be glimpses where there are more open views.
7.11. While private views are not normally a planning matter, the study also examined the possibility that the turbines could unacceptably dominate individual dwellings nearby, such that they became unpleasant places in which to live.

7.12. The residential visual amenity assessment concludes that none of the dwellings around the site will be affected by the turbines to the extent that they will be overbearing or oppressive. The most affected are 2 The Cottages in Station Lane, Semere Green Farm and Barnacres in Semere Green Road and 5 & 6 Semere Green Lane. These properties have open or partially screened views towards the site. Significantly the Inspector found the effect on these properties in relation to the previous scheme to be acceptable. The present scheme further reduces the impact on outlook as the closest turbines have been sited further away from these properties compared to the previous scheme and the spread of turbines in views will be much less given the more compact grouping of turbines.

7.13. In relation to the previous scheme the Inspector considered that original location of turbine T1 would have resulted in serious harm to the living conditions of Lowbrook Farm and more limited harm to Seamer Cottage resulting from the impact on outlook and an overbearing presence. The impact on these two properties has been significantly reduced by the present layout which increases the separation distance between turbine T1 and the two properties. For example, in relation to Lowbrook Farm the distance has been increased from 700m to just over 1 km. In addition, the turbine group will occupy a smaller part of the outlook.

7.14. The possibility that the landscape and visual changes created by the Upper Vaunces Wind Farm might act in combination with other operational and proposed wind farms in the area has also been assessed. The study found that no significant cumulative landscape and visual effects will arise as a result of the combination of the Upper Vaunces Wind Farm with the operational and proposed wind turbines at Eye and Hempnall.

8. Ecology and Ornithology

8.1. Atkins Limited (Atkins) carried out ecological surveys at the site, and these provided the basis for the assessment.

8.2. The development area consists mainly of large, intensively-managed, arable fields with the occasional farm building. There are also pockets of woodland, hedgerows, ponds and ditches on the site.

8.3. The main finding of the ecological assessment is that other than potential effects on bats, all other ecological effects as a result of the construction, operation and decommissioning of the proposed wind farm are considered to be negligible. The proposed development will have no adverse effects on any statutory or non-statutory wildlife sites and there would be no loss of habitat.

8.4. The surveys recorded low numbers of great crested newts in two ponds that will be unaffected by the development. Proposed measures to be undertaken at the time of construction of the wind farm will enhance the habitat for great crested newts to allow the population to expand.

8.5. All of the turbines have been sited away from known main bat foraging areas and commuting routes across the site to minimise the risk of collisions and to avoid barrier effects (i.e. the blocking of commuting or migration routes).

8.6. The potential mortality of bats is considered to be an adverse effect, however high levels of mortality are not anticipated due to the low number of bats using the commuting routes closest to the turbines and the species of bat making use of these closest commuting routes (i.e. those that are only at medium risk of turbine collision due to flight behaviour). It is not predicted that the proposals would be likely to significantly affect the ability of the population to survive or that they would affect the local distribution or abundance of any species. As a low level of mortality is highly unlikely to affect the long-term conservation status of the local bat populations, this adverse effect is not considered to be significant.
8.7. The landowner has already established areas of set-aside and substantial field margins on the site which are beneficial to wildlife in the general area, in particular birds, invertebrates, reptiles, amphibians, brown hare and small mammals. Gap planting of existing hedgerows has also been undertaken over recent years. Additional enhancement measures, including pond improvement for great crested newts as mentioned above and installation of bat boxes have been incorporated into the scheme.

8.8. The habitat at Upper Vaunces Farm is typical of the area and is considered to be of generally low importance for birds. Bird surveys were carried out between December 2008 and February 2010 to determine the extent of the impact the wind farm would have on birds using and passing through the site.

8.9. The main findings of the ornithological assessment were that during the winter the arable land on site is considered likely to be of local importance for waders, occasionally providing foraging habitat for a small percentage of the local overwintering population of golden plovers and lapwings, but that Upper Vaunces Farm is not considered to be outstanding for birds when considered as a stand-alone site, and at other times of year the arable land is likely to be of significantly lower value.

8.10. The proposed wind turbines are not predicted to have any significant impacts on bird populations. The only adverse effects indicated were the possible effects of collision with wind turbines on golden plover and lapwing. Golden plover are considered to be potentially at risk of impacts from onshore wind farms due to their sensitive conservation status, habitat preferences and flight behaviours. The predicted collision rate values of five to six birds per annum for golden plover and three to four birds per annum for lapwing are considered to be on the precautionary side and actual mortality is expected to be lower and predicted to have no long term effects on their conservation status at a local, regional or national level and are not considered to be significant.

9. **Traffic and Access**

9.1. The most significant traffic related effects arising from the proposed development would almost entirely be limited to vehicle movements associated with the construction and decommissioning phases of the wind farm, each anticipated to last between 6 and 12 months. For the purpose of the assessment in the ES a 6 month construction period has been assumed.

9.2. Once operational, the wind farm would generate very few visits to the site; these would generally be limited to routine maintenance visits using a van. These would be via one of the existing vehicular accesses serving the farm. There is the potential for organised educational visits by local schools by minibus or coach, but if they do take place they would be few and far between and, once again, one of the existing farm accesses would be used.

9.3. Construction traffic travelling to and from the site would use the A140. The abnormal loads carrying the wind turbine components are likely to come from the south via the A14 and the A140 (as the anticipated port of entry is Felixstowe) and timed to take place outside of peak periods.

9.4. The planning application proposes the creation of a new vehicular access directly onto the A140. This is to avoid heavy construction traffic using Semere Green Road and other minor roads surrounding the site and to allow abnormal loads associated with the delivery of wind turbine components to access the site. This access would only be used during the construction and decommissioning phases or on the very rare occasion should it be necessary to transport an abnormal load to the wind farm site, such as a replacement gearbox.

9.5. Disruption caused by construction traffic will be limited through the implementation of mitigation in the form of a Traffic Management Plan that will specify, amongst other things, routes to and from the site for construction vehicles. Construction activities will result in an average increase in traffic of just 0.2% per day over the construction period.
10. Noise

10.1. A noise assessment has been undertaken by TNEI Services Limited using background noise data from around the site in accordance with Government and the relevant British Standards. Noise will be emitted from the proposed development during the construction, operation and decommissioning phases of the project.

10.2. The assessment shows that there will be a temporary increase in noise levels at the nearest properties associated with construction activities. While activities may be audible at times, the noise will be within acceptable levels and not significant. Mitigation is available through the control of working hours and delivery times in relation to plant and machinery and building materials.

10.3. During operation, wind turbines can emit two types of noise: aerodynamic noise, which is produced by the movement of rotating blades through the air, and mechanical noise, which may emanate from gearboxes or generators. Modern wind turbine designs are generally much quieter than earlier models.

10.4. The following steps were taken in accordance with Government guidance for wind farm operational noise assessments:

- Identify the locations of the nearest, or most noise-sensitive, receptors (in this case residential properties);
- Measure the existing background noise levels as a function of site wind speed at representative noise-sensitive locations;
- Determine the quiet daytime and night-time recommended limits using the measured background noise levels at the nearest neighbours and the recognised guidance;
- Derive noise limit curves for daytime and night-time using Government guidance;
- Specify the type and noise emission characteristics of the wind turbines;
- Calculate the noise levels at nearby residential properties resulting from the operation of the wind turbines as a function of site wind speed; and
- Compare the predicted noise from the wind farm with the recommended limits.

10.5. The modelling carried out to compare the predicted wind turbine noise relative to measured background levels shows that noise from the wind turbines will meet the daytime and night-time criteria established in Government guidance (i.e. ETSU-R-97) at properties neighbouring the proposed wind farm, and thus also those further afield. The noise from the turbines is therefore not considered to be significant.

11. Aviation, Radar and Services

11.1. Wind Power Aviation Consultants Ltd (WPAC) was commissioned to analyse the impact of the proposed development on aviation. WPAC has carried out impact assessments for a range of wind power developments.

11.2. There are a number of potential impacts of wind farms on aviation including:

- effects on primary and secondary surveillance radar systems;
- effects on aeronautical radio navigational facilities;
- obstacle hazard to low-level military activities; and
- obstacle hazard to low level civil helicopter operations e.g. police, air ambulance, search and rescue and pipeline and power line surveys.

11.3. Consultation has been carried out with all relevant aviation interests in the vicinity of the proposed development. Norwich International Airport previously had no objection to the development, however, consultation continues in respect of the present proposal. No other civil aviation facilities are close enough to the site to be affected by it. The Upper
UPPER VAUNCES WIND FARM

Vaunces Wind Farm will be visible to the NATS En Route Ltd (NERL) radar at Cromer, but NERL is not expected to object. The MoD was consulted on the previous three turbine scheme at this site and no objections were raised.

11.4. National Grid Electricity Transmission has not raised an objection in relation to the high pressure gas pipeline to the east of the site.

12. Geology, Hydrology & Hydrogeology

12.1. TCIR consulted the Environment Agency and Anglian Water Services Ltd (AWS), the local water utility, with responsibilities for water quality under the Water Act 2003. Both organisations confirmed that they have no objections in principle to the proposed wind farm, subject to measures being taken to prevent contamination.

12.2. Atkins was employed to analyse the impact of the proposed wind farm on the chalk aquifer beneath the site, groundwater abstraction, Dickleburgh Stream and on ponds and drainage ditches adjacent to the site. Receptor sensitivity ranges from very high in the case of the Rushall groundwater abstractions to low in the case of surface water features, such as the drainage ditches.

12.3. The hydrological and hydrogeological assessment indicated that the main issue regarding this site is the location of the development within Source Protection Zones I and II of the Rushall boreholes which are major sources of public water supply. As such, the most important potential effect is that of chemical pollution, including the spillage or leakage of chemicals, fuel or oil during construction and operation of the wind farm.

12.4. However, the groundwater underlying the site has been classified as being of low vulnerability to pollution due to the presence of a thick cover of low permeability drift and the presence of soils of low leaching potential. These features, in addition to the application of appropriate mitigation measures, means there is no significant effect predicted with the mitigation in place.

12.5. There are no major surface water features within close proximity of the proposed development. The nearest surface water source, Dickleburgh Stream (which eventually flows into the River Waveney), is groundwater fed and could therefore potentially be indirectly affected by pollution of the groundwater or alterations to the water table level. However, as above, the application of appropriate mitigation measures should ensure that no significant effects arise.

12.6. Mitigation measures will be implemented during each phase of the development and outlined in a site specific Pollution Prevention Plan, which will be prepared in consultation with the Environment Agency and AWS prior to construction. It will describe measures to be implemented to avoid, remove or reduce potential effects. The main purpose of the document will be to ensure that appropriate measures are incorporated into the working practices on site to avoid pollution of the important groundwater resource.

13. Geotechnical and Geophysical Studies

13.1. Given the site’s previous military uses as an airship station and a munitions store a comprehensive environmental site assessment and a geophysical investigation in relation to the issues of contamination and buried unexploded ordnance (UXO) has been undertaken. Given that no soil or ground water contamination was found within the area to be developed the report concludes that there is no significant concern in relation to human health or controlled water.

