Special Meeting of the Development Management Committee

Members of the Development Management Committee:

<table>
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<tr>
<th>Conservatives</th>
<th>Liberal Democrats</th>
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<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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<td>Mr D Blake</td>
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<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

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<tr>
<th>Mr L Dale</th>
<th>Mrs V Bell</th>
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<td>Mr C Foulger</td>
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<td>Mr B Riches</td>
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<td>Mr R Savage</td>
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<td>Mr G Walden</td>
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<td>Miss L Webster</td>
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Pre-Committee Members’ Question Time

9.00 am Blomefield Room

Date

Wednesday 29 January 2014

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 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 7)

   (to follow)

5. Planning Applications and Other Development Control Matters;
   (attached – page 8)
   To consider the items as listed below:

<table>
<thead>
<tr>
<th>Planning Ref No.</th>
<th>Parish</th>
<th>Site Address</th>
<th>Page No.</th>
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<tbody>
<tr>
<td>2013/0105/F</td>
<td>HEMPNALL</td>
<td>Land Surrounding Busseys Loke North of Bungay Road, Hempnall andIncluding Land Adjacent To The B1527 and at the Junction of the B1527 and B1332, Woodton, Norfolk</td>
<td>8</td>
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6. 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.

7. Date of next scheduled meeting – Wed 5 February 2014 in Colman & Cavell Rooms
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

| Fire alarm | 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 |
| Mobile phones | Please switch off your mobile phone or put it into silent mode |
| Toilets | The toilets can be found on your right and left of the lobby as you enter the Council Chamber |
| Break | There will be a short comfort break after two hours if the meeting continues that long |
| Drinking water | A water dispenser is provided in the corner of the Council Chamber for your use |

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

| A | Advert | G | Proposal by Government Department |
| AD | Certificate of Alternative Development | HZ | Hazardous Substance |
| CA | Conservation Area | LB | Listed Building |
| CU | Change of Use | LE | Certificate of Lawful Existing development |
| D | Reserved Matters (Detail following outline consent) | LP | Certificate of Lawful Proposed development |
| F | Full (details included) | O | Outline (details reserved for later) |
| H | Householder – Full application relating to residential property | RVC | Removal/Variation of Condition |
| C | Application to be determined by County Council | SU | Proposal by Statutory Undertaker |

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 and works specified). |
| J.C.S | Joint Core Strategy |
| N.P.P.F | National Planning Policy Framework |
**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.

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<tr>
<th>Question</th>
<th>Action</th>
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<tbody>
<tr>
<td>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.</td>
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<tr>
<td>Does the interest directly:</td>
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<td>1. affect yours, or your spouse / partner’s financial position?</td>
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<td>2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?</td>
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<td>3. Relate to a contract you, or your spouse / partner have with the Council</td>
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<td>4. Affect land you or your spouse / partner own</td>
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<td>5. Affect a company that you or your partner own, or have a shareholding in</td>
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<td>If the answer is “yes” to any of the above, it is likely to be pecuniary.</td>
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<td>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.</td>
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<td>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</td>
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<td>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.</td>
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<tr>
<td>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.</td>
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<td>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.</td>
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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

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

NO

YES

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

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

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

NO

YES

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

Have I declared the interest as an other 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?
Agenda Item 4

Report of the Director of Growth and Localism

Appl. No : 2011/0505/O
Parish : WYMONDHAM
Applicants Name : Pelham Holdings Ltd
Site Address : Land North Of The A11 At Park Farm Silfield Road Wymondham
Proposal : Proposed development to include up to 500 dwellings, Community facilities, site infrastructure including new access roads, public rights of way and drainage, green infrastructure including public open spaces and structural landscape planting and new playing pitches relating to Wymondham High School.

Appl. No : 2012/0371/O
Parish : WYMONDHAM
Applicants Name : Endurance Estate Strategic Land And Landowners
Site Address : Land To The East And West Of Rightup Lane Wymondham NR18 9NB
Proposal : Mixed use development of up to 730 dwellings, up to 128 bed care home / homes (in one or two buildings), up to 250 square metres of retail / commercial floor space, a new primary school together with all other associated temporary and permanent infrastructure, including new access arrangements, sport pitches, allotments and community orchard.

Update from the Director of Growth and Localism

The Development Management Committee of the 4th December considered a report updating members on the progress of the legal agreements connected with these two applications. The Committee agreed to further extend the delegated authority it awarded to me at previous meetings, extending to the 31 January 2014. This extension was granted to allow the applicants to conclude their legal agreement with Network Rail. Cllr Kemp, who was acting as the Chair for the item, also requested that should this legal agreement not be completed by the time of this Special Development Management Committee meeting, the applicants should attend and give an explanation as to why, after two extensions of the time limit, the matter has not been concluded.

At the time of writing this report and I pleased to say the agreement between Network Rail and the applicants has been reached, the contract is being engrossed and all parties are proceeding to completion. I will give a further update at the meeting.

Tim Horspole
Director of Growth and Localism
thorspole@s-norfolk.gov.uk Tel 01508 533806
Appl. No : 2013/0105/F
Parish : HEMPNALL

Applicants Name : Streetwood Wind Farm Norfolk Limited
Site Address : Land Surrounding Busseys Loke North of Bungay Road, Hempnall and Including Land Adjacent To The B1527 and at the Junction of the B1527 and B1332, Woodton, Norfolk

Proposal : Erection of 3 wind turbines with a maximum height of 126.5m and associated development for a period of 25 years, including control building, electricity transformers, underground cabling, access tracks, crane hard standing, new vehicular access, culvert and off-site highway works

Recommendation : Would have approved, with conditions, subject to Ministry of Defence and National Grid objections being addressed and subject to receiving a suitably amended plan and seeking clarification on the siting of Turbine 4 to nearest bat feature (Little Wood) and subject to additional information being submitted to demonstrate a noise level of 35 dBA can be achieved at all properties

1. Time limits – 25 years
2. Turbine removal after 2 years and site restored
3. Details of decommissioning, 12 months before expiry
4. Turbines decommissioned if not operated in a 12 month period
5. Construction Traffic Management Plan
6. Construction Method Statement
7. Construction Hours
8. Construction Delivery of materials
9. Details of colour and finish or turbines
10. All turbines shall rotate in same direction
11. Details of external appearance of control building
12. All cable underground
13. No permanent illumination on site, other than during plan construction
14. No development until Air Defence Radar Mitigation Scheme submitted
15. Details of infra-red aviation obstruction lighting
16. No development until agreement reached with Norwich Airport for a Radar Mitigation Scheme
17. At least a month before commencement, details of final grid co-ordinates; date for commencement of development; maximum extension height
18. Ecology mitigation
19. Details of Environmental Habitat Enhancement Plan
20. Archaeology
21. Protocol for assessing shadow flicker
22. Details of wheel cleaning
23. Details of off-site highway works
24. Details of vehicular crossings
25. Noise mitigation conditions, including limiting noise levels for candidate turbine

1. Planning Policies

1.1 National Planning Policy Framework
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

1.2 Joint Core Strategy
Policy 1: Addressing climate change and protecting environmental assets
Policy 2: Promoting good design
Policy 3: Energy and water
Policy 20: Implementation

1.3 South Norfolk Local Plan
ENV 8: Development in the open countryside (Part Consistent)
ENV 9: Nationally and locally important archaeological remains (Part Consistent)
ENV 13: Sites of regional and local nature conservation interest and geological/geomorphological value (Part Consistent)
ENV 14: Habitat protection
ENV 15: Species protection
IMP 8: Safe and free flow traffic
IMP 9: Residential amenity
IMP 10: Noise
IMP 15: Setting of Listed Buildings
IMP 18: Development in Conservation Areas.
IMP 25: Outdoor lighting
UTL 13: Renewable energy (Part Consistent)
UTL 15: Contaminated land

1.4 Supplementary Planning Document
South Norfolk Place Making Guide 2012

2. Planning History

2.1 2011/1861 Scoping opinion for 4 wind turbines at Streetwood Wind Farm

2.2 2008/0917 Erection of 7 wind turbines with a maximum height of 125m and associated development for a period of 25 years, including control building, electricity transformers, underground cabling, access tracks, crane hard standing, new vehicular access, culvert and off-site highway works

3. Consultations

3.1 Hempnall Parish Council (HPC) Original Proposals REFUSE

Landscape (produced by 2B Landscape Consultancy Ltd)
- The visualisations show that the turbines will have a huge impact on the village
- Clarity of some of the images is poor
- Enormous impact on the setting of St Margaret’s Church; these impacts are just as significant as with the previous proposal for this site.
- View eastwards from Conservation Area will be ruined.
- These turbines are taller than that proposed by Enertrag
- The alterations to the landscape will be transformational.
The Conservation Areas of Saxlingham Green and Fritton Common will also be affected, contrary to the claims of TCI.

TCI has underestimated the impacts on walkers, cyclists and horse riders.

Please note HPC also raise concerns over the photomontages submitted and the views reached by the Council’s Landscape consultant Michelle Bolger of Gillespies LLP.

Noise

Based on the truly awful experiences that residents of Kessingland have suffered as a result of noise generated by the 2 turbines located close to their village, Hempnall Parish Council has adopted a separation policy for the wind turbines proposed for the village.

Turbines of the type proposed should be at least 2km from the nearest resident. The turbines proposed by TCI conflict with this policy.

Please note HPC also raise concerns with respect to whether sufficient information has been submitted to fully address noise impacts.

Tranquillity

- The turbine site is in an area shown as very tranquil on CPRE tranquillity maps.

SSSI / Ecology / Bats

- There are 3 SSSI’s very close to the site and the impact on them could be highly damaging.
- Suspicious as to the objectivity of the information supplied by TCI; TCI’s conclusion that the impact on bats will be ‘not significant to slight’ is difficult to understand given the high significance attributed to bats at the Enertrag Public Inquiry.

Please note evidence has been submitted by HPC’s Ecology and Bat consultants, Dr Tim Reed (Ecotext) and Chris Vine that raise many issues and concerns with the validity of the applicant’s ecology and bat surveys.

Shadow Flicker

- TCI admit that properties up to 930m from the turbines are vulnerable to shadow flicker, but that no significant impacts are likely; HPC are suspicious of this conclusion.

Cumulative Effect

- If turbine developments were to go ahead at Pulham/Tivetshall, cumulative effects might become significant.
Long term plans
- Given the large area of land outlined in blue on the application, it is likely that if permission was granted for 4 turbines, more would follow.

Socio-economics
- No amount of financial gain to the community or SNC could possible compensate for the damage the turbines would cause to the local environments.

Carbon dioxide reductions
- Claims that the electricity generated during the 24+ years of operation would be carbon free are contested.

Lighting
- It is noted that TCI has made efforts to accommodate impact in this regard on the local landscape.

Successive applications
- It is unfair for the Parish and District Councils to have to spend valuable time and resources considering successive similar planning applications for a site that has already been turned down at a Public Inquiry.

Amended Proposals
A very lengthy report has been submitted, which is included as Appendix 1. (HPC Visual Intrusion Map and CPRE Tranquillity Map not included due to poor quality once copied.)

It should be noted that the Parish Council has also carried out 2 Parish Polls, one on the original scheme and one on the amended scheme. The results of these Polls are as follows:

Approximately 50% turnout
Original plans – 80% of votes rejected the proposal
Amended plans – 82% of votes rejected the proposal
The percentage of those in favour fell to under 18%

Topcroft Parish Council
Original Plans
REFUSE
- It was considered that this application is little different from the application made previously by Enertrag and as such all previous objections raised then still apply

Amended Plans
No additional comments received.

Morningthorpe & Fritton Parish Council
Original Plans
Neither support or oppose
- The Parish Council considers that to either support or oppose the application would not adequately reflect the range or strength of feelings within the Parish towards this application.
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<tr>
<th>Parish</th>
<th>Council</th>
<th>Original Plans</th>
<th>Amended Plans</th>
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<tr>
<td>Shotesham</td>
<td>Parish</td>
<td>REFUSE</td>
<td>No additional comments received.</td>
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<td>Original Plans</td>
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<td>Insensitive location and size</td>
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<td>Massive infrastructure needed</td>
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<td>Impact on wildlife</td>
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<td>Energy output unlikely to compensate for intrusion in the landscape</td>
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<td>Access tortuous and difficult for construction and on-going servicing.</td>
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<td>It acknowledged in support of the application that</td>
<td>Vulnerability of local coastlines as a result of over- emission of Co2</td>
<td>Turtles beautiful and well designed</td>
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<td>Need for more energy and Norfolk should play a part in clean energy creation.</td>
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<td>Amended plans</td>
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<td>Woodton</td>
<td>Parish</td>
<td>REFUSE</td>
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<td>Original Plans</td>
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<td>The proposed size of the turbines</td>
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<td>Noise and possible flicker</td>
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<td>Negative impact on people’s health and well being</td>
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<td>The impact on the wildlife in the area</td>
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<td>Concerns about property values</td>
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<td>Road safety issues during the construction period</td>
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<td>Possible precedent being set to allow more turbines to be erected if this is successful</td>
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<tr>
<td>Saxlingham</td>
<td>Nethergate Parish</td>
<td>OBJECT</td>
<td>No additional comments received.</td>
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<td>Original Plans</td>
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<td>Impact from Turbine noise on residents of Saxlingham Green,</td>
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<td>particularly in light of the experience at Kessingland.</td>
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<td>Support the conclusions of the SHOWT noise report.</td>
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<td>It would not be appropriate to grant consent with noise conditions</td>
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<td>Endorse the comments and recommendation of refusal made by English Heritage</td>
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<td>Bussey’s Loke and the surrounding area is categorically unsuitable for any tall turbine development whatsoever, let alone in the numbers proposed.</td>
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<td>Concern that the establishment of 4 turbines would serve to</td>
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<td>encourage development of more turbines in the future.</td>
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<td>If significant harm cannot be prevented to the local bat population then</td>
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<td>planning permission should be refused.</td>
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</tbody>
</table>
Amended Plans

Continue strong objection as above, suggest mitigation proposals need to be re-submitted

Tasburgh Parish Council

OBJECT

- Support the views of Hempnall Parish Council and local action group, SHOWT

3.2 District Members:

Cllr Windridge

OBJECT

- The environmental and economic benefits of the proposal would not be sufficient to outweigh the harm to the landscape character that will be caused by these industrial structures. The proposal conflicts with policy UTL13 and ENV8
- Harm to the cultural and historic setting of St Margaret’s Church, Hempnall, and All Saints’ Church, Woodton.
- Unacceptable impact on the Conservation Areas of Woodton and Hempnall.
- Noise impact needs to be considered by SNC.

Cllr F Ellis

To committee.

3.3 County Councillors:

Cllr A Thomas

REFUSE

- Poor engagement with the public by the applicants
- Unacceptable risk to the local residents from noise disturbance
- Harmful impact on the setting of listed buildings in the area, in particular the Grade 1 listed St Margaret’s Church in Hempnall and the Conservation Areas of Saxlingham Green, Fritton and Hempnall.
- English Heritage has rightly identified the issues.

Cllr A Gunson

OBJECT

- Contrary to policy ENV8 in that the scale of the proposal and its siting can in no way be sensitively integrated into the natural beauty of the area.
- Immense visual intrusion into the countryside, contrary to Renewable Energy policy UTL13.
- Not in accordance with the NPPF or HCS Policy 1
- Detract from the setting of a number of churches and the tranquillity of the area.