13.2. SNC, in conjunction with the Environment Agency, Health Protection Agency and Food Standards Agency carried out its own testing following concerns raised by local residents. The assessment, undertaken by Golders Associates, confirmed TCIR’s own findings that there is no unacceptable risk to human health resulting from the historical use of the site. The assessment further confirmed that the site is suitable for its current use.
14. Shadow Flicker

14.1. Shadow flicker can occur when the sun is low in the sky and a turbine is located between the sun and a viewer in a building. Rotating turbine blades cast moving shadows, which under certain conditions causes flickering at nearby properties. In practice, shadow flicker is restricted to locations within 10 rotor diameters of a wind turbine because shadows reduce in strength with distance. Here, this corresponds to a distance of approximately 900m.

14.2. Shadow flicker has rarely been a problem in practice and there are no guidelines available on what exposure is acceptable. For shadow flicker to occur the following set of circumstances need to occur at the same time:

- The sun must be shining;
- The wind turbine must be operating, i.e. wind speeds must be between 4 metres per second and 25 metres per second;
- The moving shadow cast by the rotating blades must be visible from within a building through a window or open door;
- The orientation of the turbine and its angle of elevation to the observer must coincide with the angle and position of the sun to the building, so that shadow is cast intermittently into the building;
- The building must lie in the shadow of the wind turbine;
- The building must be not more than 900 metres from the turbine; and
- There must be no obstructions, such as trees, other structures, etc., between the viewer and the turbine blocking the view of turbine.

14.3. A maximum of six receptors, which can be single dwellings or a group of dwellings in close proximity to one another, are potentially affected by shadow flicker, if all the circumstances listed above occur simultaneously. The most affected property would potentially be liable to shadow flicker for around 19 hours over the entire year. This is only a very short-term effect and it is therefore unlikely that there will be any significant nuisance as a result of shadow flicker. In any event any nuisance as a result of shadow flicker can be totally mitigated through the use of conditions.

14.4. There is also no evidence that shadow flicker from wind turbines can trigger seizures\(^5\). Around 0.5\% of the population suffers from epilepsy and of these around 5\% are photo-sensitive. Of photo-sensitive epileptics less than 5\% are sensitive to the lowest frequencies of 2.5 to 3 Hertz (Hz); the remainder are sensitive only to higher frequencies\(^6\). The proposed turbines typically operate between 9 - 18rpm, and a blade would therefore pass approximately every 1 second or at 1Hz and is therefore well below that considered necessary to cause problems for epilepsy sufferers.

15. Economic Benefits

15.1. The proposed wind farm is likely to result in the creation of local and regional jobs in the construction, concrete and aggregate industries during its development. Whilst EU law requires that the key contracts are offered through open tender, bidding firms are usually national firms, who commonly subcontract local firms for specific elements of the construction work. Experience from other wind farm developments has shown that there is likely to be local sourcing of contractors, materials and labour. The proposal is also likely to benefit local retailers and hotels from an influx of labour during the construction period.

15.2. The wind farm development provides an opportunity for the landowner to diversify and supplement farm income. This is supported by national and local policy that encourages diversification of the rural economy. The proposed development will also be subject to business rates which will provide a positive contribution to the economy.

15.3. In his Annual Energy Statement on the day that the Energy Bill was introduced to Parliament in November 2012, Ed Davey MP noted that
private sector investment in low-carbon energy stimulates economic growth and jobs.

15.4. As part of the development a community fund would be set up by TCIR to support local projects making a tangible commitment to the local community. It is recognised that a wind farm benefits the wider environment rather than directly benefiting the local community and it is for this reason that a community fund will be set up and held in a Trust. Local people will be consulted as to how this money might best be spent in the community with the fund managed and distributed by a committee of local residents.

16. Conclusions

16.1. This non-technical summary has outlined the main findings of the EIA for the proposed Upper Vaunces Wind Farm. Full details are set out in the ES and its accompanying appendices.

16.2. The assessment of the proposed wind farm has addressed a wide range of possible impacts on different aspects of the environment. All potential effects have been addressed and, where necessary, mitigation has been incorporated to help reduce any adverse impacts and in certain cases improve the environment. All impacts have been reduced to a level not considered to be significant, with the exception of the effect on landscape character and visual amenity where some residual effects are considered significant in close vicinity of the site. However, this needs to be balanced against the wider environmental benefits of the project in helping to reduce greenhouse gases and the harmful effects of climate change and providing energy security.

16.3. Considerable support is given in national planning policy and guidance to renewable energy projects whatever their size. Government policy requires significant weight to be given to the wider environmental benefits of such projects. The present proposal will make an important contribution towards national targets and EU obligations for the production of renewable energy. It will also contribute towards other key Government objectives of providing an affordable and secure energy supply as the country becomes more dependent on imported fuel supplies.

16.4. Significantly the application site and the surrounding area of open countryside are not subject to any national or local landscape designations. The South Norfolk District Wind Turbine Landscape Sensitivity Study sets out a positive approach to guide such development and assesses the wider landscape in which the site is located to have moderate sensitivity to a small group of wind turbines further indicating that two to three turbines would be appropriate. This means that it has the ability to accommodate the proposed Upper Vaunces Wind Farm without causing a significant change in overall character. Therefore, the scale and siting of the proposed wind farm complies with detailed guidance contained in the study.

1 Committee on Climate Change, Building a low-carbon economy – The UK's contribution to tackling climate change, (December 2008),
2 www.seea.com/edu/calcs.html [7,500kWh x 0.258 x 8760h x 4.30gr] / 1,000,000 = 7,300 tonnes
3 http://www.seea.com/edu/calcs.html 7,500kWh x 0.258 x 8,760h totalizing 17GWh
4 DECC, Regional and local authority electricity consumption statistics http://www.decc.gov.uk/file/45726.xls; BVEA http://www.bvea.com/edu/calcs.html 6,900kWh x 0.27 x 8,760h totalizing 17GWh/average household consumption 4,266kWh totalizing 4,000 households
5 British Epilepsy Association - Epilepsy Action website: http://www.epilepsy.org.uk/info/photo_other.html
6 A Companion Guide to PS22, paragraph 77
Appeal Decision

Inquiry held on 14-17 June, 21-24 June 2011 and 24-26 April 2012
Accompanied site visits made on 28 June 2011 and 26 April 2012

by Zoë Hill BA(Hons) MRTPFI DipBldgCons(RICS) IHBC
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 October 2012

Appeal Ref: APP/L2630/A/10/2143349
Land East of Semere Green Road (forming part of Upper Vaunces Farm), Pulham Market and Diddleburgh (with new access from the A140), Norfolk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by TCI Renewables Limited against South Norfolk District Council.
- The application, Ref: 2010/0383/F, is dated 5 March 2010.
- The development proposed is the erection of 3 wind turbines, together with control building, access tracks, hardstandings, construction of vehicular access and ancillary development.

Decision

1. The appeal is dismissed and planning permission for the erection of 3 wind turbines, together with control building, access tracks, hardstandings, construction of vehicular access and ancillary development is refused.

Preliminary Matters

2. The application was not advertised as affecting the setting of a listed building at the application stage. However, there are concerns about the effect on setting of listed buildings, including from English Heritage. This issue was discussed within the Council’s committee report. Additionally, whilst part of a separate regime, it is clear from the Environmental Statement (Vol 1 Part 7 Cultural Heritage) that a conclusion had been reached that the proposed development would result in a material change to the current setting of listed buildings. These buildings are mainly listed Grade II, but include St Mary’s Church, Rushall, a Grade I round tower church. In view of concerns regarding this matter the Council undertook the advertisement of the proposed development in accordance with the provisions of s.67 of the Planning (Listed Buildings and Conservation Areas) Act 1990 late in the proceedings. As set out at the Inquiry, as a consequence of the deficiency in the advertisement procedure, I shall deal with the appeal on the basis of it being against non-determination, although the Council’s reason for refusal clearly sets out its objections to the proposal.

1 The above description varies from the original application form provided although it reflects the agreed description for the purposes of registering the planning application.

http://www.planning-inspectorate.gov.uk
3. As a result of that notification one further representation was received in support of the scheme. Given that the content of that representation reflected evidence already before the Inquiry it was not necessary to seek further comment upon it. As with all correspondence before me, I shall consider it in coming to my decision.

4. The appeal proposal required an Environmental Impact Assessment in accordance with the Town and Country Planning (Environmental Impact Assessment (England and Wales) Regulations 1999 (EIA Regulations). The Environmental Statement (ES) produced to accord with the EIA Regulation requirement was considered by the Council who, under Regulation 19, sought further information. That was subsequently provided. 4Villages and Dickleburgh and Rushall Parish Council and Pulham St Mary Parish Council (the Rule 6 Party), expressed concern that inadequate information had been supplied in respect of ecological matters relating to bats. Additional information was submitted at the Inquiry and was included in the Further Environmental Information (FEI) supplied in February 2012. I am satisfied that the survey work undertaken was adequate. In terms of birds, concern was also expressed. Having taken account of the original ES, the FEI, Inquiry documentation and evidence, I am satisfied in this regard too.

5. In addition to the notification issues set out in paragraph 1, there were other outstanding matters at the end of the Inquiry sitting period upon which it was agreed written submissions would be appropriate. These were: Bat Surveys – Good Practice Guidelines 2 nd Edition (Bat Conservation Trust) Surveying for onshore wind farms; Natural England Technical Information Note TIN069 (2010) Assessing the effects of onshore wind farms on birds; the National Policy Statement Renewable Energy Infrastructure 2011 (DECC) and the DECC commissioned Hayes McKenzie ‘Analysis of How Noise Impacts are Considered in the Determination of Wind Farm Planning Applications’ published on 23 June 2011.

6. In addition, to make best use of Inquiry time and following what had been heard at the Inquiry, it was agreed that written submissions could be made on conditions in relation to contaminated land. There was some subsequent discussion on this matter at the resumed Inquiry as well as further correspondence after the event to account for an administrative issue.

7. After the initial sitting period in June, the Rule 6 party submitted details relating to a reservoir built to the rear of Barnacres. As the construction of the reservoir represented a change in circumstances that required consideration, the Inquiry was resumed rather than closed in writing.

8. After the first sitting period the Government published the Draft National Planning Policy Framework, upon which the parties were given opportunity to comment. Subsequently the final version of that document ‘the Framework’ was issued in March 2012. Opportunity to comment on that document was provided in advance of, and during, the resumed event. I shall refer to the Framework in my decision.

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2 Department of Energy & Climate Change
3 This relates to e-mail submissions during the Inquiry which were not available at the Inquiry
Application for Costs

9. An application for costs was made by the Rule 6 Party against TCI Renewables Limited. This application is the subject of a separate Decision.

Main Issues

10. The main issues in this case are:

(a) the effect of the proposed development on the character and appearance of the surrounding landscape, with reference to heritage assets;

(b) the effect of the proposed development on the living conditions of local residents and particularly the occupiers of residential properties, and in particular Semere Green Farm, Seamere Cottage (also referred to as Rosella), Barnacres, Lowbrook Farm and Lowbrook Cottage having particular regard to visual impact and noise;

(c) the effect of the proposed development on wildlife, particularly birds and bats;

(d) and whether any harm to these and any other identified matters, including land contamination, would be outweighed by the national objective of promoting renewable energy generation.

Reasons

Landscape

11. The appeal proposal relates to the erection of 3 wind turbines with a hub height of 80 metres and maximum blade tip height of 126 metres above ground level. The turbines would be of 3 blade construction on a tubular tower.

12. The appeal site is within a pleasant rural area that is clearly valued by local residents including The Rt Hon Lord MacGregor and Richard Bacon MP, the local Member of Parliament for this area, who both are against this scheme. Although pleasant, this area does not have any special designation for its landscape qualities. The Council clearly has recognised that wind turbines are likely to be an issue in such areas and the landscape in this area has been assessed specifically in respect of its ability to accommodate wind turbine development. That document, the South Norfolk Wind Turbine Landscape Sensitivity Study 2006 (final amendments 2008) (WTLSS), identifies character areas. For each character area it sets out a sensitivity level based on the likely impact of individual and varying sized groups of turbines in the height range 120-150m as would be the case here. I appreciate that study was not the subject of public consultation. Nevertheless, it is based on the South Norfolk District Landscape Character Assessment, and provides a useful starting point upon which to consider the landscape in this locality.

13. The appeal site is classed in the WTLSS as being situated within Tributary Farmland (Landscape Type B) and more particularly within the Waveney Tributary Farmland (B4). The WTLSS considers this area as having a moderate sensitivity to a small-scale group of turbines and it is indicated that only the lower end of this scale (2-3 turbines) will be appropriate. It seeks

\[\text{http://www.planning-inspectorate.gov.uk}\]
that there is a sensitive consideration of views across the landscape with
attention, amongst other things, to views into adjoining character areas,
particularly to adjoining River Valleys, and the setting of churches.

14. There is no doubt that the proposed wind turbines are large scale structures.
These are more readily accommodated within large scale landscapes. The
immediate area around the proposed turbines is of a larger scale because of
the large field areas, gentle undulation, limited built structures and occasional
blocks of tall trees. It is also at the higher end of land levels in this area.
However, the scale of the landscape changes as one moves away from the
site.

15. The proposed turbines would be seen from the small scale landscape to the
south, including from Harleston Road. There would be a significant contrast in
scale between the narrow historic roads, with their hedge boundaries, the
small scale field pattern field and the proposed turbines. The very modern
form of the turbines would clearly distinguish them from the immediate
farming landscape from which they would be seen but despite this the scale
would be discordant. Turbine T3 set at the greatest distance from this area
would not be significant in its visual impact. However, the alignments of
some smaller roads that join Harleston Road give almost direct views toward
turbines T1 and T2 exacerbating visual impact in those views. The differences
in scale seen from this area would impact on the small scale landscape to the
south of the appeal site.

16. Two tributary valleys are situated to the north of the appeal site. These
valleys are a feature of the landscape type and thus sensitive to change. I
appreciate that the photos and photomontages flatten the appearance of
such valleys. However, I took considerable time to drive and walk routes in
this area. Although the turbines would be large structures, the topography,
scale of the landscape with wide open views, seen for instance from Poppy’s
Lane\(^6\), and from Pulham St Mary\(^7\) is such that the turbines, despite their
vertical emphasis, would be readily absorbed without resulting in a jarring or
overly dominant appearance. The presence of such structures, whilst
attracting attention, and whilst spread across a wide area so taking up a
larger proportion of the view, would not alter the clear and defining tributary
landscape, to which attention is drawn because of the topography and
variation in vegetation.

17. The presence of churches as landmarks which provide a focal point, strong
sense of historic connection and of human habitation, are an important part of
the landscape character of this area. Because of the slender form of the
turbines, around which views would remain, the churches would not be
blocked from sight. In most cases they would remain clear features of their
own type and so would be seen as different from, rather than competing with,
the landmark role of the churches when visible, for instance when the Pulham
Market parish church is seen on the valley crest\(^8\). However, this is not the
case for views of St Marys at Rushall.

18. The relationship of the turbines to St Marys Rushall in terms of its landscape
setting will vary and from some viewpoints that visual relationship would not
be harmful, because of the degree of separation and the position of the
turbine group in relation to the church. However, the public footpath to the
south of St Marys Rushall has views in which the church, with its locally
important distinctive round tower, would appear to have turbines situated at
either end (T1 being to one side and T2 and T3 to the other). I appreciate
that, if developed, there would be a greater sense of perspective when
compared to the photomontage\(^9\) but nonetheless, the dominating height and
position of the proposed turbines as perceived from this part of the public
right of way would diminish the visual prominence of the church in the
landscape. This would detract from the simple pastoral scene because of the
jarring relationship of the turbines and tower. The consequence would be
to harm to the wider landscape character because of the diminution of the
church as a feature and to the appearance of this small settlement which is
currently glimpsed through trees with the church as its main focus. The
change to the character of this part of the landscape would be significant and
harmful. Although this relates to a particular viewpoint and pedestrian route,
it is a public view seen on foot and so appreciated at a slower pace.

19. In some cases the relationship of the proposed development to the setting of
certain listed buildings also has a wider landscape setting impact. Although
listed building setting is itself a specific matter, rather than repeat
considerations I shall deal with setting of heritage assets next and then
conclude on these issues together.

**Heritage Assets**

20. The Council did not identify harm to listed buildings or conservation areas in
its reason for refusal, although it contends that there are issues relating to
historic buildings as part of the landscape. In addition to churches particular
attention is drawn to Barnacres, including in respect of the recent earthworks
associated with the reservoir to the rear of this property.

21. The ES acknowledges, in its key findings, that there would be a material
change to the current setting of 10 grade II listed buildings, all within 1km of
the turbines with the visual effects on their settings judged to be of no more
than moderate significance.\(^10\) Those buildings are all domestic properties. In
addition effects of minor significance to some 53 listed buildings are also
noted\(^11\).

22. The four listed buildings grouped around the crossroads at Semere Green to
the north of the proposed turbines (identified in the ES as Baitheiwails
Farmhouse\(^12\), Semere Green Cottage, Gresham's farmhouse and Gothic
house), would, according to the ES, be subject to an indirect effect on their
setting of moderate significance as a result of close proximity (600-700m) to
the proposed turbines. This also applies to Lowbrook Farmhouse and
Dickleburgh Hall which are located in the hamlet of Dickleburgh Moor, as well
as Home Farmhouse, Upper Vaunces Farmhouse and Seamere Cottage
(Rosella). These dwellings each have a particular historic and architectural
interest relating to age and, in the main, local vernacular style. Seamere
Cottage (Rosella) is of particular interest as a vernacular dwelling that is

\(^9\) Mr Billingsley Appendix 1 Rushall Church from the South
\(^10\) ES Vol 1 (February 2010) 7.2.1 I note there are further variations to that number elsewhere within the ES
\(^11\) ES Vol 1 (February 2010) 7.6.6
\(^12\) This property appears under several slightly different spellings throughout the ES and other evidence: I have
the spelling used above throughout

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largely without additions or significant buildings in its setting so its form can be readily appreciated. The Gothic House, as its name implies, is a building of distinct gothic style that stands out in the locality. Given, the other features of the settings of these buildings, for instance planting and other buildings, and in some cases their orientation, there is no reason to disagree with the ES assessment.

23. The ES explains that the architectural qualities of those properties could still be read individually and in the context of the wider setting despite the presence of the turbines. Having visited the sites from public viewpoints (viewing some within the properties where agreed as part of the site visit), I do not disagree with that assessment.

24. The proposed wind turbines are also assessed as having an indirect effect on setting of moderate significance because of proximity for both Barnacres and Semere Green Farmhouse. These properties are seen in a relatively open landscape with the proposed turbines. Semere Green Farm externally is much altered so reducing weight to be attached to its external appearance in terms of the architectural interest of its external elevations and thus its setting in historic interest terms.

25. Barnacres has a central core for which the thatched roof element is of particular historic interest. This part of the building is seen from the public road. In those views the proposed turbines would be clearly evident in the background. The new reservoir to the rear of Barnacres has an unnatural landform, reflecting its agricultural industry requirement, and is much closer to this property than the proposed turbines would be. That structure, along with the ancillary buildings around the site with their functional character, reinforces the visual appearance of this being a managed and modernised landscape. As such, the setting of the property is a little more compromised than when I first saw it. But given the existing setting the assessment made in the ES, of an indirect effect of moderate significant on setting, is one with which I agree.

26. The churchyard of St Marys at Rushall (grade I) is relatively well enclosed by planting. Thus, whilst there would be views towards turbines T2 and T3, given that sense of enclosure and the distance to the turbines, I do not consider that they would intrude upon the character of the immediate churchyard setting. I have already set out my concerns in respect of the proposed wider setting of this church. The harm in respect of that landscape setting applies equally to the setting of the church. The position of the turbines when seen from the footpath would diminish the status of the building in the landscape, be visually jarring and compete with the round tower of the church. This is a key feature of this grade I listed building. I therefore consider that the proposed development would have an adverse impact upon its setting. In this regard I note that the images provided of St Marys, Rushall, from the south resulted in an e-mail to the Council from English Heritage\(^{13}\) explaining its opinion that the intrusion of the turbines in this view of the church in its rural setting will cause harm to the building’s significance.

27. There are a number of conservation areas in the vicinity of the appeal site. Those nearest are at Pulham St Mary, Pulham Market and Dickleburgh.

\(^{13}\) Email dated 8 December 2010 to Helen Mellors from Andrew Northfield
Although the proposed turbines would be seen in some views out of those conservation areas, they are generally inward looking focusing on key spaces and buildings. I appreciate that footpaths from Dickleburgh towards the appeal site have open views, but these are not features of the Conservation Area. ES viewpoint 4 serves to illustrate other detractors including garden buildings and vertical structures in the form of telegraph poles. I also saw a compound type structure and the sewage works; in this context I do not consider that the proposed turbines would be seen as unacceptably intruding on views. Thus, I consider that impact on these conservation areas would be limited. In this regard my assessment on planning grounds is not dissimilar to the ES assessment of low magnitude effects, equating to effects of minor significance.

28. Saved Policy ENV 8 of The South Norfolk Local Plan (2003) (the Local Plan) accepts uses outside development limits for development that requires a rural location (as could be justified in this case). However, in such cases this policy requires that development must respect the intrinsic beauty, the diversity of landscape and be sensitively integrated into its rural surroundings. In terms of landscape impact, I conclude that although in many views all three turbines would be acceptably accommodated within the landscape, there would be some views where modest harm would arise and there would be specific views where the disposition of the turbines would cause visual harm, particularly as regards Rushall and its surroundings. Thus there would not be accord with Local Plan Saved Policy ENV 8. There would also be conflict with Policy 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS), in this regard which seeks that new development respects landscape character. In this respect I find this conflict links clearly to the balancing exercise set out in Local Plan Renewable Energy Saved Policy UTL 13 which I shall consider later.

29. In terms of the effect on heritage assets I conclude that there would be harm to the setting of the four properties identified above at Semere Green, as well as Lowbrook Farmhouse, Dickleburgh Hall, Home Farmhouse, Upper Vaunces Farm, Seamere Cottage (Rosella), Barnacres and Semere Green Farmhouse, as well as more modest harm to the setting of other listed buildings. There would be much greater harm to the setting of St Marys Rushall, which is a grade I listed building of national importance. These harms count against the proposal.