3.4 Richard Bacon MP

OBJECT

Original scheme

Hempnall located within the Tas Valley which is especially sensitive to large scale developments due to its strong rural and tranquil character. I am concerned that the proposals would be in breach of directives contained within the NPPF, Policy 1 of the JCS and SNLP policies ENV8 and UTL13.

The impacts of the proposed scheme cannot be made acceptable due to the size and industrial nature of the proposed turbines.
It is not possible to mitigate the effects of industrial turbines of this size in such close proximity to the village.

Amended plans

I do not believe that the removal of a turbine lessens the impact of these proposals.

Every attempt by a renewable energy company to press ahead with an application for an onshore wind farm in South Norfolk has so far been rejected at appeal or abandoned by the applicant. This is simply not a suitable place for industrial wind turbines, despite any suggestion to the contrary in Planning Inspector David Lavender’s decision notice issued on the 8 Dec 2009, which can have no regard to subsequent changes in government, in national planning policy and in recently issued planning guidance towards onshore wind farm applications.

I do not believe it is possible for wind turbines that are 125 metres high to be sensitively integrated into rural surroundings in terms of siting, scale and design.

A copy of Mr Bacon’s latest comments are attached as Appendix 13.

3.5 Council’s Landscape Consultant – Michelle Bolger, of Gillespies

Original Scheme

A Wind Turbine Landscape Sensitivity Study (WTLSS) undertaken for South Norfolk concluded that the Tributary Farmland landscape character type (LCT) had a moderate sensitivity to a small group of turbines (2 or 3). It recommends that these should be located on more open, flatter ground and away from the key sensitivities of the LCT; sensitive views to and from the wider landscape and the site and setting of churches. Inspector Lavender agreed with these conclusions in his decision.

The proposal has omitted the 3 turbines furthest to the east and north and the exact location of the 4 retained turbines has been changed. Turbine 2 (T2) is now closer to Hempnall and now has a greater impact on the identified key landscape sensitivities; St Margaret’s church and the Rural River Valleys SLA. It also has a greater impact on Hempnall itself.

The area immediately around the turbines is larger in scale, has suffered hedgerow loss and is considered capable of accommodating a group of 2-3 turbines. T2, due to its proximity to particularly sensitive features in the landscape results in significant adverse impacts.

T2 has been moved closer to the two most affected properties. It is now directly in front of them and will appear to be stacking with T1. It is considered likely that these changes will result in an overbearing impact on these properties.

Omitting T2 would remove some of the most significant impacts on: St Margaret’s Church, Rural River Valleys SLA, Hempnall village and residential properties.
Amended Scheme

The revised scheme omits T2 and is accompanied by revisions to the Environmental Statement and revised figures, including revised visualisations.

The omission of T2 does remove the most significant adverse impact on the sensitive aspects of the landscape which were identified in the original scheme.

Whilst there would remain some adverse impacts on the local landscape, they are considerably reduced.

In line with the conclusions of the WTLSS and Inspector Lavender, it is concluded that the current 3 turbine scheme could be accommodated on this site without significant harm to the local landscape character.

Further comments on HPC /SHOWT additional information

A section on photomontages has been added to the review following consideration of the issue of photomontages in the light of the planning practice guidance for renewable and low carbon energy.

Having reviewed both schemes again I can confirm that I do consider the removal of T2 does remove the most significant adverse impacts that I identified, which were due to the proximity of Turbine 2 to Hempnall, the Conservation area and to residential properties.

In reviewing the applications again, a new issue has been drawn to my attention. With the removal of T2 the scheme is no longer balanced and from some locations will appear as a pair of turbines and a single turbine.

It was stated in the review in September that ‘the current 3 turbine scheme could be accommodated on this site without significant harm to the local landscape character’. This statement does not accurately reflect my opinion.

There will be significant adverse impacts on the character of the landscape surrounding the site (increased by the ‘unbalanced’ appearance of the scheme). However, in light of the WTLSS and Inspector Lavender’s comments on the capacity of this landscape, I am of the view that the adverse landscape and visual impacts, although some are significant, are likely to be considered acceptable in the planning balance.

A copy of these comments are attached as Appendix 2.

3.6 Anglian Water Services Ltd

No objections, from a ground water perspective

3.7 NCC Highways

No objection, subject to conditions.
3.8 24 Seven Communications Ltd
No comments received

3.9 Civil Aviation Authority
No objections raised
- If approved, the Defence Geographic Centre would need to be informed for safety purposes

3.10 Waveney District Council
No comments received

3.11 Ministry of Defence (MOD)
Original Proposals

OBJECT

ATC Radar

The turbines will be 39.9 km from, detectable by, and will cause unacceptable interference to the ATC radar at RAF Honington which will impact ATC operations at RAF Wattisham.

Air Defence Radar

The turbines will be 34.7 km from, detectable by, and will cause unacceptable interference to the AD radar at RAF Trimingham.

Amended Plans

Still maintain objection. They would consider mitigation that would render the turbines undetectable by radar, and in some circumstances this can be achieved through height reduction or relocation. A number of technical mitigation solutions are being explored nationally. Developer should respond to this.

The MOD has been asked to clarify their position as they have requested Rule 6 Party Status at any forthcoming Inquiry. This was also their initial position at the recent Public Inquiry for considering application number 2013/0725 at site at Upper Vaunces Farm, Dickleburgh/Pulham Market. However they subsequently withdrew their objection, and have submitted a proposed planning condition, to the Planning Inspector, to address a similar, but not identical objection. A further update will be made orally at committee.

3.12 Mid Suffolk District Council
Original Proposal
No objection
- The separation distances between the 130m turbines at Eye Airfield and the application site are such that they are not considered to be significant cumulatively

Amended Plans
No comments received

3.13 NCC - Planning Obligations
No comments received
3.14 SNC Ecologist

**Original Proposals**

- Although an alternative site is preferred as locating turbines between the SSSI woods places a potential obstruction to wildlife between these two important habitat-patches, especially for bats, the scheme is in less of a sensitive area than other areas in South Norfolk according to RSPB’s sensitivity map for the arable birds.
- There will be significant indirect effects to local bird populations such as the local displacement of breeding birds such as Skylarks, and bats such as barbastelle.
- Turbine 4 should be at least 50 metres from Little Wood SSSI
- There should be post-construction monitoring.
- The applicant should contribute towards biodiversity off-setting
- Landscaping scheme should be conditioned.

In response to Saxlingham Nethergate Parish Council - Recommends that the mitigation proposals are resubmitted, relocating the 10m wide invertebrate habitat strip to the northern boundary, alongside the gapping up of the hedgerow. Alternatively this form of mitigation would be included in any proposal for the Norfolk biodiversity project.

It has been reconfirmed that bio-diversity off-setting was suggested to compensate for the loss of habitat, not to compensate for loss of damage to protected species.

**Amended Plans**

The revised layout plans with the removal of Turbine 2 has not greatly affected my comments. Whilst I remain very uncomfortable supporting an application for large wind turbines between two SSSI woods, which support populations of several bat species, in planning terms, I do not have grounds to recommend refusal. The surveys are not ideal but are adequate to make an assessment. The ES is incomplete until diagrams and calculations demonstrating that the turbines are a minimum of 50m from blade tip to foraging habitat (Turbine 4 – Little Wood especially) as per natural England’s TIN051 are submitted.

The ecological surveys for bats and birds are adequate to make an assessment. They are not ideal as the turbine layout has changed since the surveys undertaken, yet they are in the same vicinity and, as such, the data can still be used to make an assessment of the impacts.

Having said that, I would insist the risk to bats is higher than in the ES, due to the proximity of the SSSI woods, and the evidence presented in the ES and the subsequent surveys submitted on behalf of Hempnall PC. As such I would place great importance on adequate post-construction monitoring.

Enhancement between turbines not appropriate, nor is proposed wildflower margin along the boundary of Little Wood.
Before the application is determined, the appellant will be required to submit documents to clearly display the distances between the blade tip for Turbine 4 and the vegetation of Little Wood SSSI, should surpass the minimum of 50 m recommended by Natural England

Minimum of 10 years post construction

Enhancements to west of Little Wood should not be agreed

A full copy of both responses are attached as Appendix 3

<table>
<thead>
<tr>
<th>No.</th>
<th>Company/Individual</th>
<th>Comments Received</th>
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<tbody>
<tr>
<td>3.15</td>
<td>Norfolk Gliding Club Limited</td>
<td>No comments received</td>
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<tr>
<td>3.16</td>
<td>Old Buckenham Airfield</td>
<td>No objection – make sure Seething airfield are consulted.</td>
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<tr>
<td>3.17</td>
<td>British Horse Society</td>
<td>No comments received</td>
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<tr>
<td>3.18</td>
<td>British Gas Connections Limited</td>
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<tr>
<td>3.19</td>
<td>Seething Aerodrome</td>
<td>No comments received</td>
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<td>3.20</td>
<td>Fujitsu Telecommunications Europe Ltd</td>
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<tr>
<td>3.21</td>
<td>Joint Radio Company</td>
<td>No objection</td>
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<tr>
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<td>- Does not foresee any problems based on known interference scenarios and the data provided.</td>
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<tr>
<td>3.22</td>
<td>British Trust For Ornithology</td>
<td>No comments received</td>
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<td>3.23</td>
<td>OFCOM</td>
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<tr>
<td>3.24</td>
<td>Hutchinson 3G Uk Ltd</td>
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<td>3.25</td>
<td>T Mobile</td>
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<tr>
<td>3.26</td>
<td>O2 Uk Ltd</td>
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<td>3.27</td>
<td>Vodafone</td>
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<td>3.28</td>
<td>Orange</td>
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<td>3.29</td>
<td>EDF Energy (Networks) Ltd</td>
<td>No comments received</td>
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<tr>
<td>3.30</td>
<td>ARQUIVA</td>
<td>Responsible for providing the BBC and ITV’s transmission network</td>
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<td></td>
<td>- No objections</td>
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</table>
3.31 SNC: Conservation Officer

Original scheme

In light of the recent East Northants. High Court case, I do not feel that the applications have given the “considerable importance” now implied under section 66, and given special weight to the impact of the proposal on the heritage assets affected.

The effect of the turbines on St Margaret’s Church and Hempnall Conservation Area in particular would not preserve or enhance the setting or character and appearance in those cases.

Consider there is less harm to the conservation areas at Saxlingham Green and Fritton, and the church of St Catherine’s.

Under the NPPF, the proposal does not comply with paragraphs 128, 132, 134 and 137.

Amended plans

Consider that the removal of T2 has reduced the impact on the heritage assets. However, the remaining 3 would cause harm to the setting of the church and the conservation area, contrary to NPPF paragraph 134. It would also fail to preserve the setting of the church, contrary to section 66 of the Planning (Listed Buildings and conservation Areas) Act 1990.

The scale of the turbines would challenge the present prominence of the church in the approach to the village from the east. All 3 turbines would be visible from the church and churchyard.

The original and amended comments are attached as Appendix 4.

3.32 Norwich International Airport

Original scheme

Require technical solution to radar issues.
- Subject to the recommended conditions being imposed, no aerodrome safeguarding objection.

Amended plans

Response to previous comments remains extant despite there being only 3 turbines

3.33 National Air Traffic Services Ltd

No safeguarding objection.

3.34 Environmental Services (Protection)

Original scheme

Expert advice was sought from ACCON UK Limited, of which Mr G Parry was the reviewer of the report, and Mr David Denham was the report author and Acoustic Consultant.

The final conclusions of ACCON UK Limited with respect to the applicant’s documentations:
The very limited ‘headroom’ for locations H1, H2, H3, H4 and H8 (of the 8 positions where background noise measurement surveys were carried out) during the quiet day time assessment period must be of concern. If planning permission is granted, it may be appropriate to include specific conditions with respect to noise to ensure maximum noise levels are limited to predicted noise levels where the ‘headroom’ is less than 3dB.

Chapter 5 of the ES can be rated as good, with only minor inadequacies.

The final conclusions of ACCON UK Limited with respect to SHOWT’s report:
SHOWT are clearly concerned with the potential for low frequency noise, amplitude modulation to arise and for turbine noise to give rise to a statutory noise nuisance and the potential health effects. However the supporting information does not provide significant concern or raise doubts over the approach taken with the ES, which has taken into account recent advice from the UK government and industry best practice with respect to the issues of addressing low frequency noise and amplitude modulation in wind turbine noise assessment.

Based upon ACCON’s advice, no Objection on noise and vibration grounds, subject to appropriate conditions restricting noise to predicted levels.

Amended plans

The amendment to the original planning application removes the proposed wind turbine that was labelled T2, thus removing this noise source from the proposal along with the noise that would be produced by its construction and subsequent removal. The proposed wind turbines labelled T1, T3 and T4 are shown as remaining in their original position and thus the noise from these proposed wind turbines will not vary from that assessed as part of the original proposal. It is noted that in May 2013 the Institute Of Acoustics produced ‘A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise’ to which the DCLG document ‘Planning practice guidance for renewable and low carbon energy’ refers. ACCON UK Limited in their report of the May 2013 stated that the applicant’s acoustic assessment was undertaken in accordance with the current draft of the Institute Of Acoustics good practice guide. In addition the applicant has supplied additional information indicating that the acoustic report was undertaken in accordance with the published version of the Institute Of Acoustics ‘A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise’.

Having regard to the above, the Environmental Protection Team’s position remains that we do not consider that we have sustainable grounds to object to this application on the basis of noise and vibration provided that suitable planning conditions were attached to any planning approval that may be granted.
Additional comments on challenge that inadequate information submitted on amended plans and on additional report submitted by SHOWT by MAS Environmental

Environmental Services have sought further clarification from their consultant, ACCON UK. They agree with some of the findings of the MAS report and request further information to be submitted for a full and detailed assessment on the amended planning application.

In particular it needs to be shown that all properties can achieve a 35dBA noise level limit, in particular Thetford Farmhouse.

3.35 National Planning Case Unit
No comments received

3.36 Norfolk Wildlife Trust
No comments received

3.37 Fisher German
No comments received

3.38 The Ramblers (Norfolk Area)
No comments received

3.39 British Telecom
No comments received

3.40 National Grid And Wireless
Object due to the presence of National grid apparatus in the vicinity of the proposed works.
To remove the objection, National grid can be granted an easement over the affected main, or a request can be made to divert or isolate the affected main.

3.41 EDF Energy
No comments received

3.42 Norfolk Historic Environment Service (HES)
Original Proposals
Share the concerns of English Heritage in respect of the impact on heritage assets, but archaeological impacts are limited and can be dealt with by a suitably worded condition.

Amended Plans

The deletion of turbine T2 will reduce the degree of harm, but it is our view that there will still be harm to the significance of heritage assets through damage to their settings through the introduction of a highly visible modern industrial feature in a predominantly settled agricultural landscape.

If permission is granted, recommend a condition requiring scheme of investigation.

Please note the comments raised by HES above refer to impacts on Heritage Assets which technically fall outside their remit. Consideration should only be given to the impacts they raise on the archaeological impacts of the scheme.
3.43 English Heritage (EH)  

Original proposals

Whilst the information accompanying the application is lacking in some areas, it is concluded that the development will result in harm to the significance of the Grade 1 listed Church of St Margaret, Hempnall, and the Hempnall Conservation Area.

To a lesser degree there will also be a harmful impact on the wider setting of the Conservation Areas at Saxlingham Green and Fritton and the parish church of St John the Baptist.

It is concluded that the application fails to satisfy sections 128, 132, 134 and 137 of the NPPF, as well as section 66 of the TCPLB Act, and it is recommended that the application be refused.

The NPPF requires LPA’s to set any public benefit deriving from renewable energy generation against harm to the historic environment. This is a judgement to be made by the Council.

Amended plans

Remain of the view that there will be harm to the significance of the heritage assets resulting from the development in terms of NPPF paragraph 134 even with the deletion of turbine 2.

A copy of their original and updated response are attached as Appendix 5

3.44 Health And Safety Executive  

No comments received

3.45 Natural England (NE)  

Original Proposals

SSSI

No objection, will not damage or destroy

Protected Landscapes

- No comments to make, 8km from Broads. Do not believe the development is likely to have any impacts on the purposes of the designation of the Broads National Park.

Protected Species

Bats – welcome extensive surveys. Note consideration of NE guidance in TIN051. Welcome placement of turbines in line with our recommended 50 metre buffer. Several bat species recorded, not considered to represent a significant risk to the local bat population.
Birds – no significant impacts are anticipated, but recommend post construction monitoring.

Other species – no objection.

Bio-diversity enhancements – provides opportunities to incorporate features into the design which are beneficial to wildlife – welcome plan to create buffer strips along Little Wood; northern site boundary; planting of gappy hedges to mitigate loss of 7 metre of hedge near Turbine 1

Need to make sure that biodiversity enhancements are secured.

Additional and amended Information from applicant

No comments on further information on bats and landscape.
Previous advice equally applies to this amendment.

Amended Plans

No comments received

A copy of their full comments are attached as Appendix 6.

3.46 Environment Agency

Original proposals

Object
The submitted Flood Risk Assessment does not comply with the requirements set out in the Technical Guide to the NPPF addressing surface water drainage.

Amended plans

No objection, subject to appropriate conditions, following further information received from Ecosulis Ltd, addressing concerns.

3.47 TAS Valley Society

OBJECT
- This development would create major disfiguring visual blots of the landscape seriously detracting from the Valley's present amenity, character and natural beauty.
- To allow the development would be an unwelcome precedent, which other developers would then seek to exploit

3.48 RSPB

No comments – (confirmed by telephone 20/5/13)

3.49 Norfolk Friends Of The Earth

No comments received

3.50 Brooke Society

Objection
- Impact on local wildlife in the nearby SSSI's
- Impact on heritage assets

3.51 CPRE Norfolk

Continued objection (lengthy report on file dated 29/10/13)

Further correspondence dated 5/11/13 also includes an ecology report by a Mr J Goldsmith. The CPRE does not believe that the previous Inspector's concerns regarding bats have been addressed in the present scheme, and we share the concerns of Hempnall PC on this matter.
The ES conclusions of insignificant impact on bats are based on inadequate assessments and should not prevail.

3.52 NCC: Public Rights Of Way

No objection
Footpaths remain largely unaffected and should be available to use.

3.53 SHOWT

Summary of Objections – Full Submission

Heritage Impact and Visual Intrusion (Produced by consultants Grover Lewis, on behalf of SHOWT)

- Out of scale with the buildings in the surrounding villages and with the rural landscapes of the area.
- Intrude unacceptably on the landscape, Conservation Areas and on a large number of properties in several villages.
- The proposed installation is inappropriate for the Tas valley.
- The impact of the development on St Margaret’s Church was an important focus at the Enertrag Public Inquiry, and yet TCI proposes a turbine even closer to it than last time resulting in an even greater adverse impact.

Noise and Flicker (Produced by SHOWT’s noise expert Lesley Oldfield)

- The threat to residents from noise is unacceptable, especially given the close proximity of turbines to homes. We draw attention to the problems faced by residents of Kessingland, where 200 people found the noise too much to live with.

Ecology / Bats

- SHOWT remains extremely concerned about the threat to bats and draw SNC’s attention to the findings of Hempnall Parish Council’s expert consultant and the discovery of a rare species nearby.

Health Issues (produced by Dr J Nolan on behalf of SHOWT)

- Symptoms have been reported by people living in close proximity to wind turbines including sleep disturbance, migraines, anxiety, lack of concentration and depression.
- This proposal has dwellings far too close to dwellings, as well as Hempnall First School.

Traffic & Access

- Villagers in Hempnall, Woodton and Saxlingham have raised concerns about the negative effects of traffic volumes, especially during the construction phase.

Tranquillity

- We draw SNC’s attention to the submission from the CPRE, which outlines the issue of rural tranquillity. We share the same concern that this application poses an unacceptable threat to
the tranquillity of our environment.

Inefficiency of Onshore Wind Energy (produced by Trevor Shurmer)

- Inappropriate siting
- The intermittency of the power output from turbines means that their power is not ‘on demand’ and cannot significantly contribute towards our power supplies.
- The damage to the environment far outweighs the minimal and derisory amounts of overpriced and intermittent energy produced.

Public Rights of Way

- There impressive views of South Norfolk countryside from Nobb’s Loke, including impressive views of St Margaret’s Church, which will be ruined for at least 25 years if the development went ahead.

Cost / Benefit Analysis

- Typically, wind turbines run at 23% efficiency at the best of times.
- The previous application was for 7 turbines, this is for 4, so the benefit is reduced by half whilst the intrusion on cultural heritage, landscape, amenity is higher than before.

Localism

- The vast majority of the 1, 275 SHOWT supporters are local residents. There are also many objectors who have written to SNC but who are not signed up with SHOWT so the local opposition is even greater.
- The Hempnall Parish Poll (50% turn out) with 422 residents against the proposal and 100 in favour of the proposals shows the strength of feeling against the turbines.
- Within the scope of the Localism Act, we believe local opinion should be of paramount importance in consideration of this application.

Report submitted by SHOWT’s consultants Grover Lewis Associates concludes the following:

- The decision making context has changed markedly from that in which the previous refusal and dismissed appeal for seven turbines was considered.
- The assessment of the impact on the heritage assets presented in the submitted ES consistently fails to identify and underestimate the effects on the setting of heritage assets.
- The impact on the setting of a listed building should be given even greater weight in the planning balance and that the understanding of the concept of setting has been widened.
- The proposal would result in significant impacts in EIA terms and substantial harm in NPPF terms to the assets of the Church of St Margaret, Hempnall, and the Hempnall Conservation Area.

A copy of this report can be viewed on the Council’s web site.
Amended Plans

Maintain OBJECTION for the reasons already given, updated report produced by SHOWT’s consultant Grover Lewis (On Heritage Impact and Visual Intrusion)

A copy of the original report is attached as Appendix 7.

An independent Noise Impact Assessment has been submitted by MAS Environmental on behalf of SHOWT. A summary of the assessment is as follows:
- TCI noise impact assessment is based on 2 MW candidate turbine. A 3MW turbine could be installed with higher sound power levels. An assessment should be based on 3MW.
- Application should be refused if insufficient headroom between turbine levels and limits is indicated.
- Revised predicted noise levels need to be submitted for the 3 turbine scheme and should account for ground absorption limits based on lower daytime fixed limits.
- Predicted turbine noise levels should be plotted on regression graphs showing the prevailing background noise levels and the individually measured background noise level data points.
- Concern remains regarding night time noise impact.
- Recommend further consideration given to AM and night time noise impact particularly in relation to measured background noise levels and revised predicted turbine noise levels.
- If application considered for approval, recommend noise conditions set relative to 10m measured wind speeds and to control for AM.

A copy of this report can be viewed on the Council’s website.

Representations

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

Landscape impact
- Inappropriate siting
- Unacceptable and excessive visual intrusion
- Enormous size, dominating the landscape around
- Greenfield site will become industrial
- No other building over 400ft high would be contemplated regardless of what other benefits they may contribute
- Set a precedent in our villages
- The countryside is a delight in any area, to allow these monstrosities would be sheer madness
- Large blot on the landscape
- Out of proportion, higher than Norwich Cathedral spire and almost the same height as the London Eye
- Little difference in this application except the turbines are even larger
- Peaceful and tranquil part of South Norfolk which will be destroyed

Heritage impact
- Close proximity to conservation areas
- Unsympathetic to heritage of area
- Will destroy the historic ambience of this peaceful and beautiful part of Norfolk
- Conservation area would be permanently blighted if this ugly, inefficient and heavily subsidised scheme is allowed
- Detrimental impact on listed buildings
- Destruction of the setting of our beautiful and well loved church and churchyard

Residential amenity

- Noise impact and pollution
- Health implications – worryingly close to school
- Impact of shadow flicker
- Close proximity to residential properties
- Impact on quality of life
- Scottish government recommends that no turbine should be within 2km of houses because of the noise factor.
- Sleep depriving noise
- Flicker effect on existing epilepsy as directly related to photosensitivity
- Risk that everyone will be affected by noise (as has been the case at Kessingland where severe problems are being experienced)
- Possibility of mental health issues (currently under investigation in other areas due to turbine noise)
- Breach of human rights – Noise and other pollution come within the scope of article 8 of the European Human Rights Act
- Will have a constant detrimental effect upon our everyday lives
- Nuisance

Ecological impact

- Area proven to sustain significant bat and bird life and 3 areas of special scientific interest.
- These industrial structures will have a detrimental effect on every living thing in their proximity, large and small
- Would be significant damage to the local wildlife
- Will obliterate the wildlife habitat for many creatures
- Will destroy the habitat of many wildflowers
- The scheme will increase the capture of precipitations and increase run off with the extra volume of water being discharged into Hempnall brook therefore increasing the risk of flooding.

Criticisms of wind turbines

- CO2 saved by 4 turbines over 25 years outweighed by production and construction
- Offshore turbines much more effective
- Unreliable source of energy ie no wind
- Economic case for onshore turbines is yet to be made, especially when weighed or offset against their damage to view, landscape and quality of life
- Negative economic impact on the area
- Detrimental effect on property value
- Energy benefit gained is minimal
- Inefficient
Highway safety
- Roads in area not designed to sustain volume or physical size of heavy traffic required for construction and for maintenance
- Construction phase would result in residents suffering from road alterations
- Increase traffic dangers from very heavy vehicles

34 letters of support
- Cannot see what harm they will do as they are out of the way up Busseys Loke
- Turbines are beautiful to look at
- Alternative electricity supplies urgently needed in this country
- An ideal opportunity to provide electricity for future generations
- Proposed site is not an area of high landscape quality and these graceful structures would not only enhance the landscape but act as a sign of progression
- Wind can make a contribution, and the site is suitable
- The applicants have addressed the issues raised in the Inspector’s decision on Enertag’s application

Amended Plans
563 letters of objection, expressing the same concerns as listed above
- Little difference between 3 or 4 turbines in terms of disturbance
- Only difference would appear to be a drop in power generated, which makes something of a nonsense of the application

5 letters of support, expressing same comments as listed above.

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

4 Planning Officer’s Assessment

Introduction

4.1 On the 23 October 2013, the applicant TCI Renewables lodged an appeal in respect of non-determination of this planning application. This is due to be heard by way of a Public Inquiry. A timetable for the Inquiry has been agreed by the Planning Inspectorate (PINs), in consultation with the Council, the appellant (TCI) and two parties have been given Rule 6(6) status (SHOWT/Hempton and Saxlingham PCs, and the Ministry of Defence (MOD)). The Inquiry dates have been set for 1-4 April and 8-11 April. Statements of Case are due on the 12 February and Proofs of Evidence on 7 March. In these circumstances, the Council as local planning authority still has to determine what the Council’s recommendation would have been on the proposal, although we are no longer the decision maker for this application.

4.2 The Council’s recommendation is very important and will form the basis of the Council’s case on the appeal. If the Council decides to oppose the granting of planning permission in relation to the application under appeal it will have to provide evidence to substantiate each of its reasons why it would have refused planning permission. Alternatively, if from the consultation responses and evidence produced, the Council is of the opinion that the application should have been approved this will also be forwarded to PINs.
In view of the importance of this decision, advice has been obtained from specialist planning Counsel on the Council’s position and the risks of defending an appeal without sufficient evidence. That advice has been taken into account before drafting this report.

**Background**

Planning permission (application number 2008/0917) was refused on the 14 August 2008 and an appeal dismissed (APP/L2630/A/08/2084443) on 8 December 2009 for the installation of seven wind turbines (maximum height to blade tip 125 metres) with associated switch house and interconnecting cables on Land at Busseys Loke, Hempnall. The applicant at this time was Enertrag UK Ltd. The Appellant, Council and SHOWT (local action group) were all represented and called professional advice at the Inquiry in 2009. In addition, Countess Attlee (a local resident) was also represented and professional evidence from a bat consultant was called on her behalf. The appeal was dismissed on grounds of impact on at least one local bat population or regional significance and impact on the local landscape. A copy of the appeal decision letter (DL) is attached as Appendix 8.

**Site and Proposal**

The application site is identified on the site plan attached as Appendix 9 and is located to the north of the B1257 that runs between Hempnall and Woodton and the nearest turbine will be approximately 614 metres (m) from this road. Hempnall village is located to the south-west of the proposed wind farm at a distance of approximately 1.2km from the nearest turbines (1 and 3), while the villages and hamlets of Woodton, Topcroft, Saxlingham Green and Shotsesham are located approximately 3.3km to the east and south-east, 1.6km to the south-east, 1.3km to the north west and 3.3km to the north of the nearest turbine respectively.

This new application has been submitted by TCI Renewables and seeks to address the concerns raised by the previous Inspector (Inspector Lavender). The proposal as originally submitted was for the Erection of 4 wind turbines with a maximum height of 126.5 metres and associated development for a period of 25 years, including control building, electricity transformers, underground cabling, access tracks, crane hard standing, new vehicular access, culvert and off-site highway works and Land Surrounding Busseys Loke North of Bungay Road, Hempnall and including land adjacent to the B12527 and a the junction of the B1257 and B1332, Woodton, Norfolk.

The application was formally amended on the 2 September 2013 and the application re-advertised and re-consulted on.

The revised proposal seeks consent for the following main components:
- Three (amended from four) wind turbines with a maximum tip height of up to 126.5 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 hard standings
- Transformer cabinets
- Underground cabling
- New vehicular access from the B1257 and onsite access tracks, plus minor off-site highway works at junction of B1527 and B1332 some 3.6km to east of the site near Woodton and at two sharp bends along the B1527 (to accommodate the delivery of abnormal loads)
- Access tracks and crane hard standings
- Temporary construction compound

The application has been submitted and updated with the following documentation:
- Planning application forms
• An Environmental Statement (ES) 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:
  o Volume 1 Environmental Statement
  o Volume 2 Figures, maps, photomontages and technical drawings (including planning drawings)
  o Volume 3 Appendices
• A Design and Access Statement
• A Planning Statement

4.10 An addendum to the Environmental Statement was submitted in August 2013, following the deletion of a turbine (turbine 2) from the scheme. This updates the environmental assessment of the impacts in terms of noise, public rights of way, shadow flicker, socio-economics, ecology, flood risk, heritage, landscape and residential amenity.

4.11 A copy of the ES Non-Technical Summary is attached as Appendix 10. A summary of amendments to the EIA is attached as Appendix 11.

4.12 I am satisfied sufficient information has been submitted to assess the Environmental Impacts of the development although in some areas additional information would have assisted in the assessment of this application, such as additional photomontages.

4.13 As stated above the proposed wind turbines will have a maximum tip height of 126.5 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.