30. In this regard Saved Policy IMP 15 of the Local Plan requires special attention be paid to the effect on the setting of listed buildings, reflecting the statutory duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LB&CA Act). Saved Policy IMP 18 of the Local Plan seeks consideration of the setting and views into and out of conservation areas. This is similar to the advice of the Framework which requires consideration of the impact of a proposal on a heritage asset, including development affecting its setting. In each case there would be less than substantial harm. As such, in accordance with the Framework, this harm needs to be weighed against the public benefits of the proposal, the main one of which is the provision of renewable energy. I shall deal with that assessment in my conclusions. Similarly these matters need weighing up as this is required by Local Plan Saved Policy UTL 13.

14 Since the Council 'refused' this proposal Saved Local Plan Policy ENV1 has been superseded by the JCS
Living Conditions

Visual Impact

31. There is no right to a private view. Views including wind turbines may be judged positively or negatively depending on the subjective perceptions of the viewer; however, there appears dispute between the parties that valency (people's varying reactions, including over time, to windfarms) is a matter which should form part of landscape or amenity considerations. Proximity is likely to be a significant matter in considering visual impacts that are often addressed in terms of whether development is overbearing or overwhelming. In considering the visual impact of the proposed development on living conditions of nearby residents, the crux of the assessment is whether or not the turbines, together or individually, would have an overbearing visual impact to the extent that it would be so harmful as to make the residence an unacceptable place to live.

32. The height of the proposed turbines combined with the number of residential properties in this general locality is such that numerous occupiers of residential properties would see the turbines in views from within their dwellings and/or from their gardens. In many circumstances residents would also see views of turbines juxtaposed with their dwelling or see the turbines in views when arriving or leaving their properties. It would not be practical to individually assess every dwelling. As such, the approach in this Inquiry has been to focus on those properties which would be subject to the greatest visual impact. I visited those properties identified in the Council's reason for refusal, the additional properties identified by the Rule 6 party and those where residents requested a visit. Those properties were Semere Green Farm, Seamere Cottage (Rosella), Barnacres, Lowbrook Cottage, Lowbrook Farm and Walnut Cottage.

33. The ES FEI (Sept 2010) provides assessment of the visual impacts on nearer dwellings, but access was not available to a number of the properties. Hence, it is not appropriate to rely on that document alone for a comprehensive assessment.

34. The ES FEI (Sept 2010) assessed 57 properties within 1 km of the proposed wind turbines. Of these it was concluded that there would be a substantial effect on visual amenity for the occupiers of 20 of those properties. Of the remainder 22 were assessed as having moderate effects, 7 moderate/slight and 8 slight.

35. In addition to the properties visited on an accompanied basis, I viewed many other properties from public land on an unaccompanied basis. This was in order to consider implications of the development in terms of living conditions, including visual impact and noise.

36. Semere Green Farm is a substantial dwelling that has been altered and extended. Of particular significance here is the 'conservatory' with almost fully glazed side walls to the south and east and a tiled roof. There is a patio area accessed from this glazed room. From that room all 3 turbines could be seen. However, two are set beyond existing planting and are at a reasonable distance 825m (T3) and 1169m (T2). The other turbine is much closer at some 610m. Between the main dwelling and that turbine there is a

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15 The distances quoted are agreed between the LPA, appellant and Rule 6 party – Doc 40

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Residential annex, with other ancillary buildings and an attractive garden area. Those structures provide an immediate focus.

37. The self contained residential annex at this property is the nearest residential accommodation to a turbine at 590m from turbine T1. Within the building the central bedroom would have views to the other turbines, but given the distance this would not be oppressive for the occupiers. The access and patio area for this property is located where the nearest turbine would be seen although there would be screening of the lower section by ancillary buildings.

38. Although I appreciate that the turbines would represent a substantial change in outlook as acknowledged by the ES FEI (Sept 2010) this does not mean that the living conditions of the occupiers of this dwelling or the annex would be harmed to such an extent that either would become an unacceptable place to live.

39. Seamere Cottage (Rosella) is approached along a drive with trees to either side, albeit well spaced, and pendulous trees near to the garage and parking area. So, whilst turbines would be intermittently seen on the approach to the house, particularly in winter when many of the trees would be without leaves, focus would be mainly on the driveway: all 3 turbines would be seen from the parking area. The garden is largely enclosed by tall hedging. Whilst the turbines would be seen above this they would be spread out with the central turbine in the group (T2) being most distant at over a kilometre away. Turbine T3, because of its relationship to the garden and its proximity is, in many respects, the most significant turbine in terms of the larger garden area. However, situated to the east beyond a garden structure and further substantial hedging, which includes tree growth, and at 786m distant it would not be so close as to have an overbearing impact for those using this part of the garden. The smaller south facing patio area would have views to turbine T1, the closest turbine at 625m (605m to curtilage edge). This part of the garden is in a corner created by the L shape of the dwelling, enclosed by tall hedging that includes small trees. As such, it has an intimate inward looking feel that would help limit the visual affect of turbine T1, nonetheless, the proximity of turbine T1 to this patio area would result in an oppressive presence that would detract from this area as a place to sit out.

40. The garden hedging combined with the relative positions of the turbines to the dwelling and the generally modest window size of this historic property, are such that the turbines would not appear significant when seen from ground or first floor windows. The second floor window, which serves as an office, has a more open and direct view in the direction of turbine T2. However, this is the furthest turbine at 1150m. The whole turbine would be seen from the desk area where it is most likely that one might sit looking out. In those views, it would become a key focal object. Given the open appearance of this part of the landscape, the scale of the development would not appear discordant. As such, whilst it would be seen as a distinct addition to the current open agricultural landscape it would not appear visually awkward when seen in that view, rather it would be a distant but clearly defined architectural element. Thus, despite representing a significant change to the view from the office I am satisfied that the development would not have an unacceptable visual impact when seen from within the dwelling. Nor do I consider that there would be visual harm on the approach to Seamere Cottage (Rosella). Greater harm would arise to the patio area as described above. On its own, I do not
consider the harm to the patio area would be sufficient to resist the proposed development but it is a factor for consideration in the wider balance.

41. Barnacres is approached via a visually open driveway with visually open fencing to either side. As such, the turbines would be noticeable on arriving at the property. In views towards the turbines from the external areas, the landscape is one of large skies and, therefore, the scale of the wind turbines would not appear discordant. In addition some of the ancillary structures would draw views away from the proposed turbines. Thus, whilst the turbines would significantly alter views from the garden and yard areas, particularly to the rear of the property, it would not present an overbearing or visually jarring appearance.

42. Within Barnacres, views from the kitchen sink would include turbine T2. However, this is furthest away at over a kilometre. In addition the open sided barn, now with the side of the reservoir seen through it, would partly screen the tower for turbine T2. The barn would also shorten views and focus attention in the garden area. The turbine would appear similar in height to the existing anemometer mast, but the turbine would be much further away, such that, with perspective taken into account, I do not consider that this would be harmful. Turbine T3, which is much closer at 650m, would also be visible, but this would be a more oblique view, and seen beyond planting and ancillary buildings. From within the dining room views of turbines T2 and T3 could be seen, with T3 also visible from the office which takes access from this room. However, in those views there are other features, such as sheds, a conifer, poles, hedging, the barn and reservoir. As a consequence, and noting the functions of these rooms, I do not consider that the proposed turbines would appear significant. The main sitting room is located to the front of the house. Thus, whilst views of turbine T1 might be possible from the end gable window, this is not a view that would normally be seen, particularly given the position of the door into the room which would tend to lead to circulation away from that location.

43. The rear facing bedroom would have views to turbine T2: the turbine blades would be seen above the open-sided barn. Close to the window the other turbines would also be seen. However, this is a modest room which is not focused on views out. Although turbine T2 would be visible this is the most distant turbine at about 1149m and I do not consider that the visual impact here would be unacceptable. Turbine T1 would be seen from the bedroom above the dining room, but given the position of the window in relation to the room and the turbine I do not consider that it would be a distracting feature. From the master bedroom and its en-suite views of turbine T3 would be seen. However, as with ground floor views, the nearer vegetation, buildings and structures would draw attention reducing its visual impact and also giving a context against which to assess distance (some 650m). This would be the more significant impact in terms of turbines seen from within the property, but notably it is not a main living room. On balance, I do not consider that this property, taken as a whole, would become an unpleasant place to live because of the visual effect of the proposed turbines.

44. Lowbrook Farm is a property created from a converted barn. It has a floor to eaves, 2 storey, glazed opening containing central doors within the main living room. That opening is the main source of natural light within that room and is also a central focus for the galleryed landing that gives access to the
first floor accommodation. On looking out from that large opening whether at first or ground floor, and particularly when descending the stairs and entering the ground floor room turbine T1, some 700m away would be a dominating feature. Whilst not seen centrally within the view framed by the window it would occupy a large part of it, with the rotating blades appearing above the dense garden hedge and, due to perspective, appearing to occupy a similar height above that hedge as the height of the hedge. It seems to me that this would lead to this turbine feeling ever present during day light hours as occupiers move about the property. Turbine T3 would be seen albeit more distant and these turbines would be seen from the first floor bedroom windows in this elevation.

45. In terms of the garden area turbine T1, the nearest would be most prominent. The others, turbine T2 at 1270m and turbine T3 at about 1409m would be sufficiently distant that they would not be particularly intrusive. The enclosed part of the garden has internal features which would draw the eye, such as the pond. Nevertheless, the stark contrast between the hedge and open sky above is significant and the presence of the rotating blades would appear visually discordant and intrusive. Combined with the harmful impacts of this turbine when seen from within the dwelling the impact of turbine T1, in my opinion, would be overwhelming and result in unacceptable living conditions for the occupiers. The views towards that same turbine on approaching the property along its drive would exacerbate matters further.

46. Lowbrook Cottage is a small single storey property attached to Lowbrook Farm. Although similarly close and with the same approach route, its position close to a bank with hedging is such that the views from the windows in the direction of the wind turbines would be focused upon the nearer planting. Thus, and despite views from the access on leaving the entrance door to the dwelling, I am satisfied it would not have an overbearing impact on occupiers of this property in terms of visual effect.

47. Walnut Cottage is not one of the nearest properties to the turbine sites. However, at the request of the occupiers I went to view from their garden. The rear garden of Walnut Cottage is relatively open giving direct views over adjoining agricultural land. The turbines would be sited significantly beyond that nearest large field giving a significant degree of visual separation. Bearing in mind the height of the turbines and relatively flat topography I accept that the woodland and hedge trees also seen in the view would screen little of the turbine group. Nevertheless, those natural features also add to the perception of distance. Additionally, I saw large scale built development in views from this garden which not only forms part of the panorama of views but also reinforces the fact that this is not an isolated undeveloped area. Whilst there is no doubt that the turbines would be seen, I am satisfied that they would not appear unacceptably visually intrusive or overwhelming when seen from the garden of Walnut Cottage.

48. A substantial change would arise for the outlook for residents of a number of properties. It is likely, from what I’ve read and heard, to cause existing residents to feel that their cherished view has been spoilt. In only one case do I consider that the proposed development would be so significant in its visual impact that it would cause unacceptable harm to the living conditions of the occupiers of the property: that dwelling is Lowbrook Farm and the turbine
at issue is T1. Notably, the same turbine, T1, also gives rise to concerns in respect of the patio area for Seamere Cottage (Rosella).