4.14 The proposed development has been designed with an operational life of 25 years. At the end of this time the applicants have indicated that it would be decommissioned. Electricity generated by the development will be connected to the local electricity grid via the proposed onsite control building and will have a rated capacity of between 2MW and 3MW. 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.

4.15 The control building, to be constructed with load bearing masonry walls, with brick facing and a felt roof, measures approximately 20 metres x 4 metres x 6 metres high and is proposed to be located alongside Bussey’s Loke.

Legislative and Policy Context

4.16 For the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), the Development Plan consists of:

• The Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk (March 2011); and
• The saved policies of the South Norfolk Local Plan (SNLP – March 2003)

4.17 The following Development Plan policies are considered to be of specific relevance to the issues in this case:
Joint Core Strategy for Broadland, Norwich and South Norfolk

4.18 The majority of the JCS was adopted in March 2011, with a legal challenge being received in respect of specific policies in the Broadland district. The policies engaged by this appeal have been adopted, and so are not emerging. There are no unresolved objections to them. I therefore deal below with consistency of policy only.

4.19 Policy 1: Addressing climate change and protecting environmental assets

Specifically, this policy states that 
'The built environment, heritage assets, and the wider historic environment will be conserved and enhanced through the protection of buildings and structures which contribute to their surroundings, the protection of their settings, the encouragement of high-quality maintenance and repair and the enhancement of public spaces.'

This policy is consistent with paragraphs 131 and 132 of the NPPF as it seeks to conserve designated heritage assets, sustaining their significance. Full weight can be afforded to this policy.

4.20 Policy 2: Promoting good design

This policy requires all development to be designed to the highest possible standards. It states

‘...development proposals will respect local distinctiveness including as appropriate:

• the historic hierarchy of the city, towns and villages, maintaining important strategic gaps
• the landscape setting of settlements including the urban/rural transition and the treatment of ‘gateways’
• the landscape character and historic environment, taking account of conservation area appraisals and including the wider countryside and the Broads area’

This policy is consistent with the aims of paragraphs 56 and 57 of the NPPF as it acknowledges the importance attached to design of the built environment, being indivisible from planning, and positively plans for the achievement of high quality design for all development.

4.21 Policy 3: Energy and water

Energy

Development in the area will, where possible, aim to minimise reliance on non-renewable high-carbon energy sources and maximise the use of decentralised and renewable or low carbon energy sources and sustainable construction technologies. To help achieve this:

All development proposals of a minimum of 10 dwellings or 1,000sqm of non-residential floor space will be required (a) to include sources of ‘decentralised and renewable or low carbon energy’ (as defined in the glossary) providing at least 10% of the scheme’s expected energy requirements and (b) to demonstrate through the Design and Access Statement for the scheme whether or not there is viable and practicable scope for exceeding that minimum percentage provision.

This policy is consistent with paragraphs 95 and 96 of the NPPF as it actively promotes development that is energy efficient and reduces greenhouse gas emissions, including through the use of decentralized energy supply.
4.22 Policy 20 : Implementation

This policy sets out the requirement for infrastructure, service and facility provision to support development. Generally this will be required through the introduction of a Community Infrastructure Levy (CIL), but until this level is adopted, it will be achieved through S106 legal obligations.

This policy seeks to ensure the delivery of sustainable development through the use (in this case) of planning obligations where required for example, ecological mitigation or community contributions. It is consistent with the overarching aim of achieving sustainable development set out in paragraphs 7, 8 and 9 of the NPPF.

South Norfolk Local Plan

4.23 Policy UTL13 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.

4.24 Policy ENV8 (Development in the Open Countryside)

Permission for development in the open countryside, outside the Development Limits and Village Boundaries of existing settlements and areas identified for development in the Plan, will only be granted if it:

i) Is requisite for agriculture or forestry; or
ii) Is justified to sustain economic and social activity in rural communities, and demands a rural location; or
iii) Is for the suitable adaptation and re-use of an existing rural building.

All such development must

iv) Respect the intrinsic beauty, the diversity of landscape, the wealth of natural resources, and the ecological, agricultural and recreational value of the countryside; and

v) Be sensitively integrated into its rural surroundings in terms of siting, scale and design, while avoiding creating ribbon development or an unduly fragmented pattern of development.
4.25 Policy IMP9 (Residential Amenity)

Planning permission for new development will only be granted where the Council is satisfied that the development does not have a significantly adverse impact on nearby residents through:

i) Overlooking of habitable rooms of nearby dwellings
ii) Overshadowing of habitable rooms of nearby dwellings
iii) Damaging the setting of existing buildings; or
iv) Otherwise damaging the privacy and amenities of nearby dwellings.

4.26 Policy IMP15 (Setting of Listed Buildings)

When considering proposals for development within the setting of Listed Buildings special attention will be given to the design, scale and impact of the proposals.

4.27 Policy ENV14 (Habitat protection)

Where sites include features of habitats which are identified in a national or local biodiversity action plan or which, either individually or cumulatively, are of demonstrable importance to wildlife or nature conservation, development will not be permitted unless:

i) The development would not harm those features or habitats; or
ii) The features and habitats can, and would be, fully reinstated; or
iii) The integrity of the features and habitats would be maintained through the establishment of regime of protective management.

4.28 Policy ENV15 (Species Protection)

Planning permission will not be granted for any development that would be likely to cause demonstrable harm to a species of animal or plant which is:

i) Protected under European or British Law; or
ii) Identified in a National or Local Biodiversity Action Plan

Unless planning conditions can be imposed, or a planning obligation is in place, to:

iii) Facilitate the survival of the species on site; or
iv) Cause minimum disturbance of the species; or
v) Sustain current levels of the species’ population in an alternative location.

4.29 Policy UTL15 (Contaminated Land)

Planning permission will not be granted for the development of land which is known to be, or suspected of being, contaminated unless the developer has first investigated the matter and ensured that proposals take into account such contamination as may be identified, and incorporate necessary remediation measures.

Emerging South Norfolk Local Policy

DPD policy DM 4.2 ‘Renewable Energy’

Although this policy cannot be given full weight, as it has not completed its due consultation process, it should be noted that is 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 not 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.

In my opinion, the relevant saved Local Plan policies, along with the Joint Core Strategy policies are all consistent with the NPPF, and full weight can be attached to them.

The Wind Turbine Landscape Sensitivity Study

4.31 The Council commissioned independent consultants to produce this report in 2006 (with final amendments in 2008). The WTLSS was afforded some weight at the previous appeal for the Hempnall site and by the Inspector at the previous appeal at Upper Vaunces Farm. The WTLSS provides guidance for assessing the sensitivity of different landscape types to wind farm development of varying sizes. The site falls within the Tributary Farmland landscape type which overall has a moderate sensitivity to the location of a small group of turbines (2-6 turbines). Specifically in relation to this landscape type, the WTLSS provides that there may be some limited opportunity for the lower end of a small scale group (no more than 2 or 3) to be located on more open, flatter ground where such development could form a landmark feature.

Guidance Note on Assessing the Landscape and Visual Impact of Large Wind Turbine Developments

4.32 This Guidance Note was published in June 2009 and provides advice on assessing landscape and visual impacts using the WTLSS and on applying relevant Development Plan Policy.

National Planning Policy Framework

4.33 This document sets out national policy and is a material consideration in this appealed application. It contains the Government’s policy for sustainable development and should be read as a whole. Sustainable development has economic, social and environmental dimensions and these are mutually dependent.

4.34 Paragraph 98 of the NPPF states that:

*When 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 (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable...

Footnote 17 of the NPPF provides that 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). The relevant NPSs are known as EN-1 and EN-3.

The overall approach to conserving and enhancing the natural environment is set out in section 11 of the NPPF. Paragraph 109 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.

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;
- 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.
Written Ministerial Statements of Mr. Pickles MP (DCLG) and Mr. Davey (DECC) (6th June 2013), and DCLG Planning Practice Guidance for Renewable and Low Carbon Energy

On 6 June 2013 two Written Ministerial Statements were published, foreshadowing the publication of Planning Practice Guidance. The WMSs are consistent in setting out the Government’s intention behind the PPG to ensure that planning decisions better reflect the balance in the NPPF. There is a focus on the views of local people and the PPG focuses on local environmental considerations allowing for greater weight to be given to those considerations. Specifically the PPG 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
- great 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.
- protecting local amenity is an important consideration which should be given proper weight in planning decisions.

The clear implication of the Ministerial Statements, when read with the Planning Practice Guidance, appears to be that the Government wishes decision makers to take a more balanced approach when weighing up environmental impacts (particularly those at a local level) against the national need and benefits, and that there is a concern that the balance has not been struck correctly in recent decisions. The PPG also provides that careful consideration should be given to the impact on heritage assets by reference to their setting, and that 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.

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is clear in its requirement for Local Planning Authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to give special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Planning Considerations

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. Paragraph 14 of the NPPF also indicates that where proposals accord with the development they should be approved unless materials considerations indicate otherwise.

I acknowledge that there remains a policy requirement to support renewable energy proposals in meeting relevant national aspirations and the assistance in reducing the impact of climate change. However, in drawing the planning balance regard must also now be had to the recent Ministerial Statements and the Planning Practice Guidance for
Renewable and Low Carbon Energy. Following the NPPF, it must also be recognised that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions but they should only be approved if their impacts are or can be made acceptable.

4.48 Also, bearing in mind national policy and the legally binding requirement to ensure that 15% of all energy comes from renewable resources by 2020, I acknowledge that significant weight can be given to the contribution of the proposal to securing electricity from renewable sources. However, in my opinion, it should also be acknowledged that there is a healthy pipeline of onshore wind developments in the UK and the upper end of the illustrative central range set in the Roadmap 2011 for onshore wind (10-13GW) has already been exceeded when considering operational, under construction, and consented schemes as at October 2013. In my opinion, whilst there remains a policy need for renewable energy developments, that is somewhat tempered as a result of the performance of onshore wind in that context.

4.49 It is important that all material considerations are considered and it should be noted from section 3 of this report that the application has generated a significant amount of local opposition from Richard Bacon MP, County and local members, surrounding parish councils, residents and local campaign group SHOWT. In particular, the objections of SHOWT and Hempnall PC have also been substantiated and evidenced by reports prepared on their behalf by professional bodies/individuals and specifically relating to Heritage Assets, Landscape, Ecology – Bats and Birds and Noise. I note that two Parish Polls have been undertaken by Hempnall Parish Council (Hempnall PC) which had a good turnout (over 50%), with 80% and 82% (in the two Polls) of voters rejecting the proposals. Taking all the comments into account, I consider the key material considerations for members to consider are as follows:

4.50 Previous Inspector’s appeal decision letter (DL), which identified the following key issues:
- Local landscape
- Cultural Heritage
- Living Conditions – visual and noise/flicker
- Bat populations and ecology
- Equestrian interests

4.51 Other considerations:
- Traffic, Highways and Public rights of Way (PROWs)
- The impact on aviation interests
- Legislative and policy updates
- Performance of onshore wind energy development

Previous appeal decision

4.52 Inspectors’ appeal decisions on identical forms of development are always material considerations carrying a degree of weight in decision making. However, where there is a decision on an identical form of development on the same site (albeit for more turbines), in my opinion, such a decision is very likely to carry significant weight as a material consideration. There is a clear policy basis for Inspectors making consistent judgments on the same facts. As an illustration of the approach of the Planning Inspectorate (PINs) to such decisions, the Upper Vaunces Wind Farm appeal (also being heard as an appeal against non-determination on 6-10, 13-17, and 30/31 January, here at South Norfolk Council), also involves a revised scheme in circumstances where a similar scheme on the same site was refused on appeal by a previous Inspector. The appeal parties, including the Council, received a letter direct from PINs drawing attention to the previous Inspector’s decision as a significant material consideration and requiring the parties to address their evidence to the findings in that decision.
4.53 Many local residents, SHOWT and Hempnall Parish Council are of the strong opinion that the previous Inspector would have concluded very differently on the appeal had the Inspector had more information on the impacts on the character of the landscape and assessed the impact on heritage assets in accordance with current advice.

4.54 In the first instance, my assessment will concentrate on the findings in the previous decision letter for Hempnall. I would summarise the Inspector’s conclusions on each issue as follows:

Local Landscape

4.55 The Inspector agreed with the judgement of the authors of the Council’s Wind Turbine Landscape Sensitivity Study (WTLSS), that turbines in the number and extent proposed (7 turbines) would not be comfortably absorbed into the Tas Tributary Farmland landscape (para 13 of the Decision Letter (DL)).

Cultural Heritage

4.56 The setting of St Margaret’s Church, a Grade 1 listed building, and the Hempnall Conservation Area would not be preserved or enhanced (to a greater or lesser degree). To a lesser extent, the setting of the Conservation Area at Saxlingham Green would not be preserved or enhanced. The presence of one of the turbines would not preserve or enhance the view outward from the Conservation Area at Fritton (paras 14-25 of the DL)

Living conditions

4.57 Despite the criticism made by SHOWT of the noise assessment, the assessment made was adequate and no further conditions were necessary (paras 26-30 of DL). In terms of visual amenity, none of the properties identified (Thetford Farmhouse, Lyndhurst and Meadow View, The Bungalow) would become widely regarded as an unattractive place in which to live as a result of the development (paras 41-46 of the DL)

Bat populations

4.58 The proposed mitigation was not adequate and as a consequence a favourable conservation status of the Barbestelles species (and potentially other species) would not be maintained at a local or regional level (para 65 of the DL)

Equestrian interests

4.59 The rotors of turbines T2, T4, T6 and T7 would all fall within 200m of local equestrian routes. Without evidence of the effect on electricity generation of moving the turbines to achieve the recommended minimum distance it could not be said that the proposal was a sensitive exploitation of renewable energy sources. The same point applied to one of the tracks used for exercising horses which were associated mainly with the Newmarket racing industry (within 50m of T6, though there was a wide range of alternatives available (paras 70-71 of DL)

4.60 When applying the above conclusions to the planning balance, the Inspector found that, given his findings on landscape, there was conflict with relevant Development Plan policy (para. 80 of DL). However, on cultural heritage he concluded that when calibrated against the need to address climate change, the impacts were acceptable (para. 81 of DL). On bats, he concluded that there would be a serious risk to at least one local bat population of regional significance (para. 83 of DL). The information on bat usage of the site was incomplete and there had not been sensitive exploitation of renewable energy sources in accordance with National Policy. On equestrian routes, the Inspector concluded that the proximity of turbines to riding routes without quantification of the economic effect of greater separation might also be regarded as insensitive (para. 83 of DL).
4.61 Significantly, the Inspector was also clear (para 85 of the DL) that he had no doubt that there is capacity for wind energy development at Hempnall, but turbine siting and mitigation should follow rather than precede further investigation of bat activity with the turbine fields and the overall context of the proposed wind farm should be more responsive to the identified sensitivities of the landscape.

**Has the amended application satisfactorily addressed the issues raised in the Decision Letter (DL)?**

**Local Landscape and visual impact on the character and appearance of the surrounding area**

4.62 The Council’s Landscape Consultant, Michelle Bolger, Chartered Landscape Architect CMLI, Dip.LA, BA (Hons) LA, PGCE, BA (Hons) Eng, of Gillespies, 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. This information is covered in Chapter 13 of the ES, as amended, along with additional information submitted by the applicant.

4.63 Michelle Bolger is a highly experienced Landscape Consultant and has considerable experience in assessing wind farm development. She has given evidence at a number of appeals on wind farms and indeed gave the landscape evidence on behalf of the Council in 2009 which led to the dismissal of the appeal.

4.64 In response to evidence produced by Hempnall Parish Council and from the Campaign to Protect Rural England (CPRE) Michelle Bolger was also requested to comment on the photomontages produced by the applicant and the consider all the photomontages and evidence submitted by key objectors.

4.65 With respect to the preparation of photomontages, Ms Bolger did confirm that it would be reasonable for the Council to request the applicant to prepare photomontages for all viewpoints within 10km in order to ensure members of the local community have sufficient information in order to be able to make an informed response to the application. This view was based on the recently published (July 2013) PPG (PPG for renewable and low carbon energy) which stresses the importance of local consultation. These were requested but not submitted by the applicant. Nonetheless, I do consider there has been sufficient information for a professional to fully assess the impacts of the development.

4.66 The site is located in the Tas Tributary Farmland & Landscape Character Area (LCA). The Wind Turbine Landscape Sensitivity Study (WTSSS) concluded that the Tributary Farmland landscape character type (LCT) had a moderate sensitivity to the location of a small group of turbines, and that there may be some limited opportunity for the lower end of a small scale group (no more than 2 or 3) to be located on more open, flatter ground and away from key sensitivities, including views to and from the wider landscape and the site and setting of churches. The previous Inspector agreed with the conclusions of the WTSSS and it should be noted that the WTSSS has been taken through into draft policy DM 4.2 of the Development Management Policies DPD.

4.67 The Council’s Consultant concluded that the revised 4-turbine scheme would still have an adverse impact on the key sensitivities of the Tas Tributary Farmland, specifically on St Margaret’s Church, Rural River Valley SLA, and Hempnall village. The harm caused by the location of turbine 2 was identified as significant.
4.68 The Consultant then considered the amended scheme (September 2013) which omitted turbine 2 altogether. She concluded that

"Whilst there would remain some adverse impacts on the local landscape, they are considerably reduced. In line with the conclusions of the WTLSS and Inspector Lavender who decided an appeal on this site in 2009 (APP/L2630/A/08/2084443) it is concluded that the current 3 turbine scheme could be accommodated on this site without significant harm to the local landscape character."

4.69 In response to the comments made by HPC questioning the above statement, both schemes were reviewed and again Ms Bolger confirmed that the removal of Turbine 2 does remove the most significant adverse impacts that she identified which were due to the proximity of Turbine 2 to Hempnall, the Conservation area and to residential properties. With respect to a new issue being raised by Hempnall Parish Council(i.e. the turbines are no longer balanced and from some locations will appear as a pair of turbines and a single turbine, being drawn to her attention) Ms Bolger acknowledged that the removal of Turbine 2 would result in the scheme having an unbalanced appearance and would increase the adverse impact. However, Ms Bolger concluded as follows:

"In my review in September I concluded that ‘the current 3 turbine scheme could not be accommodated on this site without significant harm to the local landscape character’. In re-reading this I realise that this statement does not in fact accurately reflect my opinion. There will be significant adverse impacts on the character on the landscape surrounding the site (and these will be increased by the unbalanced appearance of the scheme). However, the Wind Landscape Sensitivity Study (WTLSS) concluded that the Tributary Farmland landscape character type had a moderate sensitivity to a small group of turbines (2 or 3). In the light of this assessment and in light of Inspector Lavender’s comments on the capacity of this landscape I am of the view that the adverse landscape and visual impacts, although some of them are significant, are likely to be considered acceptable in the planning balance"

4.70 Having taken into account the conclusions of the previous Inspector, and that of the Council’s Landscape Consultant, I am of the opinion that the revised scheme of 3 turbines, which takes out Turbine 2 which was the turbine with the most major adverse impacts, and located within the Tributary Farmland landscape character type, which Inspector Lavender agreed had a moderate sensitivity to a small group of turbines (2-3), would not give rise to significant harm to the local landscape, and that it accords with development plan policy in this regard.

4.71 It should be noted this view is not shared by the Landscape experts and information prepared by Hempnall PC who still consider there would be adverse impacts and significant harm. In particular they feel that omitting Turbine 2 has increased the visual impact by creating a proposal that would appear as two separate schemes and this cumulative effect is unacceptable and needs to be considered. This unbalancing and cumulative impact has been assessed above, but I do not share this view. Hempnall PC also consider there would be adverse impacts on the Tas Rural River Character area. It is acknowledged they have provided expert evidence and this is contrary to the Council’s expert advice but I am minded to give more weight to the advice the Council has received, which is from the same expert who defended the Council’s case at the previous appeal and has many times been challenged on the outcomes of the WTLSS, having also defended the Council’s case at the Upper Vaunces Farm in Dickelburgh/Pulham Market Inquiries.

Cultural Heritage – assessing the impacts on the setting of nearby heritage assets

4.72 The ES at Chapter 12 assesses the impact on cultural heritage and identifies in excess of 50 listed buildings within 2 km of the proposed turbines, including two buildings of a Grade I and Grade II* standard. The characteristics and sensitivities of these buildings, along with
the impacts of the proposed turbines on them, have been evaluated. Other Grade I and II* buildings between 2km and 4 km away that had been highlighted by the previous Inspector have also been assessed. This chapter also deals with archaeological remains, the potential for affecting unknown buried archaeology, registered parks and gardens, and Scheduled monuments.

4.73 When dealing with the 7 turbine scheme, the previous Inspector found that the settings of St. Margaret’s Church, Hempnall Conservation Area and, to a lesser extent, Saxlingham Green Conservation Area would not be preserved by that development. However, even at that stage, the Inspector considered that the harm was not unacceptable in itself.

4.74 English Heritage’s comments on the four turbine scheme identified harm to the significance of St. Margaret’s Church, Hempnall Conservation Area, and the wider setting of the Conservations Areas at Saxlingham Green and Fritton (including the Parish Church of St. John the Baptist). However, the degree of harm is not characterised as substantial. English Heritage also makes it clear that the harm must be weighed against the public benefits. Following the removal of turbine 2 from the application, English Heritage concede that the impact on heritage assets will be further reduced, but maintain that the harm is collective, and that there will be harm to the significance of heritage assets in terms of NPPF paragraph 134. Again, this is harm which is less than substantial and to be weighed against the public benefits.

4.75 The Council's Conservation Officer and Senior Conservation & Design Architect have considered both the 4-turbine and the amended 3-turbine schemes. Following an assessment, based on the English Heritage Guidance ‘The Setting of Heritage Assets’, they have concluded that in both cases there would be harm to the significance of the Grade I listed Church of St Margaret, Hempnall and the Hempnall Conservation Area as well as a lesser degree of harm to the significance of the Grade I listed Church of St Catherine, Fritton and the Saxlingham Green and Fritton Conservation Areas.

4.76 At the time of the previous application and appeal, the relevant guidance was PPG15, which was then superseded by PPS5 and more recently the NPPF. Where harm to a heritage asset is identified, PPS5 introduced a requirement to assess whether that harm would be ‘substantial’ or ‘less than substantial’. The same principle follows in the NPPF and depending on the degree of harm, either paragraphs 133 or 134 will be relevant:

4.77 NPPF paragraph 133:

‘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, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

4.78 NPPF paragraph 134:

‘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, including securing its optimum viable use’.
At present, the ‘Historic Environment Planning Practice Guide’ supporting PPS5 remains relevant and provides limited guidance on assessing the difference between ‘substantial harm’ and ‘less than substantial harm’. However, the emerging ‘National Planning Practice Guide’ provides more detailed guidance on ‘How to assess if there is substantial harm’ and states:

*What matters in assessing if a proposal causes substantial harm is the impact on the significance of the asset….A key factor in determining whether the works constitute substantial (i.e. serious) harm is if the adverse impact goes to the heart of why the place is worthy of designation – why it is important enough to justify special protection’.*

Although this guidance is in draft form and therefore has limited weight, it is a material consideration. However, it is also worth noting the decision of the High Court in Bedford BC v SoSCLG [2013] EWHC 4344 (Admin), which also involved a wind farm, where the court commented on the meaning of ‘substantial harm’. The Inspector had commented that the term ‘substantial harm’ meant something approaching demolition or destruction. In dismissing a challenge to that interpretation, which argued that it set the threshold too high, Mr. Justice Jay explained the term as an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated or very much reduced. As a result of the Bedford case, it can reasonably be said that the bar to demonstrate substantial harm is set high.

Taking into account the above considerations, the Conservation Officer and Senior Conservation & Design Architect have concluded that the harm identified to the significance of heritage assets is less than substantial. This is also the view of English Heritage. This requires the wider public benefits of the proposed development to be balanced against the harm identified in accordance with paragraph 134 of the NPPF.

In relation to impact on cultural heritage for the previous proposal for 7 wind turbines, the Inspector concluded in paragraph 81 of his report as follows:

*‘In each case where I have identified harm to setting and/or views it is apparent that sufficient of the setting or view would remain preserved to enable the building or settlement and its historically important environs to still be appreciated and enjoyed. On balance, when calibrated against the need to address climate change, I consider the appeal scheme to be acceptable in terms of its impact on cultural heritage features’.*

Although the Inspector’s report makes no specific reference to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the statutory requirement to have special regard to the desirability of preserving a listed building or its setting, he does refer to ‘…..consideration of the desirability of preserving or enhancing in line with the relevant statutory or policy requirements’ in paragraph16 and ‘….it is desirable to preserve (or enhance) the settings of the Listed Buildings and Conservation Areas…..’ in paragraph 81.

In the decision of the High Court in East Northamptonshire v SoSCLG [2013] EWHC 473 (Admin) relating to a wind farm, Mrs Justice Lang held that the Inspector had failed to give proper effect to Section 66(1) of the Listed Buildings Act and its requirement to have special regard for the desirability of preserving the setting of a building. It was held that the Inspector did not at any stage accord special weight to the preservation of setting and the desirability of seeking preservation was a sought after objective (paras 43-46). However, it should be noted that the East Northamptonshire decision has been appealed to the Court of Appeal which is due to be heard in January 2014.
4.85 It is also important to note that the interpretation of Section 66 in the East Northamptonshire decision was not followed by Mr. Justice Jay in the Bedford decision. In that case, having reviewed the relevant passages from the Lang J judgement, it was stated that the focus of the statutory provision was on the regard, not on the according of weight pursuant to that regard. Special regard may lead to the giving of special weight, but it does not necessarily do so (para 36) and Jay J declined to follow paragraphs 45-46 of the East Northamptonshire case.

4.86 Having considered the cases noted above and the Inspector's report, particularly his findings on the acceptability of the scheme for 7 turbines in relation to impact on cultural heritage features and his statement in paragraph 85 that 'I have no doubt that there is capacity for wind energy development at Hempnall...', the opinion of the Senior Conservation & Design Architect is that the current application could not be refused solely on the impact on heritage assets.

4.87 The findings of a report on heritage impacts submitted by SHOWT (undertaken by Grover Lewis) are acknowledged. They also make reference to a 'critical change' since the 2009 decision which clarified the position under section 66 of the Listed Buildings Act. My view and that of the Conservation Officer is detailed above, which confirms through the Bedford case that the threshold for substantial harm is a high one. Whilst Grover Lewis conclude that the harm to St Margaret's church and Hempnall Conservation Area would be substantial this view is not shared by the Senior Conservation and Design Architect for the reasons outline above. I also note that English Heritage do not state that there is substantial harm.

4.88 Having considered the expert views set out above, I have concluded that the harm to the local heritage assets, including the church of St Margaret, Hempnall, is less than substantial. The impact of the scheme must therefore be weighed against the benefits in the overall planning balance.

Living Conditions

4.89 This part of the assessment proposes to assess the impact on the living conditions (residential amenity) of nearby residential properties in relation to visual impact and dominance of the structures, noise and shadow flicker, which I will take in turn.

Visual impact and dominance

4.90 The Environmental Statement (Chapter 13) assessed the effects of the proposal on the visual amenity of surrounding residential properties, primarily those within a 1km radius of the site. There are 84 residential properties within 1km of the proposed turbines and most of these are located within Hempnall. Significant impacts on views from private properties are a material consideration and can if significant enough be weighed in the planning balance, though Inspectors have often found impacts on residential visual amenity only to give rise to unacceptable harm if the property would be rendered an unattractive place in which to live by the development.

4.91 The Council's Landscape Consultant has also assessed the impact of the development on the residential properties. As referred to above a now well recognised approach to assessing the impact of wind turbine development on residential properties was set out succinctly by Inspector Lavender in his DL in 2009 with respect to Hempnall. This has come to be known informally as the 'Lavender Test' and uses the terms 'overwhelming and unavoidable' in considering whether a property would become an unattractive place to live as a result of the development.

4.92 The previous Inspector concluded that the impact on the closest residential properties Lyncroft and Meadow View would not be overwhelming and concluded that there would not be unacceptable impacts on residential amenity for that 7 wind turbine scheme.
Ms Bolger, in her assessment to the Council, on the revised 4-turbine scheme, concluded that that scheme was in her opinion in fact worse for Lyncroft and Meadow View, largely due to the ‘stacking’ effect of seeing turbines 1 and 2 in a line.

However, the removal of turbine 2 from the scheme has removed the most significant adverse impacts to these residential properties. In my view therefore, the impact of the development will not render any property an unattractive place in which to live. I conclude that there would not be an objection on residential amenity grounds.

Hempnall PC have adopted a separation distance policy with respect to wind turbines, but this is not an adopted local plan policy for South Norfolk and no material weight can be given to this. This application has been assessed on its own merits and in accordance with the ‘Lavender Test’ adopted on assessing the impacts.

Noise and Shadow Flicker

Although the previous Inspector did not find the impacts in terms of noise and shadow flicker to be unacceptable, as turbines have been relocated, their impacts have been reassessed. However, no objections have been received from the relevant consultees, and in particular the Council’s Environmental Services team who employed noise consultants, ACCON UK to assess the information submitted in the ES (Chapter 5).

The issue and impacts of noise have raised many local concerns especially in relation to the noise assessment submitted and when comparing to the impacts of a scheme for large scale wind turbines in Kessingland where there have been complaints of noise impacts since the turbines have been erected and operational.

The noise impacts and evidence has been given careful consideration including the information submitted by SHOWT who have submitted evidence from a local expert who has questioned the suitability of the additional information in the updated ES.

The Council’s Environmental Services team, who commissioned expert Acoustic consultants ACCON UK Ltd, to review SHOWT’s original evidence and concluded the scheme with conditions was acceptable. However, SHOWT experts, MAS Environmental submitted further evidence, in the last few weeks, with respect to Amplitude Modulation and other noise impacts.

Environmental Services have received a further report from their consultants, ACCON UK, on this report and they agree with some of the findings of the MAS report. In particular there appears shortcomings in the noise assessment submitted by the applicant in respect of assessing the impacts on Thetford Farmhouse, to the north of Turbines 1 and 4. They have advised that the applicant needs to demonstrate that they can achieve the 35dBA limit at all properties, including Thetford Farmhouse. It is advised that this information is submitted before the application would have been determined and if this level can be achieved then a conditional approval would have been recommended.

Shadow flicker is caused when an operating turbine is located between sun and a receptor, such as a dwelling or place of work. The effect occurs when the shadow of the rotating blades falls over the dwellings causing the light intensity within specific rooms of the occupied building to fluctuate. There are a number of factors when this is potentially significant. I have no reason to question the assumptions of the ES and any potential impact could be mitigated with the use of an appropriate condition, which has been applied to a number of appeal cases and was not raised as an issue by Inspector Lavender.
4.102 I consider the revised scheme, subject to receiving further information to demonstrate that noise levels of 35dBA can be achieved to all properties, with appropriate noise conditions, would not result in any undue impacts on the amenity of nearby residential properties and would then accord with relevant local plan policies and the NPPF at para 123 which states that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life.