Noise

49. A short Statement of Common Ground was submitted during the initial Inquiry sitting period which identified matters agreed between The Rule 6 Party and the appellant’s noise witnesses in respect of the noise evidence at that stage. The areas of dispute relate to the reliability of the baseline noise data, the level and character of noise likely to be received in the vicinity of any dwelling and the criteria adopted to assess the adverse impact or acceptability of the noise received.

50. The Framework cites the National Policy Statement for Renewable Energy (NPS) (in this case EN-3) as being the key document in respect of assessing the likely impacts of wind energy development. Even though that document relates to onshore wind in excess of 50MW, the Framework relies on it in determining applications for wind energy development and EN-3 in turn places reliance on ETSU-97-R The Assessment and Rating of Noise from Wind Farms (ETSU). The Planning for Renewable Energy Companion Guide to PPS22 also remains as Government advice and it also endorses the recommendations in ETSU as relevant guidance on good practice. It is therefore appropriate to place significant weight on ETSU.

51. ETSU is not to be applied inflexibly but it sets out a framework for the measurement of wind farm noise and gives indicative noise levels considered to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm development or adding unduly to the costs and administrative burdens of developers or local authorities. The noise limits set out in ETSU are fixed limits of $L_{A_{90,10min}}$ 35–40 dB during the day and 43 dB during the night (with higher limits for dwellings with a financial interest in the scheme), or 5 dB above the prevailing background level, whichever is the greater. I have noted the suggestions that noise should also be considered on the basis of BS4142: 1997 rating for industrial noise affecting mixed residential and industrial areas. However, that document is generic and so is less appropriate than the advice of ETSU which is endorsed by national Government policy for use in relation to wind turbines.

52. Determination of background levels is therefore an important part of the assessment process. In line with ETSU proxy locations were agreed with the Council, each representing a number of properties. The Council was not present when the precise locations for monitoring equipment were established. The Rule 6 party objects to the suitability of two of the original monitoring points. Subsequently further noise monitoring was undertaken at Barnacres which resulted in a third location being a matter of debate in terms of its suitability.

53. I saw all of the monitoring positions during accompanied site visits: for each proxy property I either visited it as part of the accompanied visit or saw it on an unaccompanied basis from the nearest public road.

54. It was agreed that selection of monitoring sites is not an exact science; rather they should be selected to be representative locations. On site I saw that the monitoring point at the Waveney Holiday Park (recording location N2) was relatively close to a hedge which, contrary to the verbal evidence of the
appealant's witness that the plants were 'mainly yews' included significant proportion of deciduous species as shown on the photograph of the monitoring site. However, the monitoring took place late in the year when most deciduous trees would have lost leaves so reducing the likelihood of significant leaf rustle and the implications that might have for monitoring.

55. Concerns were also raised about mechanical noise associated with the nearby water treatment works and the impact on data from this monitoring point. Although I do not doubt that the Rule 6 party witness heard this noise there is no evidence that it is a regular feature of the noise environment.

56. Proximity to children's play equipment for the caravan park (notably it is not a public play park) is unlikely to have distorted readings given the time of year that the monitoring took place (15 October - 31 October 2009). Although this period may have coincided with school holidays it seems that noise from children's play at such a site would have been distinctive noise rather than simply adding to background noise.

57. The data set for the Waveney Holiday Park is similar to that for The Barns where I have no reason to believe any similar additional noises would be expected. Although similarity to a different site does not confirm that measurements at this site are representative, it indicates a general pattern for the wider locality with which it is consistent.

58. Whilst this may not be a perfect location for monitoring, I consider this to be an adequate location to form the basis for noise conditions for this site and its proxy sites. Those proxy sites are all in similar locations with relatively close proximity to trees.

59. The predicted turbine noise levels for this site include some where difference between predicted noise levels and the overall noise limit (background +5db). The locations where the difference is smallest (3dB) are Oak Farm and Lonely Cottage for quiet daytime noise. However, there is no required gap between predicted noise levels and the overall noise limit and 2dB above background noise is unlikely to be noticeable or lead to complaint. I am satisfied that a condition could be imposed based on the background noise measurements taken here. For completeness I note that predicted night-time noise levels with the turbines for this location and for the associated proxy group are below the 43dB(A) fixed limit for night-time (Night-time noise limits are higher than day-time limits because it is assumed most people will be indoors and the building envelope will attenuate outside noise).

60. The second site over which doubt is raised is Lowbrook Cottage (recording location N3). The more private garden area for this property is screened by the buildings of Lowbrook Cottage and Lowbrook Farm and the associated boundary planting and structures. In the garden of Lowbrook Farm there is a pond with an aeration pump which creates noise. Whilst that might not always be the case it was reasonable to avoid use of this location for

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16 FEI Vol I Sept 2010
17 Quiet day-time noise is 6pm to 11pm on all days, and Saturday afternoon from 1pm to 6pm and all day Sunday from 7am to 6pm as set out in ETSU.
18 It is agreed that the background noise levels were correlated with a standardised wind speed as proposed in the Institute of acoustics March/April 2009 Acoustics Bulletin (34) Article which makes allowance for site specific wind shear. Additionally a ground attenuation factor G=0.5 was assumed, in line with the ISO9613-2 method, as recommended by the Acoustics Bulletin agreement.
19 Night-time is 11pm-7am as set out in ETSU

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monitoring. The suggestion that the pump could have been turned off is rather late in the day. Because of the noise associated with the aeration pump, the appellant’s noise consultant chose to site the monitoring equipment on a raised garden area to the north of the cottage near to Pulham Road. The Rule 6 party suggests an alternative location for the monitoring equipment, but this appears to relate to an extended garden area to Lowbrook Farm, rather than the main sitting out area. This extended area has large trees and so would not seem a representative location either. The appellant’s witness accepted that his chosen monitoring location was not a good location because of the difficulties of the other noise features of the site, though he felt it to be acceptable.

61. The Lowbrook Cottage monitoring position is not screened from traffic noise from the A140 which runs generally north-west/south-east to the west of the property. The wind turbines would be sited to the east of the monitoring position. Thus, if noise from the turbines were to be carried by the wind to this monitoring site, noise from traffic on the road would be less noticeable because it would be carried away from the site. The Rule 6 party witness provided an assessment of the effect of wind direction on background noise using the data for this site. This indicates that background noise is some 4-5 dB$_{L_{eq}}$ less when winds are from the east. The appellant’s witness during the main sitting period suggested that he would expect some noise to be attributed to the road traffic but that he expected it to be in the region of 3 dB given screening from buildings, and in cross examination he suggested traffic noise could contribute somewhere in the range 2-5 dB to the noise environment. Whilst the calculation undertaken to differentiate noise levels between east and west shows a difference of 4-5 dB$_{L_{eq}}$ this is not necessarily the same as the screening effect of a building: a total noise block is unlikely in the whole garden.

62. Assessing the noise environment is not about calculating the lowest background noise levels likely or creating an artificially low background noise level. Such an approach is not endorsed by ETSU and would not reflect the normal living conditions of the occupiers of the dwellings within this group. ETSU draws attention to the need to identify representative locations and includes references to wind direction but does not indicate that filtering should be used. ETSU also requires monitoring of the noise environment for a minimum period of a week. The survey took place during a two week period when wind directions varied (so enabling the Rule 6 party calculations) as is confirmed by the wind rose for Upper Vaunces Farm. Thus it appears representative and inclusive of noise levels influenced by wind direction.

63. With the exception of certain wind speeds at Barnacres, the predicted turbine noise levels, based on the Vestas V90 as a candidate turbine, would be at or below background noise for each of the Lowbrook Cottage proxy group. Therefore predicted noise would be well below the maximum recommended of background level plus 5 dB. At Barnacres the predicted wind turbine noise would exceed background noise by 1 dB at 7 and 8 ms-1. However, that 1 dB above background would fall within the 5 dB tolerance above background noise and such a level is unlikely to be audible such that it would lead to annoyance or complaint.

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26 Mr Bennett appeared as noise witness for the appellant during the 2011 sitting period but Mr Arnott appeared at the 2012 event.
64. Additional background noise measurements were taken at Barnacres for a period of 41 days commencing on 24 November 2011, in order to provide background noise information on which to assess the implications of the new reservoir located to the south-east of this property. Whether or not that data collection went beyond that which was necessary, the wind direction data for this period indicates a tighter grouping of wind directions than during the 2009 survey despite being undertaken over a much longer time period. The wind rose data for the site during October 2009 - January 2012 indicates wind direction lies between 150 and 330 degrees for some 70% of the time. Thus whilst fairly tightly grouped the 2011-2012 monitoring was not unrepresentative of wind directions for this area.

65. Again, the location of the noise monitoring equipment was a matter of dispute between the appellant and the Rule 6 party. At the time of siting of the equipment access to Barnacres was not available. It was therefore located in a relatively open area, some 40 metres from the Barnacres curtilage, and so not screened from road noise. However, only a small part of the garden area of Barnacres appears well screened from the A140 and that area is adjoined by the drive / parking area and the greenhouse. Being close to those surfaces and the dwelling this would not have been a suitable monitoring location.

66. The dwelling might provide some screening of noise from the A140 to some areas of the garden. However the orientation of the dwelling in relation to the A140 limits that effect. Moreover, I saw that the garden has areas equally exposed to the A140 as the monitoring position, including an area that appears to have been used as a main children’s play space. The use of different areas may vary over time. Nevertheless, I consider the site chosen, although not the quietest area, was generally representative of the wider amenity area for this site.

67. It is not disputed that the background noise data from this more recent monitoring exercise correlates well with that from the Lowbrook Cottage monitoring. In this assessment three different turbines were considered (REPower MM82, Vestas V90 3.0MW and the Siemens SWT 2.3-9.3). The predicted turbine noise levels for each turbine type would remain below background noise level during the quiet day-time period. This represents a difference to the earlier calculations which indicated the background noise level as being exceeded by 1dB in certain circumstances. Nonetheless, similar sets of results by 2 different professional businesses, following monitoring, indicate a robust approach, albeit at a location with which the Rule 6 party disagree.

68. There is no suggestion that night-time traffic is high on the A140. Thus, it is reasonable to assume noise levels for the night-time period are unlikely to be significantly effected by the traffic noise. The predicted wind turbine noise would exceed recorded background noise in some locations at certain wind speeds. However, the predicted noise levels for the wind turbines are below the 43dB(A) fixed limit for night-time\(^2\); and also well below background +5dB where that is applicable.

69. In terms of the matter of different background noise for different wind direction, it seems that on days when wind is blowing from the east there may well be levels of turbine noise that are clearly audible, with background noise

\(^2\) This applies to the calculations based on Lowbrook Cottage and those at Barnacres for the Barnacres property
levels on these days exceeded by 5dB or possibly more. However, the noise environment is likely to vary throughout the day in terms of wind direction and wind speeds. Low wind speeds are likely to preclude the movement of the turbine blades, and hence, the generation of noise and, at higher speeds background noise from trees and other vegetation would be greater. Noise at night would not be likely to exceed the 43dB standard. Bearing all these factors in mind, it is not the case that noise from the turbines would have a harmful impact during the indicated 30% of the time when winds are from the east; rather it would be likely to be a much reduced proportion of that time. As a consequence, and noting that predicted noise levels would be below background noise levels +5dB, I do not consider this concern raised would result in harm sufficient to sustain a reason for refusal based on potential noise for the dwellings in the proxy group nearest the A140.