Bat population – including assessment on all ecology impacts, including birds

4.103 Previously, the Inspector found the overall impacts on the previous 7-turbine scheme to be acceptable in respect of birds and ecology in general. However, with regard to bats, he concluded that there would be a serious risk to at least one local bat population of regional significance.

4.104 The ES in Chapters 8 and 9 covers the ecology issues. The applicant has also submitted additional evidence as a ‘rebuttal’ to the evidence submitted by the Parish Council and SHOWT. This information was referred to Natural England and the County Ecologist.

4.105 Given the outcome of the previous report it is important that this issue, in particular with respect to the impact on bats is fully assessed.

4.106 There is no dispute that the turbine fields accommodate a range of bat species, all of which identified are Species of Principal Importance under Section 74 of the Countryside and Rights of Way Act 2000. The previous scheme for seven turbines was located near 3 blocks of woodland, within or bordering the turbine fields that are Sites of Special Scientific Interest (SSSI’s). These were Little Wood, Saxlingham Grove (to the north west) and Winters Grove (to the east), all of which are ancient woodland. The revised scheme for three turbines is now located between the two SSSI woods of Little Wood and Saxlingham Grove. Inspector Lavender concluded that in the context of bats, ancient woodland and species-rich hedgerows (including those bordering Nobbs Lane and other parts of turbine fields) in his estimation fall with the classification under Section 74 of the 2000 Act as habitats of Principal Importance.

4.107 In response to this a number of new surveys were conducted by the applicant in order to assess the impact on bats. The amendments to the ES following the removal of turbine 2 provide states that there is very little effect on the assessment set out in the ES but that the removal of turbine 2 will proportionately reduce the possibility of flying species such as bats colliding with turbine blades.

4.108 The County Ecologist has assessed the revised scheme, taking into account the report of Chris Vine on behalf of Hempnall PC (and also the report of Tim Reed on behalf of Hempnall PC on birds). In summary, whilst he stills remains uncomfortable supporting an application of large wind turbines between two SSSI woods, which support populations of several bat species, in planning terms, he does not feel he has grounds to recommend refusal. He confirms the ecological surveys for bats and birds are adequate to make an assessment. The surveys are not ideal as the turbine layout has changed since the surveys were undertaken, yet they are in the same vicinity and, as such, the data can still be used to make an assessment of the impacts of the turbines.

4.109 However the ES, in his opinion, is incomplete until diagrams and calculations demonstrating that the turbines are a minimum of 50 m from blade tip to bat foraging habitat (Turbine 4 – Little Wood especially) as per Natural England’s TIN051 are submitted and agreed.

4.110 He insists that the risk to bats is higher than stated in the ES, due to the proximity to SSSI woods, and the evidence presented in the ES and the subsequent surveys submitted on behalf of Hempnall PC. As such he places great importance on the need for adequate post-construction monitoring.
4.111 It should be noted that similar conclusions are reached on birds, assuming that appropriate conditions can be agreed.

4.112 This view is not shared by the objectors’ professional evidence submitted on their behalf who go further than the County Ecologist.

4.113 The scheme has also been assessed by Natural England, and they raise no objections to the original or amended scheme and their comments are attached as Appendix 5. It should be noted they were also asked to comment on the evidence submitted by the objectors and raised no further comments or concerns.

4.114 I have therefore concluded that provided that appropriate mitigation can be secured by condition and an appropriate distance from bat features can be maintained with evidence of a suitably amended plan, then the scheme accords with the relevant local and national planning policy and guidance in respect of the scheme’s impact on ecology, birds and bats. There is no evidence from statutory consultees to substantiate a reason for refusal.

**Equestrian Interests**

4.115 At the previous Inquiry it should be noted that SHOWT called three witnesses on impacts on equestrian interests and this topic was therefore fully debated at the time. In essence the Inspector’s conclusion was that the scheme did not represent a sensitive exploitation of renewable resources given that a number of the turbines would be within 200m of a local equestrian route and given that the effect on electricity generation of moving the turbines had not been proved.

4.116 When comparing the site layouts of the original 2009 scheme and the revised scheme, the turbines which were within 200m of equestrian routes have been removed. Neither Norfolk County Highways nor the Public Rights of Way officer has raised any objections to the proposal.

4.117 I therefore consider there are not grounds, based on impacts on equestrian routes, to justify refusing the application.

**Other material considerations**

**Traffic, Highway and Public Rights of Way (PROW)**

4.118 Chapter 6 of the ES assesses the impacts on the effects on the proposed access and traffic associated with the proposed development.

4.119 There will be a traffic-related impact during the construction phase, however once operational there will be very occasional visits to the site.

4.120 I consider the visual impact of the proposed new access to be acceptable and the Highway Authority have supported the scheme with a number of conditions, which include details of vehicular crossing; traffic management plan; wheel cleaning facilities and off-site highway works.

4.121 With respect to PROW, this is covered in Chapter 7 of the ES. My assessment takes into account all tracks and designated PROW’s.

4.122 Bussey’s Loke a minor Road, runs from Hempnall village through the proposed wind farm to the Green, and at its closest is approximately 154m from turbine 3 (measured to the tower). A plan is attached as Appendix 12 to show all the tracks and PROW’s in the vicinity of the development.
The County Public Rights of Way Officer has not raised any objections to the proposal and confirms the paths will be unaffected. The turbines will be visually dominant from these PROW's but will not affect their use. The issue of bridle ways and equestrian routes has been covered in the previous section.

**The impact on aviation interests**

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 (e.g., policy, air ambulance, search and rescue, pipeline and power line survey)

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). The Ministry of Defence has objected on the basis that the turbines will cause unacceptable interference to the Air Traffic Control radar at RAF Honington and that they will cause unacceptable interference to the Air Defence radar at RAF Trimingham. Norwich Airport raises a similar objection. However both consultees have also indicated that a technical solution rendering the turbines undetectable by radar could be found and could be required by a suitably worded condition.

Members will note that this is a non-determination appeal, the MOD have been granted Rule 6(6) status, and intend to be represented at any forthcoming Inquiry, should negotiations with the applicant not result in an agreed scheme of mitigation. If the application were actually before the Council for determination, then with no such scheme of mitigation agreed, then the impact on RAF Air Traffic Control would have been a reason for refusal.

**Legislation and policy updates since the previous appeal decision**

Since 2009 there have been a number of policy and guidance documents published (for example the streamlining and consolidation of national planning policy through the NPPF). These have been referred to in paragraphs 4.16 to 4.45 above, in this report.

Section 10 of the NPPF promotes a positive strategy towards renewable energy and the facilitative approach in the National Policy Statements EN-1 and EN3 should be followed in determining such applications. Applicants should not be required to demonstrate the overall need for renewable energy, and it should be recognised that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. Renewable energy developments should be approved, if their impacts are (or can be made) acceptable. The economic argument and need for renewable energy is very much challenged by all the objectors but given the policy position, I cannot substantiate a reason for refusal on this ground.

The assessment of whether this application represents sustainable development is a conclusion reached when assessing the scheme against all of the policies in paragraphs 18-219 of the NPPF taken as a whole (NPPF, para 6). Although the applicant has suggested a degree of non-conformity with some of the Council’s Development Plan polices and the NPPF, there is a renewable energy policy in the local plan – UTL13, which involves a balancing exercise, and in my view is consistent with the NPPF so should be
afforded full weight in the consideration of this application. The WTLSS is a significant material consideration which provides guidance to assist the analysis of whether the landscape character type in which the appeal site is found has capacity for wind turbine development of this scale. This is referred to in paragraphs 4.31 to 4.32 above.

4.130 EN-3 does acknowledge that commercial scale wind turbines will always give rise to significant impacts in landscape and visual terms and that when considering impacts on the historic environment, the time limited nature of such development should be taken into account.

4.131 Consideration also needs to be given to the recent Planning Practice Guidance for renewable and low carbon energy of July 2013 (PPG). I am aware and acknowledge that the interpretation of the PPG has caused some controversy and remains unclear at this stage. The Written Ministerial Statements (WMSs) which preceded the PPG seemed to suggest that the Government was looking to change its stance on onshore wind development. The WMS of the Secretary of State for Communities and Local Government, (DCLG), Mr Pickles, stated that current planning decisions on onshore were not always reflecting a locally-led planning system, and that following the call of evidence action was needed to deliver the planning balance expected by the NPPF. The WMS went on to state that some local communities have genuine concerns that when it comes to wind farms insufficient weight is being given to environmental consideration like landscape, heritage and local amenity.

4.132 The PPG states that although all communities have a responsibility to help increase the use and supply of green energy, this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local residents.

4.133 The PPG on landscape provides that local topography is an important factor in assessing whether wind turbines could have a damaging effect, recognising that the impact can be as great in predominantly flat landscapes as in hilly or mountainous areas. On heritage, the PPG states that great 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 as well as the setting of the heritage assets.

4.134 Developers have argued that the PPG does not actually change the policy position and note that the NPPF and the approach in EN-1 and EN-3 remain in place. Objectors argue that the thrust of the advice is that local planning authorities need to listen to the local concerns being raised and treat these as material considerations carrying more weight.

4.135 Although it is too early to tell for sure, I am aware from two recent appeal decisions which post-date the publication of the PPG, that it would appear that the SoS is using the PPG to accord more weight, in the balance, to local considerations such as impact on landscape and cultural heritage. The application of the PPG in appeal decisions remains at an early stage to be sure that the PPG has actually effected a change in policy on renewable energy development, though it might be said that the signs are there. However, the difficulty for the Council on this application is that none of the consultation responses identifies substantial harm around which a case could be built for resisting the appeal. In the circumstances, it would be a very high risk strategy for the Council to adopt to seek to defend the appeal on the basis of low level harm and the PPG, notwithstanding the unprecedented local opposition to the scheme, especially when the evidence produced from the statutory consultees and the Council’s professional advisers does not identify any substantial harm.
The performance of onshore wind energy development

4.136 The UK Renewable Energy Roadmap and its Updates show that there has been a rapidly accelerating performance of onshore wind in recent years. These documents provide the strategy by which the Government expects to meet its 2020 renewable energy targets. The Roadmap Update of 2012 stated that there was a ‘healthy pipeline’ of onshore wind energy projects that had entered the formal planning system for development.

4.137 This good performance does not in my opinion mean that there is no longer a policy need for renewable energy, although it should be noted that one of the considerations weighed in favour of the proposal by the previous Inspector, was that the Regional Targets for renewable energy would be missed by a ‘Norfolk country mile’ and this no longer applies. Regional targets have been abolished following the revocation of Regional Plans and it can be noted that there is now a good performance for onshore wind as against national objectives.

4.138 In weighing the benefits it should also be noted that the scheme is for three 2-3 MW turbines and is materially reduced from the seven turbine scheme previously proposed in 2009. Having said that there still remains a policy need for renewable energy and small scale projects provide a valuable contribution (NPPF, para 98).

Other more general considerations

4.139 National Grid has raised a holding objection based on insufficient information being submitted to fully assess the impacts to the development. An update on this will be made orally at committee, but from experience this issue can normally be mitigated and was not an issue raised on the previous application.

4.140 For the sake of completeness, it should be pointed out that, although not a material planning consideration, the applicant has put forward (albeit not as a S106) that they would provide payment to a community fund of £4,000 per turbine per annum for 25 year life of the project. This would equate to £12,000 per annum or £300,000 over the life of the project.

4.141 In reaching my conclusion I have had regard to matters including archaeology, flood risk, and any cumulative impact. These matters were all dealt with at the previous appeal on this site and potential impacts were considered acceptable by the Inspector. These impacts have been re-assessed and covered in the submitted ES and it should be noted that no objections to the revised application have been received from relevant consultees, and the application is considered acceptable in respect of these impacts. I have also noted the tranquillity argument put forward by CPRE as the site is classified as ‘Most Tranquil’ in the CPRE defined area so tranquillity, and the Health Issues argument put forward by SHOWT.

4.142 All comments received as the result of the consultation process have been taken into account although they may not have been specifically referred to in this assessment.

Conclusions

5.1 I acknowledge and accept the Government’s commitment to and objectives with regard to Renewable Energy and that the development of renewal energy is expected to make a vital contribution to the aims of cutting carbon dioxide emissions. I note that the recent part of that Strategy, The UK Renewable Energy Roadmap Update 2013, reflects a healthy pipeline of onshore wind projects. In terms of land-use policy there is no presumption in favour of renewable energy development. The encouragement of the use of renewable energy resources is one of 12 core planning polices carrying equal weight. Others include the recognition of the intrinsic character and beauty of the countryside, conserving and enhancing the natural environment, conserving heritage assets in a manner appropriate to their significance and seeking to ensure a good standard of amenity for all existing occupants of buildings.
The Government’s national planning policy on renewable energy reflects the balance that must be struck in these cases.

I have considered the previous inspector’s appeal decision which continues to be a material consideration carrying significant weight in determining what the Council’s decision would have been on this application.

In my professional opinion and having considered all the consultation responses and the views expressed by all objectors to the scheme, the application satisfactorily addresses the concerns of the Inspector in the previous appeal decision relating to the site and none of the differences in the present proposals (when compared to the previous appeal proposal) results in separate harm which can be considered to be substantial. There is therefore insufficient harm to substantiate a refusal based on any new or changed element or factor.

I have considered the benefits of renewable energy and attached significant weight to these benefits of the proposal. Having weighed those benefits against the harm identified, and in particular that relating to the expert views of the Council’s Senior Conservation and Design Architect and English Heritage, I have concluded that the harm to the heritage assets, including the church of St Margaret, Hempnall, is less than substantial. The impact of the scheme must therefore be weighed against the benefits in the overall planning balance. This identified harm, in the planning balance, is not sufficient to outweigh the benefits. Greater harm cannot be substantiated as detailed in my assessment above.

The position regarding landscape character has been addressed, when assessed against the WTLSS and the Inspector Lavender’s findings. It is acknowledged by the Council’s Landscape Consultant that the wind turbines will have a significant adverse impact (as would all commercial scale turbines in any landscape) but the removal of Turbine 2 does remove the most significant adverse impact and the scale of development can now be accommodated in the landscape without significant harm, in accordance with the WTLSS.

I am also content that noise can be adequately dealt with by planning conditions, provided the applicant can demonstrate the required noise levels of 35dBA for all properties, including Thetford Farmhouse, can be achieved.

With respect to risk to local bat populations of regional significance and other ecological impacts, I am satisfied that with the advice I have been given from Natural England and the County Ecologist, and with the caveat of additional clarification, that significant harm will not be caused with the siting of the three turbines.

In relation to the impact on the living conditions of nearby residential properties, I do not consider the revised siting will result in any property having an overwhelming impact such that it would be considered an unattractive place in which to live. There is no substantial objection on residential amenity grounds.

I have considered all other matters raised in the representations but can find nothing to change the view I have formed on the planning balance.

Subject to the MOD and National Grid objections being addressed, I recommend to Members that they should resolve that they would have approved this application with appropriate conditions subject to the receipt of a suitably amended plan and calculations demonstrating that the turbines are minimum of 50m from blade tip to bat foraging habitat (in relation to Turbine 4 and Little Wood) and subject to suitable evidence being submitted to address the potential noise impacts. The proposal accords with national policy aims of the NPPF, local plan policies and subsequent guidance and Ministerial advice, for the reasons detailed in my assessment above.
5.12 If members conclude that they would have refused the application, evidence to substantiate each reason for refusal would need to be provided. There is a very clear and significant risk that if reasons for refusal cannot be substantiated by evidence, a costs award might be made against the Council.

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Hempnall Parish Council

Application 2013/0105 as amended

Part one
Dear Mrs Mellors

**Application 2013/0105 as amended.**

Please see attached Hempnall Parish Council’s full submission in respect of the above application. We appreciate that the submission is lengthy but this application has caused such great concern in the village and to the parish council that it requires an in depth assessment. We thank you in anticipation of you and your teams careful consideration of the issues raised.

We are particularly concerned that the impact of the turbines on a significant area of Hempnall which is defined as Tas rural river valley has not been fully taken into account. We consider the impact to be considerable as exemplified in our photomontage 07.3A and we refer to our concerns detailed in section 4 under 4.2.

This is not to say that our concerns on the many other issues are in anyway less important. Preparing the whole document involved an enormous amount of detailed and thorough assessment of a large number of submissions and documents. We think our conclusions are soundly researched and justified.

Yours sincerely,

Ian Nelson
Clerk to Hempnall Parish Council

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HEMPNALL PARISH COUNCIL

Full response to the amended application SNC reference 2013 / 0105 for 3 x 126.5m wind turbines on land off Busseys Loke in the parish of Hempnall

1. Recommendation of refusal in respect of this application

1.1 Hempnall Parish Council objected to the original application for four wind turbines on the Busseys Loke, Hempnall site and the detailed comments we made in our 2013 submissions dated March 27th and June 8th remain as valid considerations with respect to this amended application.

1.2 We considered the amended application for 3 turbines at our meeting on September 16th and unanimously decided to recommend refusal of the application subject to further consideration following the results of a proposed parish poll. We informed SNC of this decision and that we would submit a full response after the poll and once all the documentation we required was in place.

1.3 The Hempnall Parish Poll was held on October 21st and we considered the result on October 29th. At this meeting we unanimously decided to confirm our recommendation for refusal of the application.

1.4 In this response we provide detailed comments as to why the amended proposal is unacceptable to Hempnall Parish Council and to a huge number of local residents.

1.5 We request that all of our submissions, namely those submitted on March 27th, June 8th and in this response, are thoroughly studied and assessed by the relevant SNC officers as part of the process by which the Officer Recommendation with respect to this application is arrived at.

1.6 Our reasons for objecting to the 3 turbine scheme are for the most part the same as those we put forward in respect of the original application, hence the continued relevance of our earlier submissions. However there are a number of important points of detail specific to the amended application and these are explained in this response. In particular we do not believe that omitting T2 has reduced adverse impacts significantly, if at all, and in some respects it has increased the visual impact of the application by creating a proposal that would appear as two separate schemes in the landscape.

2. Local Opposition to the Amended Application

2.1 Local opposition to turbines on this site remains as strong as ever as evidenced by 2 Hempnall parish poll results, hundreds of letters of objection, a huge membership of SHOWT - the local anti-turbine action group – of 1300
people and rejection of the amended plans by the South Norfolk MP, the County Councillor for Hempnall Alison Thomas, County Councillor Adrian Gunson, District Councillors and almost all the Parish Councils in the area that surrounds the turbine site.

2.2 This enormous level of opposition is backed by expert opinion offered by Grover Lewis (on behalf of SHOWT), CPRE, English Heritage, Historic Environment Services, the MoD and others – including experts appointed by this council (Chris Vine regarding bats and Dr Tim Reed re. ornithology) and Steve Beckett (Senior Conservation Officer for SNC).

2.3 The Parish Polls conducted by SNC, on behalf of Hempnall Parish Council, have produced consistent results that confirm that the level of opposition has not dropped as a result of the proposals being amended through the omission of Turbine 2. The poll conducted on the original application for 4 turbines showed that 80% of those who voted rejected the turbine proposals and the poll conducted on the amended application for 3 turbines revealed that this figure had increased to over 82% (415 voted no). The percentage of those in favour of turbines fell to under 18% (just 90 voted yes).

2.4 In both plebiscites the turnout was remarkably high for a parish poll (around 50%) – research by our parish clerk has shown that a turnout of about 18% is typical in parish polls. Many local councillors would love to have a mandate of this proportion (i.e. 80% + of the electorate voting for them on a 50% turnout) in order to provide a democratic justification for their actions. The poll results are highly significant.

2.5 Parish polls can be a material consideration in the determination of planning applications. HPC has acted in accordance with the wishes of its residents in opposing this application, in preparing the detail of its objections and in deciding on how best to campaign on this matter. We urge SNC officers and the elected councillors on the Development Management Committee to also pay full regard to the results of these polls and to provide a fair and reasonable democratic response. The Planning practice guidance for renewable and low carbon energy stresses that “The views of local communities likely to be affected should be listened to”

3. Impacts on the landscape

3.1 SNC officers and councillors should be guided by the revealing new visual evidence provided by the HPC photomontages in assessing this application. This evidence post dates the Inquiry report by Inspector Lavender and clearly shows what the 3 turbines proposed by TCI would actually look like in this area of Tas Tributary Farmland. We do not consider Inspector Lavender was right in saying that this site can accommodate 2 to 3 turbines without suffering a significant adverse impact on its landscape and we believe that any fair minded person who studies our montages, and indeed several of the visualisations supplied by TCI in respect of the amended application, would come to the conclusion that three 126.5m tall turbines would produce a
severe negative impact on the landscape of Hempnall and the villages and countryside that surround it. We even think that if our montages had been available to Inspector Lavender at the time he wrote his report he also would have concluded that 3 turbines on this site could not be accommodated in the landscape without creating a very significant adverse effects.

Our photomontages show that the removal of T2 still produces a scheme that produces severe negative visual and landscape effects.

3.2 The ES viewpoints that have been chosen with regard to this application have been agreed on because they will allow a reliable and accurate assessment to be made of the impact of the turbines on the area of land that, according to the Landscape Institute (GVLIA3), is "visually connected with the proposal". If best practice guidance has been followed they will include Representative Viewpoints, selected to illustrate a larger number of viewpoints that cannot all be included individually, and Specific Viewpoints, chosen because they are key viewpoints within the landscape. The detailed location of each viewpoint, again according to the Landscape Institute, should have been carefully considered and "should be as typical or representative as possible of the view likely to be experienced". Therefore we should be able to rely on the information provided by the visualisations, produced from the viewpoints chosen with respect to this application, as a basis for establishing reliable and trustworthy conclusions as to the visual impact of the amended 3 turbine proposal.

3.3 HPC would like to draw attention to the following important facts presented in the original ES and the Amendments to the ES:

- Judgements on the magnitude of the visual effects at all 22 viewpoints have not changed as a result of the omission of turbine 2. For 10 viewpoints the descriptions (including the assessments of the magnitude of the effects) remain as in the original ES - i.e. with respect to viewpoints 1, 3, 8, 14, 15, 16, 17, 18, 19 and 20. For the other 12 viewpoints there are some description changes but the assessments of the magnitude of the effects is the same in the new text as in the former text. So the 3 turbine scheme produces the same degree of change (*), as exemplified at all of the viewpoints, as the original 4 turbine proposal. Omitting a turbine has not reduced impact.

(*) Michelle Bolger provided a useful glossary in her April LVIA review Which States that the magnitude of effect can be defined as the "degree of change".

- ES and Amended ES Judgements on the magnitude of the visual effects at the 15 viewpoints within 5km of a turbine in the 3 turbine proposal reveal that changes would be of a large or large to medium magnitude at 11 of these viewpoints, namely viewpoints 2, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 20. This is an admittance of the great degree of change the 3 turbines would produce to the views of the landscape from within Hempnall and from its surrounding villages and there is no
reduction in the magnitude of the effects at these viewpoints, or indeed as already stated at any of the 22 viewpoints, as a result of the omission of turbine 2.

It is therefore very clear that in respect of all the 22 viewpoints TCI admit that the removal of Turbine 2 will have no impact on the magnitude of visual effects and that at most of the viewpoints within 5km of the site the degree of change will be of a large or large to medium magnitude.

3.4 An analysis of the significance of effect at all 22 viewpoints as described in the ES and the Amendments to the ES produces a similar agreement of conclusions with regard to the 4 turbine scheme and the amended 3 turbine scheme – i.e. omitting T2 has not altered assessments of significance.

3.5 HPC therefore agrees with CPRE that “it is preposterous for TCI to claim that they have materially reduced landscape impacts by removing turbine 2 from the scheme (as they do on page 3, paragraph 3 of their letter to the SNC case officer Gary Hancock dated 30/8/2013) because their own analysis of both the magnitude and significance of effect at 22 viewpoints shows this not to be the case. Furthermore the descriptions in the new text are almost identical to the descriptions in the former text and apart from referring to changes in the number of turbines they offer nothing to support claims of a reduction of impact through the omission of T2”.

3.6 TCI has not provided new ZVI maps with this amended application. They state on page 14 of the Amended ES that: “the zone of theoretical visibility will remain essentially the same and is not re-plotted.” This means that visual intrusion over South Norfolk (and beyond) would be as significant as in the 4 turbine proposals. Therefore, to quote CPRE, “any claims TCI might make that the removal of Turbine 2 would lead to a reduction in visual intrusion over the wider area are not substantiated by the evidence they provide.”

3.7 HPC shares CPRE concerns about “how, at almost all of the viewpoints assessed as experiencing a degree of change of a large or large – medium magnitude, TCI manage to conclude that the visual effects would only be of moderate significance. They only attribute effects of substantial significance to Viewpoint 4 (St Margaret’s Churchyard), Viewpoint 10 (Alburgh Road, Hempnall) and Viewpoint 20 (The Street, Hempnall). In general CPRE considers the significance of both landscape and visual effects to be much greater than TCI state.” CPRE go on to say that “The failure to admit to a greater significance of effect in some instances probably results from the fact that TCI seem always to describe users of a road as only having a medium sensitivity as receptors. The truth is the minor roads and numerous PROW that are in close proximity to most of the viewpoints are heavily frequented by walkers, horse riders, cyclists and joggers all of whom are classified as high sensitivity receptors.”

3.8 HPC considers that the magnitude of the visual effects exhibited at a number of the viewpoints is even more severe than the damaging degree of change admitted to in the ES and the Amended ES and we certainly also
consider the significance of those effects to be far greater than TCI state. We reproduce the CPRE analysis of ES viewpoints in Appendix C as evidence for these assertions.

3.9 HPC Photomontages

Photomontage Location 1 (Figure 03.3A) – Hempnall Mill Centre

This is a specific viewpoint illustrating the view from a well used public area in the village. The rotating blades of T1, T3 and T4, as revealed on the animated version of this montage exert a significant visual impact on this part of the village. The removal of Turbine 2 from this scene accentuates the fact that the development appears to be 2 separate wind farms (see section 6).

Photomontage Location 2 (Figure 04.3A) – Hempnall Village Centre

This also is a specific viewpoint illustrating the view from the heart of the village conservation area. The rotating blades of T1 and T3 would be clearly visible from this location in spite of the presence of houses and trees in the foreground. Once again the removal of T2 accentuates the two scheme appearance.

Photomontage Location 3 (Figure 05.3A) - Hempnall Playing Field

This is a representative viewpoint illustrating the view that would be experienced by users of the playing field, footballers, tennis players, walkers (a footpath crosses the playing field and another one runs alongside it) and village hall users. A similar view would also be experienced by residents of Roland Drive.

The magnitude of change to the landscape and to the view that is exhibited by the presence of the turbines in this scene is major/large and this high degree of change produces visual effects (i.e. the changes in the view and its impact on the visual amenity of visual receptors resulting from the development) that are of substantial significance - especially taking into account the high sensitivity of many of the receptors (especially walkers and others who use the playing field for recreation).

The landscape effects (i.e. changes in the elements, characteristics, character and qualities of the landscape as a result of the turbine development) are also dramatically exhibited on this photomontage especially when the turbine view is compared with the existing view.

The turbines would become the dominant element in the landscape. The character of the playing field as a public space enclosed by trees and buildings to the north and east would be lost.

This montage reveals a huge impact on the main public area in the village and most Hempnall residents will hate to see the turbine view exhibited on this
montage - it will seriously compromise their enjoyment of the largest public area in the village.

Again the removal of T2 accentuates the two scheme appearance in this view.

**HPC Photomontage Location 4 (Figure 06.3A) - Old Market Way**

This is also a representative viewpoint illustrating the view that would be experienced by residents of Old Market Way and the many walkers and joggers that use the two PROW that cross this landscape between Old Market Way and the turbine site – these high sensitivity receptors would experience substantial visual effects.

The magnitude of change to the landscape and to the view that is exhibited by the presence of the turbines in this scene is considerable. The turbines dominate the view and the removal of T2 has not lessened this impact.

Once again the landscape effect is dramatically exhibited on this photomontage especially when the turbine view is compared with the existing view.

What is essentially an open arable farmland scene would be transformed as a new element of 3 large industrial structures is introduced into the landscape. The turbines would clutter the horizon and diminish the significance of Little Wood which is currently the key natural element on the horizon line. The turbines would change the character of this landscape in this section of Tas Tributary Farmland, i.e. the turbine site.

This montage provides new evidence to contradict the conclusion of Inspector Lavender that this site can accommodate 2 or 3 turbines without there being significant harm caused to its character. What this visualisation clearly shows is 3 turbines producing significant harm to the local landscape character.

**Photomontage Location 5 (Figure 07.3A) – Near Fritton Crossroads**

The degree of change to the landscape and to the view that is exhibited by the presence of the turbines in this scene is again of a large magnitude.

The Street, Fritton is used by a large number of walkers, cyclists, joggers and horse riders, not just people in cars." These high sensitivity receptors would experience substantial visual effects.

The landscape effects are especially significant here as the turbines would completely alter the quality and character of the landscape. The view towards Hempnall from points along The Street, Fritton is one of the classic views of the village. A key characteristic of Hempnall, whose setting is very much that of a valley settlement nestling in a shallow valley blending harmoniously with the features of the surrounding countryside, is clearly exhibited in the existing view (Figure 07.1A). The turbines would completely destroy this harmonious
relationship between the built environment and the countryside. They would appear as towering structures – the most prominent features in the view.

This montage shows how the turbines dominate houses in Hempnall (including along the conservation area of The Street, Hempnall – look how T1 is looming large here). The impact the turbines would have on St Margaret’s Church tower is also very clearly exhibited – T3 and T4 are like bookends with St Margaret’s Church tower sandwiched in between.

This is also a representative viewpoint illustrating the view that walkers, cyclists, joggers and horse riders experience as they progress along the Street Fritton between Beech Farm and the Fritton Crossroads. St Margaret’s Church tower is clearly visible from a number of places along this stretch of road – especially for the half of the year when the trees are not in leaf and only slightly less so in the summer months.

The turbines would become the main feature in the view and the removal of T2 has not lessened their potential impact but it would create a two scheme effect which is again very well illustrated in this montage.

This photomontage adds to the new evidence that contradicts the conclusion of Inspector Lavender that this area can accommodate 2 or 3 turbines without there being significant harm caused to its character. This visualisation robustly backs up our conclusion that 3 turbines cannot be accommodated in this landscape without producing significant harm to the local landscape character.