70. At the Inquiry it was suggested that The Barns might act as a better proxy for 5 & 6 Semere Green / Balthwenwaits Farm, than Lowbrook Cottage. These properties are considerably nearer to the monitoring position at the Barns. They also relate more directly to Gothic House for which the Barns acts as a proxy. Thus, this change of proxy appears an appropriate alteration which I consider to be necessary.

71. There were no rain gauges at the monitoring points so that noise data collected during rainfall, which would lead to consequent increase in background noise levels, could not be eliminated on the basis of clear and specific evidence. However, there is no evidence before me that indicates the noise results are likely to have been significantly affected by noise associated with rainfall. It is normal to remove unexplained anomalies (outliers) of the type which might include rainfall. Although ETSU makes it clear that rainfall can be an issue, and data should be adjusted, it does not require that rain gauges are used in conjunction with noise monitoring. Thus, whilst the approach taken may not be best practice, I consider the approach taken to be acceptable.

72. The noise witnesses for the Rule 6 party and appellant agree that the new reservoir would make negligible difference on windfarm noise levels at Barnacres when compared with predicted levels had it remained as pasture as assumed in the ES.

73. The parties agree that it is very unlikely that low-frequency noises or infrasound would be subjectively detectable at any dwelling and they agree that ground-borne vibration would not be perceptible. They also agree that there is no evidence that low-frequency noises or infrasound or ground-borne vibration cause direct adverse health effects, a matter which I do not dispute.

74. There is local concern that the phenomenon 'amplitude modulation' (AM), the propagation of low frequency noise, might result in harm to the living conditions of nearby residents. In other locations this has been described as a regular thumping sound that causes significant disturbance. There is no clear evidence as to what leads to this phenomenon and there are likely to be various contributors. These include high wind shear, interspacing and array. Although there is some suggestion that wind shear might be an issue on this site, there is no firm evidence before me to indicate any likelihood of AM being an issue for this proposal for 3 turbines. The parties agree that it is a rare occurrence and cannot be predicted. In the circumstances of this case I do
not attach weight to this issue and note that the parties agree that it is not a matter which could be satisfactorily dealt with by condition.

75. Turbine noise calculations initially undertaken reflect a worst case scenario as they are based on the candidate turbine, the Vestas V90, running in an unrestricted mode. The subsequent monitoring looked at 3 options rather than selecting a 'quiet' turbine. Furthermore, downwind propagation of noise cannot occur simultaneously in all directions so the calculations also represent a worst case scenario in that respect. However, should a noisier turbine be employed a greater degree of disturbance (up to the overall noise limit) would have the potential of creating greater disturbance. In concluding on this matter, because of the concerns regarding wind direction and its possible implications for background noise, and looking at the headroom, it seems important that the actual turbine used should be not be materially noisier than the candidate turbine used for the initial monitoring and that the precise turbine type should be approved by the local planning authority. This matter is one which could have been the subject of a condition.

76. In terms of conditions the Council suggests that the noise level tables to be included in the condition should largely reflect the predicted worst case daytime and night time noise levels set out in the EIA at table 11.4\textsuperscript{22}. However, this would not provide for the degree of flexibility envisaged by ETSU as being a proportionate response. Moreover for some particular wind speeds and locations this table establishes levels of 1dB below the worst-case scenario set down in the EIA table, which potentially could lead to enforcement issues and render the condition unacceptable because it sought something potentially unachievable should the worst-case become reality. However, the concern reflected here in many respects might be overcome by the agreement of the final turbine choice which could be conditioned as I suggest above.

77. Whilst the background noise recording taken as a whole could not be eschewed as best practice, having considered all before me I am satisfied that conditions could be imposed that would protect neighbours amenity. However, this would require moving proxy R11 (5 & 6 Semere Green /Baithenwaits Farm) into The Barns (N1) group and using the assumed limits set out in table 11.4 of the EIA, as suggested by the appellant's proposed condition. This would be both ETSU compliant and would satisfy the requirements of Circular 11/95 The Use of Conditions in Planning Permissions.

78. In addition to the approach set down by ETSU, development plan policies seek to protect the living conditions of nearby residents. Saved Local Plan Policy IMP 9 supports development only where it satisfies various criteria including that it should not have a significantly adverse effect on nearby residents through damaging their amenity; Saved Policy IMP 10 similarly seeks to resist development if, because of the noise it would make, the occupants of housing or other noise sensitive uses would be exposed to significant levels of disturbance. Although some noise disturbance may arise, I am satisfied that, subject to conditions, it would not be so significant or damaging as to cause material harm to amenity. As such, I do not find material conflict with the provisions of those policies in terms of noise.

79. However, in terms of outlook and the visual impact of the proposed development I have concluded that there would be serious harm to the living

\textsuperscript{22} EIA Vol I February 2010 page 225

http://www.planning-inspectorate.gov.uk
conditions of the occupiers of Lowbrook Farm and thus conflict with Saved
Policy IMP 9 in this respect, with lesser harm to the living conditions of the
occupiers of Seamere Cottage (Rosella). I consider that Saved Policies IMP 9
and 10 are in accord with the approach of the Framework. The conclusions on
this matter need considering in the planning balance.

Wildlife

Bats

80. The Framework makes it clear that planning decisions should minimise
impacts on biodiversity and provide net gains where possible. Where harm is
identified, alternatives should be considered and in the absence of
alternatives, mitigation may be considered.

81. Bat survey work was undertaken as part of the ES. Additional bat survey
work in respect of the farm buildings was submitted at the Inquiry and
subsequently incorporated into the ES FEI (Jan 2012). The survey work in
respect of the farm buildings indicates negligible bat activity in this area with
no active bats roosts and so, as acknowledged by the Rule 6 party witness on
this matter, does not itself result in concern regarding bats and the appeal
proposal.

82. Turning to the field survey work, surveys were carried out in September and
October 2008 and in May, June, July and August 2009 with dusk and dawn
surveys in the 3 latter months. In all 10 surveys were conducted. The focus
of the survey work was around the footprint for the proposed development
including around the turbines, although limited time was spent in each
transect survey at the base of the turbines. Bearing in mind the scope for
interpretation of the thresholds for survey effort within the pertinent
guidelines at the time the work was undertaken (specifically The Bat
Conservation Trust Guidelines 2007 and advice in TIN051 'Bats and onshore
wind turbines' produced by Natural England) I am satisfied that it was
adequate. I note that it had not been intended to use bat detectors but that
the evidence was usefully added to by the use of a bat detector. In evidence
it was accepted by the Rule 6 party witness that, whilst not of a level which he
would have wished for, the survey work could be interpreted as being within
these guidelines.

83. The survey results identified 8 species of bat on the site, including the species
Serotine and Barbastelle. According to TIN051 Serotines are widespread but
restricted in the south and the Barbastelle is rare. TIN051 explains that most
effort should be expended on populations likely to be at high risk of collisions
and that may be most threatened, and on locations where there are
significant concentrations of bats particularly those that are rare. Both of
these species are identified as being of medium risk from collision with
turbines with a consequent medium population threat. The likelihood of
collision is medium because of the characteristics of the bat species and their
likely behaviour. Consideration of the environment is also important.

84. The proximity of the turbines to the trees may increase the possibility that
bats may collide with the turbines as they may be attractive to bats because
of insects attracted by heat of the nacelle, or possibly simply the movement of
the blades. Hence proximity to trees is an issue that I must consider.
85. TIN051 seeks, as a matter of good practice, that the turbine swept areas should be positioned so that the tip of the blades would be in excess of 50m from the highest part of any hedge, tree-lines or woodland, as bat activity beyond this declines significantly. Contrary to the evidence that the trees in the woodland near to the location for turbine T2 are some 15m high, on site it was apparent that they were taller. As a result, further assessment was made based on new site surveys of tree height and topography. This document was provided within the ES FEI January 2012. The assessment confirms that the nearest blade tip to tree canopy would be some 7.8m further than the advised separation distance. So, even making allowance for growth during the duration of the proposed development, the 50m separation sought by the guidance would exist.

86. Turbine T3 is situated relatively close to an access route, alongside which there is vegetative growth, including larger trees, which appears likely to have been a former hedge. As such, it seems on strict interpretation it does not currently form a hedge, tree-line or woodland, from which the guidance would seek a 50m separation. However, it may well act as a foraging route. If this is used by bats in this manner it seems likely from what I heard that flight would be some 5 to 10m above ground level and so away from the turbine blade sweep.

87. Natural England initially sought the relocation of turbines T2 and T3 away from these natural features, but has not sustained objections to either siting. I note that the appellant specifically declined to move T2 on the basis of interference with the agricultural operation, subsequently adding concerns of the proximity to a bridleway and to residential properties. However, given the clearly calculated stand off distance now supplied, and on basis of what I have seen and heard, I take the view that bats are unlikely to be at risk from turbine T2. Although I do not know why the objection to T3 was not sustained, for the reasons above T3 does not, in my view, appear to be likely to result in a significant risk to bats.

88. Concerns have been raised about the possibility of increased flight activity between the existing Lonely Road reservoir and the new agricultural reservoir. Even if this were to be the case there are hedgerow routes in this area which appear likely to act as foraging and connective routes. Thus the likelihood of bats coming into contact with turbines does not appear to be a significant threat.

89. In conclusion on this point I consider that adequate evidence has been provided to demonstrate that the degree of risk to bats, which are a protected species, would be negligible. Thus I do not find conflict with the advice of the Framework on this matter or conflict with Local Plan Saved Policy ENV 15.

**Birds**

90. At the Inquiry there was lengthy evidence about the adequacy of the ornithological survey work. Advice on assessment for wind farms is contained in the Scottish Natural Heritage (SNH) Documents Survey Methods for Use in Assessing the Impact of Onshore Windfarms on Bird Communities (2005) and SNH Guidance on Methods for Monitoring Bird Populations at Onshore Windfarms (2009) and more recently Natural England Technical Information Note TIN069 – Assessing the effects of onshore wind farms on birds (2010); these all provide guidance. However, the data were collected based on the

http://www.planning-inspectorate.gov.uk
2005 document and were begun prior to the 2009 and 2010 guidance note. If a survey programme were being drawn up now it would require full consideration of those documents. However, whilst they have updated approaches, it is not unreasonable for a survey programme to be based on guidance available at the time.

91. The 2005 document indicated as scaled down Common Bird Census (CBC) as being appropriate for lowland breeding species. It sets out a suitable approach towards numbers and timing of surveys, vantage point watches and distances to be covered. The surveys accompanying this proposal included 5 breeding bird surveys during March to July 2009 with a later survey in September. Winter surveys took place in December 2008 and January and February 2009. They provided a 500m survey area and thus provided a general accord with the SNH 2005 guidance. This is short of the 1km range recommended by NE although they did not offer any objection on that matter at application stage or subsequently.

92. I have noted the concerns about overly long survey periods, inadequate and inaccurate timings for rest periods of the surveyors, and other distractions indicated in the notes. In addition there have been some errors in transcribing the raw data; clearly errors such as failing to transcribe the presence of a ‘red list’ species on the list of British Birds of Conservation Concern\(^{23}\), the bullfinch, cannot be considered as good practice. It is helpful that 4Villages has been rigorous in its assessment of the documentation and information provided to the Inquiry. Nonetheless, taking all that has been said into account, none of these points raised, individually or cumulatively, is such that it fundamentally detracts from the adequacy of the survey work.

93. I appreciate significant variation exists between the appellant’s list of recorded species and the records produced by the Rule 6 party. The locally collected records identify 94 species, 50 of which are on the red and amber lists. In contrast the ES identifies 5 out of the 10 red list species and 4 of the 15 amber list species. As such the site is clearly one where biodiversity is rich. The local records are being kept essentially for British Ornithological Trust (BTO) submission as well as personal interest. The appellant’s data and that of the Rule 6 party differs significantly in terms of time periods with the 4Villages data spanning a period of some 17 years in contrast with the data produced for the appeal proposal over a much shorter timeframe. It is not surprising that the longer term work records occasional sightings made during walks and other observations when compared with a concentrated survey period. It is important to concentrate on the likely effect of the proposed development having regard to species on site and the likelihood of the impact of the proposed development upon them. Occasional or infrequent sightings therefore, whilst interesting, are less likely to be significant.

94. The effect of the proposed development on golden plovers, a Schedule 1 Species\(^{24}\) and an amber list species, is a major concern for the Rule 6 Party. Observed data which were collected locally for the purposes of records kept by the BTO indicated flocks of some 3000 birds in 2007, 2008 and 2009. These sightings cover a larger area than the appeal site and its study area. Such large groups consist of more than 1% of the national flock if it consists of 250,000. This number is of the level that could be considered in the Phase

\(^{23}\) Red list species are those most at danger with amber list species at risk but less so

\(^{24}\) Schedule 1 Species as identified in the Wildlife and Countryside Act 1981 (as amended)
1 assessment for a Special Protection Area (SPA) although it is the case that this site is not currently under consideration for SPA status (a proposed SPA). Natural England\textsuperscript{25}, suggest that sites attracting over 2,500 golden plover would constitute a nationally significant population (i.e. a 1% of total population flock). However, this is not the size of flock recorded on the appeal site as part of the survey work. There is no doubt that much larger flocks do exist in the wider area, including around Tivetshall St Mary, with large flock sightings also recorded around Diss. Moreover, there are reports\textsuperscript{26} that estimate that the national flock may be as many as 580,000 and that the population is increasing in the East of England. Those population figures imply a 1% figure of 5,800 but, I am also mindful that the same document places emphasis on the success in the East of England being combined with a decline elsewhere so as to increase the importance of sites in this locality.

95. The point at issue in considering the proposed development is whether or not it would cause harm to the species. The Royal Society for the Protection of Birds (RSPB) advises that collision risk for golden plover is deemed to be relatively low and accepts that a 99% avoidance rate would apply. On the basis of that high level of collision avoidance, the modelling, based on the data provided for the ES with which I am satisfied, indicates that the effect on populations of golden plover would not be significant were this development to go ahead.

96. Whilst some of the sighting includes areas of the proposed access tracks, those tracks would, other than during construction, only have limited traffic. As such it seems this is unlikely to cause disturbance to birds, much as applies to the current use of the farm access tracks. The timing of construction work could be conditioned to avoid harm during nesting periods.

97. The new reservoir is some 493m from the nearest proposed turbine (T1). It is a functional water storage area. Its sides are relatively steep with little vegetation. The internal slope was particularly steep and I accept that it has not been designed with wildlife in mind. It was suggested that the external slope could be managed to prevent it becoming particularly attractive to wildlife. It is unlikely to be particularly attractive to wading birds such as golden plover and lapwing because of the lack of shallow water margins and the potential to manage surrounding ground. It is unlikely that there would be significant aquatic plant growth due to fluctuating water levels which limits to the extent of water wildlife thus also limiting its attractiveness to waterfowl on a regular basis. However, with a maximum surface area of 0.1ha it might be attractive to other wildlife, and possibly occasional waterfowl use, given the limited areas of water of this size in this locality.

98. Clearly the reservoir is a new structure so that there are no records of its usage or flight paths that might be linked to it. I am aware that the Lonely Road reservoir is located to the south-east of this site and that turbine T2 would be situated almost on a direct route between these two water bodies. However, because this is a new reservoir there is no recorded evidence that indicates such a route is likely to be established, although I appreciate different experts have different views of the likelihood of this arising. It seems that, whilst contrary to the normal aims of seeking to maximise

\textsuperscript{25} Letter from Helen Ward of Natural England 25 November 2010 (para 22 Mrs King's evidence)
\textsuperscript{26} Jackson et al as set out at page 80 of the RSPB Research Report No 35 - Mapped and written guidance in relation to birds and onshore wind energy development in England (2009)
biodiversity, this may be a case where management of the new reservoir might be to avoid ecological interests. This is not perverse, although it may reflect a missed opportunity for better ecological enhancement. Rather, it is a practical way in which to manage the agricultural water needs of the farm with the new reservoir in situ.

99. Management of the reservoir margins would limit ecological interest and so reduce the likelihood of it being used by raptors to seek out prey. Given the extensive areas for birds, such as buzzards, kestrels and sparrowhawk (the only raptors identified as nesting within 500m of the turbines) to hunt, it seems unlikely that this water body would introduce a significant change to behaviour. In terms of barn owls, whilst there are records of sightings near to Upper Vaunces Farm buildings, they were at low height. Although flight height might increase for wider hunting journeys, particularly return flights, direct flights towards Upper Vaunces Farm area, one of the most likely nesting sites for barn owls, from the new reservoir would be likely avoid the turbine locations.

100. The reservoir is part of a changing approach to agricultural management of the land. Whilst current agricultural cropping may attract certain species, changes to cropping may occur at any time depending upon what is financially attractive. Such changes are not subject to the controls of the planning system and thus whilst they have implications for wildlife they are not material to this decision.

101. I am satisfied that the proposed development would not materially harm bird populations that use the site area. Moreover, subject to management of the reservoir I am satisfied that the new reservoir would not result in material harm to wildlife in the locality. I therefore do not find conflict with Local Plan Saved Policy ENV 15 which resists development that would be likely to cause demonstrable harm to protected species unless planning conditions can be imposed to overcome that harm. Nor do I find conflict with Policy 2 of the JCS insofar as it seeks to avoid harm to key environmental assets.

Other Matters

102. Richard Bacon MP, the Rule 6 Party, and other interested people, express serious concern about the potential for damage to property, services that run through the land, water resources and potentially public health as the site has potential for unexploded munitions associated with the former use of land in the site area as part of RNS Pulham.

103. Geophysical assessment was undertaken because of this, as part of the ES. Part of the concern relates to potential impact upon the chalk aquifer which provides the public water supply. Public and private water supplies were assessed as part of the ES as were the existing soil conditions. Those tests found water satisfied UK drinking water standards and soil conditions to be typical of natural soils.

104. Evidence suggests that there is medium risk of explosives being found at 6-10m below ground level. Surface magnetic surveying was therefore undertaken. This concludes that there are 2 ferrous objects near turbine T3, but otherwise it is unlikely that unexploded ordnance would be encountered during construction.
105. It is for the developer to ensure the general safety of the site during development. In terms of land contamination, for instance from radioactive paint, scrapped vehicles/machinery, it is apparent there is likely to be some land contamination in the area. The Fellows International Report also makes it clear that there are issues in respect of unexploded ordnance that should be thoroughly investigated. Whilst it is not the developer's responsibility to deal with the whole airfield, it would be appropriate to require further investigation and remediation of more localised areas prior to the commencement of development. In this regard I note the Council and Environment Agency support the proposed conditions put forward by the Rule 6 Party. Although some modification would be required to those conditions, I am satisfied adequate control for this would exist through the use of suitable planning conditions.

106. Despite late comments an objection on behalf of Police and emergency services operators was withdrawn.

107. Shadow flicker is raised as a concern. However, the Technical Annex to the Companion Guide to Planning Policy Statement 22 Planning for Renewable Energy explains that shadow flicker can only affect properties 130 degrees either side of north. Moreover, it explains shadow flicker is only an issue within 10 rotor blades distance from the turbines. Given these known factors a condition to establish a protocol for dealing with shadow flicker to prevent disturbance would be appropriate and overcome health and general annoyance concerns for people within their homes where such an effect could not otherwise be readily avoided.

108. The companion guide also explains that in England the conditions necessary for ice throw occur for less than one day a year. Bearing in mind that the turbines are situated away from dwellings and main thoroughfares along with the sensitivity of modern technological advances in turbines I am satisfied this is not a reason to withhold planning permission.

109. Given the modest areas of land involved in development works and the assessments undertaken, I am satisfied that a condition would provide an appropriate way of dealing with any possible archaeological deposits.

110. This proposal seeks permission for 25 years rather than permanent siting. This is a lengthy period, which could equate to a significant part of a person's life. As such, it is important that the development is found to be acceptable. In the event that it is, the temporary nature of the development allows matters to be reviewed, in due course, and in this respect represents a positive point.

111. A significant number of other appeal decisions have been put before me and I have heard comments on some of them. However, none of the cases is exactly the same as here and the policy position is not exactly the same in any case referred to. Whilst I am aware of the content of those decisions I have determined this appeal in light of relevant policies, the material considerations before me and the merits of this particular case.

Planning Balance

112. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) is the starting point for consideration of this appeal. It sets out that proposals should be determined in accordance with the development plan.
unless material considerations indicate otherwise. In this case the Local Plan sets out clear policies for consideration including in respect of renewable energy in Saved Policy UTL 13 which supports renewable energy projects provided that they are not outweighed by demonstrable harm to the locality in terms of various criteria including visual intrusion. Recent Government policy advice in the Framework establishes that, given the age of the Local Plan, due weight should be given to it according to its degree of consistency with the Framework. The policies I have cited within the decision reflect the advice of the Framework. I am also mindful of other relevant statutory duties.

113. Policy UTL 13 is broadly in accord with the Framework, which makes it clear that when determining applications for renewable or low carbon energy, local planning authorities should approve the application (unless material considerations indicate otherwise) if its impacts are or can be made acceptable. This reflects the broad principles in earlier advice in the Ministerial Statement "Planning for Growth", which seeks a positive approach to new development, provided it is acceptable in other respects. Having regard to the SoCG on renewable energy I have no doubt that there is a shortfall in provision in this locality and that there is a pressing local, regional and national need for the provision of renewable energy, including from onshore windfarms. This weighs heavily in favour of the scheme.

114. Furthermore I have not found conflict with Local Plan Saved Policy IMP 18, in terms of the setting of conservation areas, or Local Plan Saved Policy IMP 10 in respect of noise. Nor do I find conflict with Local Plan Saved Policy ENV 15 which relates to protected species.

115. I have concluded that there would be modest harm to the landscape from some viewpoints, with the more significant harm being that relating to the landscape around the settlement of Rushall. Thus, the proposed development would conflict with Local Plan Saved Policy ENV 8 and Policy 2 of the adopted JCS. Additionally there would be some modest harm to the setting of 4 buildings at Semere Green, as well as to Lowbrook Farm, Dickleburgh Hall, Home Farmhouse, Upper Vaunces Farm, Seamere Cottage (Rosella), Barnacres and Semere Green Farmhouse. More significantly I have identified harm to the setting of St Mary's Rushall. Attention is drawn to this harm by Local Plan Saved Policy IMP 15 and the statutory duty set out in Section 66 of the LB&CA Act.

116. There would be serious harm to the living conditions of the occupiers of Lowbrook Farm and more limited harm to the occupiers of Seamere Cottage (Rosella) resulting from the impact on outlook and the overbearing presence of turbine T1. As such, there would be conflict with Local Plan Saved Policy IMP 9. Whilst there are other matters which have been addressed here and do not weigh against the scheme, and whilst the initial balance is heavily in favour of this type of scheme, the harms identified are not and cannot be made acceptable for the development proposed. In the balance the proposal also fails to accord with Local Plan Saved Policy UTL 13 and the advice of the Framework. I therefore conclude that in coming to the planning balance the appeal should not succeed.

Procedural Matter

117. Another wind farm proposal, of 3 turbines, at Tivetshall, relatively close to the appeal site, remained undetermined by the Council during the sitting of this
Inquiry. Whilst I would have considered the cumulative impact with that scheme had it been approved, it was not appropriate to do so at that stage particularly given the likely progress of that application at that point in time. There has been some delay in issuing this decision and had I determined in favour of this scheme it may have been appropriate to clarify the situation with regard to that other proposal.

Conclusion

118. For the reasons given above I conclude that this appeal should fail.

Zoë Hill

Inspector

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APPEARANCES

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Savills
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Dr Timothy Reed
Mrs Sheila King
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Director, The Landscape Partnership
Robert Davis Associates
Oakes Environmental
Independent Consultant
Ecotext Ltd
Local resident with ornithological interest and experience

27 Mrs Helen Mellors and Mr Adrian Nicholas took part in the conditions session
28 At the start of the Inquiry Mr Hardy was a partner with Cobbetts LLP
Special Meeting of the Development Management Committee 22 October 2013

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INTERESTED PERSONS:

Richard Bacon MP Local Resident and Member of Parliament
Mr Tim Webster Chair of Rushall Parochial Church Council
Mr John Rudge Chair of Pulham Market Parish Council
Mr Mark Hays Local Resident
Judith Buggs Local Resident
Mr A Jenkins Local Resident
Rev James Roskelley Rector Rushall Church
Mr Tony Carpenter MIEE Rtd, MSEE Rtd, MIPR Rtd Local Resident
ASAE Ltd
Mr M Hubner Local Resident
Cllr M Wilby District and Local Councillor
Mr Jeremy Bradley Local Resident
Mr Terence Blacker Local Resident
Mr Terry Clarkson Local Resident
Brigadier Nick Clissitt Local Resident
Mrs Claire Kirby Chair of Tivetshale Parish Council and member of Tivetshale Action Group

Mr Nigel Webber Local Resident
Mr Giles West Local Resident
Mr Duncan West Local Resident
Miss Laura Cole Local Resident
Mr G King Local Resident

DOCUMENTS SUBMITTED AT THE INQUIRY28

1 Notification Letter for the Inquiry with details of those to whom it was sent
2 Draft Statement of Common Ground relating to energy policy and renewable energy schemes
3 Draft Conditions
4 Draft Conditions with tracked changes
5 Upper Vaunces farm buildings – bat survey with covering letter and e-mail
6 Distances of turbines to façade of properties – submitted by the Appellant
7 Opening submissions on behalf of the Appellant
8 Council’s Opening Remarks
9 Opening Statement on behalf of 4 Villages accompanied by Judgement Morge FC (appellant) v Hampshire County Council (Respondent)
10 Statement of Tim Webster (Opposing) and associated addendum
11 Response from Pulham Market Parish Council - Statement given by John Rudge Chairman of Pulham Market Parish Council (Supporting)
12 Errata to Proof of Evidence of Jonathan Mark Billingsley with 2 attached plans JB01A & JB03A (which replace JB01 & JB03)
13 Supplementary Proof of Evidence of Robert Davis on Noise Issues

28 As noted in the main decision, all Core Documents submitted in association with the appeal are referred to in this Decision as they are set out in the revised Core Document list and are prefaced by the letters CD (i.e. Core Document); documents submitted during the Inquiry and listed here are prefaced with ID (i.e. Inquiry Document)

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on behalf of 4Villages (13 June 2011)
14 Supplementary Proof of Evidence – Response to the Rebuttal
Proof of Evidence on Ecology of Dr Box by Sheilia King on behalf of
4Villages (13 June 2011)
15 Supplementary Proof of Evidence – Response to the Rebuttal
Proof of Evidence on Ecology of Dr Box by Dr Tim Reed (13 June
2011)
16 Folder – Raw Data for Bird Surveys – submitted by 4Villages
17 Statement of Common Ground on Noise
18 Fellowes International Report (colour copy) - submitted by
4Villages
19 DCLG letter dated 30 May 2008 regarding model conditions for
development on land affected by contamination – submitted by
4Villages
20 4Villages Contaminated Land Desk Top Study RNAS/RAF Pulham
dated 25 March 2011 (colour copy)
21 Folder containing Personal Statements of interested parties
22 Draft Conditions – version 3
23 Statement by Richard Bacon MP
24 Statement by Mr Wilby and extract of Link Magazine
25 Statement by Mr Hays
26 Statement by Mr Hubner with associated documents –
Photomontage Methodology; The Highland Council’s Visualisation
Standards for Wind Energy Developments; details and picture of
Norwich Cathedral; photo of wind turbines; details and picture of
the London Eye details and picture of Big Ben; The Visual Issue
Architech Animation April 2007
27 Statement from Duncan West
28 Draft letter to Natural England regarding Bat Surveys dated 20
June 2011
29 Bat Surveys – Good Practice Guidelines 2nd Edition
Surveying for onshore wind farms – Bat Conservation Trust
30 Natural England Technical Information Note TIN069 – Assessing
the effects of onshore wind farms on birds (updated with
unmarked colour copy)
31 Statement of Common Ground relating to energy policy and
renewable energy schemes
32 Copies of Site and Press Notices advertising the proposed
development as being that which affects the setting of listed
buildings (dated 17 June 2011)
33 Copy of the Review of the Environmental Statement and objection
to the planning application submitted by 4Villages May 2010
34 Letter to Natural England from Appellant
35 Letter from Natural England (email only) dated 22 June 2011
36 Inquiry Note Issued by Inspector dated 23 June 2011
37 Draft Noise Condition for Upper Vaunces Farm 22 June 2011
38 Draft letter to Natural England drafted by Appellant but not
subsequently sent in this form
39 Written Statement from Laura Cole (Supporting)
40 Table of distances from turbines to properties (elevation and
curtailage) agreed by landscape witness for the appellant, LPA &
Rule 6 Party

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LPA proposed alternatives tables for noise condition
Counsel’s Note on behalf of 4Villages
Draft letter to Natural England dated 23 June 2011 (following from to Doc 38) drafted by Appellant but not subsequently sent in this form
Suggested additions to Doc 44 from Rule 6 party
Inspector’s Inquiry Note 24 June 2011 advising of submission details and provisional return date
Closing Submissions for Rule 6 party - 4Villages, Dickleburgh and Rushall Parish Council and Pulham St Mary Parish Council with accompanying guidance The setting of heritage assets: English Heritage guidance Consultation draft
Council’s Closing Submissions
Appellant’s Closing Submissions

DOCUMENTS SUBMITTED AT RESUMED SITTING
Update Note on Relevant Planning Policy (appellant)
Copy of consultation and notification letter
E-mail (with attachment) from Jessica Bowden at the Environment Agency dated 20 April 2012 regarding land contamination
Note of date and position of site notices
Bundle of documents from Mr Carpenter regarding SoCG and natural justice
Extract from Sunday Times - Energy Minister vows: ‘No more wind farms’
Information regarding Bird Track & Bird Atlas
Information regarding British Trust for Ornithology
Copy of letter from Alan Dunsmore dated 21 February 2012 with attachments
Supplementary Proof of Evidence Mrs Sheila King
Folder of Appendices – Rule 6
BusinessGreen article dated 16 April 2012 – Government and industry slam ‘spurious’ anti-wind farm headlines
The Guardian article dated 21 February 2012 David Cameron defends windfarm plans to Tory MP’s
Appeal Decision APP/P0240/A/11/2150950 and Hayes McKenzie – Analysis of How Noise Impacts are Considered in the Determination of Wind Farm Planning Applications April 2011 (insert to Rule 6 documents)
Copy of e-mail from Sheila King to John Marchant dated 8 March 2012
Copy of letter from the Prime Minister to Chris Heaton-Harris regarding energy dated 13 February 2012
Copy of e-mail chain between Moise Coulon and Lucy Melrose (most recent date 25 November 2011)
Introduction to the proof of the importance of the landscape included in the public inquiry appeal and Tivetshall Roman Villa Site – request for scheduling review both submitted by Mr

A number of documents were submitted during the adjournment - they were subject of normal office administrative procedures so are not listed unless they were also handed in at the event

http://www.planning-inspectorate.gov.uk
Special Meeting of the Development Management Committee 22 October 2013

Appeal Decision APP/L2630/A/10/2143349

Carpenter
69 Suggested condition regarding grassland management at the new agricultural reservoir
70 E-mail of ‘history line’ from Moise Coulon dated 26 April 2012
71 ‘Greg Barker’s Tweets re Sunday Times article’ as recorded by Rule 6
72 Planning conditions for development on land affected by contamination and table for noise condition
73 Closing submissions on behalf of 4Villages, Dickleburgh and Rushall Parish Council and Pulham St Mary Parish Council
74 Costs Application on behalf of 4Villages, Dickleburgh and Rushall Parish Council and Pulham St Mary Parish Council
75 Closing submissions on behalf of the Appellant
76 Response to application for partial award of costs by 4Villages

PLANS SUBMITTED AT THE INQUIRY

Plan 1 MB Figure 3A Topography (10km)
Plan 2 OS Explorer 230 Diss & Harleston
Plan 3 Plan JB06 Site Visit/Proposed Itinerary
Plan 3 Revised Site visit plan JB06A
Plan 5 Fig XX Upper Vaunces Farm Notable Bird Species- Golden Plover

PLANS SUBMITTED AT THE SITE VISITS (as agreed)

Plans SV1 2 plans identifying turbines proposed for Hempnall (APP/L2630/A/08/208443)
Plans SV2 2 plans and a Google earth print for reference at site visit

PHOTOGRAPHS/PICTURES SUBMITTED AT THE INQUIRY

Photo Figures 43 & 44 and 40 & 41 from the ES ‘stitched’ together
Bundle 1
Photo Painting by Mr Carpenter of a Cornish sea scene and
Bundle 2 Photograph of an anemometer mast – submitted by Mr Carpenter
Photo 3 Ariel photographs annotated to in respect of blade sweep
Bundle 3 area and bat preclusion areas
Photo 4 Photographs supplied by Mr Blacker
Bundle 4

31 other than those forming part of a document
32 other than those forming part of a document

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