Very importantly photomontage Figure 07.3A reveals significant information about the impact the 3 turbines would have on parts of the Tas Rural River Valley Landscape Character Area – countryside that is very much cherished and considered in the WTLSS to have a high sensitivity to any form of wind turbine development. Further analysis of this impact is undertaken in Section 4 below.

Photomontage Location 6 (Figure 08.3A) – Junction Fylands Road / The Green

The degree of change to the landscape and to the view that is exhibited by the presence of the turbines in this scene is of a very considerable magnitude.

The quality and character of the landscape in this view is extremely tranquil and rural. The viewpoint location is one of the best places in South Norfolk to "get away from it all" – a lovely green lane (a permissive bridleway) trends south eastwards from this point linking the by-roads to beautiful Nobbs Lane. Many walkers, joggers, horse riders and cyclists (including trail riders) use these PROW and minor roads – but never too many to disturb the tranquillity of the place – These high sensitivity receptors would experience substantial visual effects.
The introduction of a massive industrial structure (T4) at a distance of about 300 metres from sections of the permissive bridleway would represent an enormous change to the quality of the landscape in this area. The key characteristics of tranquility and remoteness would be lost and the natural beauty of the scene would be seriously compromised.

The landscape effects (i.e. changes in the elements, characteristics, character and qualities of the landscape as a result of the turbine development) are also dramatically exhibited on this photomontage especially when the turbine view is compared with the existing view.

Once again the turbines dominate the view and the removal of T2 has not lessened their impact. In fact the two scheme effect, that is evident from the removal of T2, is again very well illustrated in this montage.

This montage is further new evidence of how three turbines would completely change the landscape character of this section of Tas Tributary Farmland clearly contradicting the conclusion of Inspector Lavender that this landscape can accommodate 2 or 3 turbines. This is a very tranquil, rural and attractive place. The tranquility of this area, which is categorised as most tranquil on our CPRE tranquillity map, would be destroyed were it to become a site for wind turbines.

**Photomontage Location 7 (Figure 09.3A) – Footpath near Church Farm Fritton**

This is a representative viewpoint illustrating the view that would be experienced by the large number of high sensitivity receptors - walkers and joggers who use this footpath and others nearby for recreation and enjoyment of the countryside. They would experience substantial visual effects.

The degree of change to the landscape and to the view that is exhibited by the presence of the turbines in this scene is of a considerable magnitude.

The landscape effects (i.e. changes in the elements, characteristics, character and qualities of the landscape as a result of the turbine development) are also dramatically exhibited on this photomontage especially when the turbine view is compared with the existing view.

The turbines introduce a startling modern industrial element into what is essentially a tranquil rural landscape characterised by a harmonious blend of fields, woods, hedges and buildings. Once again Hempnall appears as a settlement almost concealed within the contours of the surrounding countryside. The turbines completely disturb this subtle blend of features which otherwise show the built environment merging almost imperceptibly with the trees and hedges.

The turbines would be more than 2.5km away from this viewpoint but they still tower over every other feature of the landscape.
This view also illustrates (once again) the domineering presence of the turbines in relation to the dwarfed church tower – to the left of T1. This is an impact that would be observable from many points in the landscape surrounding the village.

TCI comment in their final paragraph of their letter to SNC (dated May 10th 2013) that our photomontage location 7 is 200m east of the Fritton Conservation Area thus confirming our point that it is close to the edge of that conservation area.

The removal of T2 has not lessened the impact the turbines would have on this view and the two scheme effect is severely accentuated through the removal of T2 in this view.

The exceptional change to the character of the landscape that the introduction of towering modern industrial structures would bring to this tranquil, attractive rural setting is very apparent in this montage. This visualisation reveals a severe impact on landscape character over this section of Tas tributary Farmland adding even more new evidence that clearly contradicts the conclusion of Inspector Lavender that this landscape can accommodate 2 or 3 turbines.

3.10 Overall our HPC photomontages show that the 3 turbines proposed in the amended scheme would produce a great degree of negative change to the landscape of the Tas Tributary Farmland Character Area in and around Hempnall and to views in that same area. The magnitude of their impact would be very considerable.

Many people currently enjoy these views (residents and visitors alike) and large numbers of high sensitivity receptors (walkers, joggers, cyclists and horse riders) use the dense network of footpaths, bridleways and by-roads that fill this area with public access routes (please refer to the HPC Visual Intrusion map for confirmation of this point – a copy is included with this submission). These high sensitivity receptors will all experience severe visual effects if the turbines were constructed.

The landscape effects that would result from the construction of the turbines (i.e. changes in the elements, characteristics, character and qualities of the landscape as a result of the turbine development) are also dramatically exhibited in our photomontages especially when the turbine views are compared with the existing views.

3.11 The countryside surrounding Hempnall is attractive and tranquil. Its strong rural character is the result of a harmonious combination of elements. Fields, woods, hedgerows, meadows and shallow stream and river valleys blend together almost seamlessly. They almost seem as if they were “meant for each other.” This quality is visible on many of the photographs showing existing views – especially HPC figures 07.1A, 08.1A and 09.1A. It is also evident on most of the photos of existing views included in ES figures 13.8.2 to 13.8.23 (with the exception of 13.8.20 and 13.8.4).
These existing views show that the area is generally free from any large scale development. There is an absence of modernity. This traditional scene is enhanced by the presence of church towers which punctuate the skyline without dominating the trees or other buildings in an uncomfortable way, and a large number of historic listed buildings.

Photos of existing views towards Hempnall reveal it as a low-lying valley settlement often hardly visible from surrounding areas. It blends with the trees and the contours of the land.

The turbines proposed by TCI would seriously destroy the quality of the landscape in and around Hempnall. They would tear to pieces the harmonious blend of elements described above. Some montages reveal how the turbines would tower over Hempnall and how they would alter the perception of its setting and that of St Margaret’s Church.

ES figure 13.8.4 shows how the presence of tall structures (pylons) in the view can dramatically disturb the subtle blend of elements that create a rural scene - and these pylons are nowhere near as tall as the proposed TCI turbines. Their introduction into the landscape creates an ugly and disjointed view.

3.12 We consider that our montages contribute a great deal of new visual evidence with regard to this application. They highlight the impact of the proposals on village setting, on the church and on views from within the village and towards the village. They reveal a big impact on Hempnall’s conservation areas and on treasured landscapes including an area of much valued Rural River Valley (see section 9). We hope that they will provide SNC with a great deal of valuable information which will prove of great assistance in formulating its recommendation.

The main conclusion that we draw from the new evidence presented on our photomontages (i.e. evidence that post dates Inspector Lavender’s Inquiry report) is that 3 turbines cannot be accommodated on this site without there being severe adverse impacts on the landscape of Hempnall and its surrounding countryside.

While HPC is very critical of the clarity of the photomontages provided in the ES, especially those that accompany the amended application (the photos appear to have been taken on cloudy days and this fact coupled with indistinct representations of turbines on some of the photomontages - with the blades disappearing into milky skies - means that the visualisations under estimate the impact these tall structures would have on the landscape) the revised photomontages, in many instances, support our conclusion especially figures 13.8.37, 13.8.38, 13.8.39, 13.8.40, 13.8.41, 13.8.42, 13.8.43, 13.8.44 and 13.8.46. Were montages available for ES Viewpoints 6 (Lundy Green), 8 (Shottesham Lane, Saxlingham) and 9 (Shottesham Road, Wootton) we know, from observations of blimp flights from these locations, that they also would
support our main conclusion. The developer should be required to produce these missing photomontages.

The Busseys Loke area of Hempnall is not a suitable site for huge wind turbines and if Inspector Lavender had been able to view the photomontages that now exist, showing the actual impact that these 3 turbines would have on this site, we believe he would share our conclusion about their unacceptability.

4. Landscape Designations

4.1 HPC reproduces below (in blue) some of the comments made by CPRE with respect to impacts on the Tas Rural River Valley Character Area and on Tas Tributary Farmland – HPC endorses these comments.

In relation to the Tas Rural River Valley Landscape Character Area the Amended ES (see 13.3.30 on page 16) describes an increase in the distance from the nearest turbine to the tributary, which lies to the west of the site, of 300m as a result of omitting T2 - i.e. 1.3km in the New Text compared with 1km in the Former Text. There is no change in relation to the tributary to the north (2km in both texts). In paragraph 13.6.23 the New Text sticks with the figure of 1.3Km for the new proposals in relation to their distance from the tributary that lies to the west but in the Former Text, regarding the original scheme, states the distance as 0.9km. Which is it 1km or 0.9km?

Whichever of these figures is used there is not a great deal of change in the proximity of the turbines to areas classified as Tas Rural River Valley, 300m or 400m in relation to the tributary to the west and no change in relation to the tributary to the north, as a result of omitting T2. CPRE considers that a small change in the distance of the nearest turbine from only one of the 2 tributaries does not represent a significant reduction of impact given the huge scale of the turbines and the admitted importance of protecting the character of Rural River Valley landscapes.

The rest of the Amended ES New Text in 13.3.30 and 13.6.23, the paragraphs that deal with the Tas Rural River Valley Landscape Character Area, is unaltered compared with the Former Text. No analysis is offered as to how dropping T2 has lessened impact on a landscape character area that in the SNC WTLSS has a High sensitivity to any wind turbine development.

CPRE therefore considers that the Amended ES offers no reasons to justify any claim that TCI might make that dropping T2 has reduced impacts on the Tas Rural River Valley Landscape Character Area.

CPRE disagrees with the Amended ES when it states (13.4.4 - New Text) that reducing the number of turbines to 3 brings the proposals in line with the recommendations of the SNC WTLSS in respect of impact on Tas Tributary Farmland. Given the Tranquill nature of the turbine site this site, according to the WTLSS, should not be suitable for anything other than a single turbine.
NB We have already demonstrated (see section 3) how our (HPC) photomontages and a number of the ES visualisations show that this site on Tas Tributary Farmland cannot accommodate 3 turbines without there being substantial harm caused to the landscape.

4.2 As already noted our photomontage Figure 07.3A reveals significant information about the impact the 3 turbines would have on parts of the Tas Rural River Valley Landscape Character Area. We give details below:

4.2.1 The valley area that is visible on Figure 07.3A (photomontage location 5) was created by two streams that have their confluence at a point in the water meadows that lies to the south west of Hempnall Street (6 figure GR 236946). Before they join the more northerly of these two streams, as it flows north westwards from Kilbourns Garage (GR 241943*), passes through an area of countryside classified as Landscape Character Area type "Rural River Valley."

The more southerly of the two streams, which flows northwards towards Hempnall, also passes through the Rural River Valley Landscape Character Area from close to the point where it passes under the B1527 up to its confluence with the more northerly stream. South of the B1527 this stream’s valley exhibits many of the characteristics typical of Rural River Valley landscape.

After the two streams join (at a point in the valley which can be identified on the montage at about 3cm to the left of T1) the small river which their joining creates flows exclusively through countryside classified as “Rural River Valley”.

4.2.2 The two streams have actually created two shallow valleys separated by an interfluve** although they appear as a single feature when viewed from The Street, Frinton (as exhibited on our montage and on Figure13.8.39 in the ES). The valleys merge just to the left of the white house (which appears on the photo as being at the foot of T1). Much of the interfluve area also lies in “Rural River Valley” landscape ***

4.2.3 Therefore a large section of the countryside that appears beneath the turbines on our Figure 07.3A is landscape classed as Rural River Valley. This landscape is covered by SNC saved policy ENV3 **** which seeks to protect the distinctive local landscape character of the river valleys.

4.2.4 The Rural River Valley Landscape Character Area is, according to the SNC Wind Turbine Landscape Sensitivity Study, especially sensitive to wind turbine developments and it as classed as having a High Sensitivity to all groupings of turbines (from 1 to 25+).

4.2.5 The WTLSS Landscape Sensitivity Overview with respect Rural River Valleys states that: "This is an intimate and enclosed landscape within
which wind turbines would be incongruous and dominate the overall small scale character of the valleys”.

4.2.6 Although the turbines would not be located on a site that is itself in the Rural River Valley Landscape Character Area they would have a severe impact on that part of Hempnall that is classified as Rural River Valley. We consider that our photomontage 07.3A shows that the valley(s) in which Hempnall is located is an “intimate and enclosed landscape” and that the wind turbines would be incongruous and dominate the overall small scale character of the valley(s).” We also consider that our montage demonstrates an example of “turbines appearing much closer to settlements than is actually the case.”

4.2.7 The WTLSS Landscape Sensitivity Overview with respect Rural River Valleys also stresses “The importance of retaining an uncluttered setting” and that “views to key landmark features is a further consideration”. HPC considers that our montage perfectly demonstrates that the setting of Hempnall, as a low lying valley settlement blending harmoniously with the surrounding countryside, would be destroyed through the introduction of the clutter of 3 enormously high modern industrial structures. Furthermore the view to the key landmark feature of Hempnall Church tower would suffer from the dominant presence of the turbines.

4.2.8 We urge SNC to take these impacts on the Rural River Valley Character Area of Hempnall (and the parts of Fritton and Morningthorpe that adjoin Hempnall in this valley that also lie within this character area) fully into account.

4.2.9 We consider that the ES is dismissive of the impact the turbines would have on the Rural River Valley Character Areas affected by their proposals and that it has not properly taken into account the kind of impacts illustrated on our Figure 07.3A.

4.2.10 We ask that SNC follow the guidance of the WTLSS that states in 4.5 that “The Rural River Valleys have a high sensitivity to any form of wind turbine development” and in assessing how our river valley(s) would be affected by TCI’s proposals that the evidence supplied by our Figure 07.3A is fully investigated.

4.2.11 Not only does Figure 07.3A show a huge impact on the Rural River Valley Character Area but it also reveals an equally dramatic impact on the conservation area of Hempnall Street and the church tower -as described in our comments in section 3. The conservation area and the Rural River Valley Character Area adjoin and overlap, meaning that much of what is displayed on this montage is classed as having a high value in terms of the landscape and in relation to heritage assets.

4.2.12 It is not acceptable to HPC and to local people that such important landscapes could be ruined by the construction of wind turbines. In fact every part of this view would be affected, including the field in the foreground -
arable fields are often located on the sides of rural river valleys and they contribute a great deal to landscape character.

Notes
*A point on the montage just to the right of T4 – the garage is not visible in the photo but the valley is
** An area of land separating adjacent stream valleys
*** See SNC Hempnall Inset Map 30 – a copy of which was included by Michelle Bolger in LVIA Assessment Review by Gillespies
**** Confirmed as a current policy by SNC in a telephone conversation on 3.6.13

5. Heritage Assets

5.1 HPC considers emerging SNC Development Management Policies to be highly relevant to a consideration of turbine impact on heritage assets (churches, listed buildings and conservation areas) especially DM 4.12

Designated Heritage Assets which states that: “proposals which adversely affect the significance of a heritage asset will only exceptionally be permitted.” We argued in our submissions regarding the original application that the negative impacts the development would have on heritage assets (especially St Margaret’s Church, Hempnall and conservation areas) would be sufficiently large to justify refusal of the application. HPC does not consider that the removal of T2 from the application alters significantly the damage the turbines would inflict on heritage assets, especially St Margaret’s Church, and we urge SNC to be guided by DM 4.12 and to refuse this application.

5.2 The view displayed on HPC Photomontage Location 5 (Figure 07.3A) shows how the turbines dominate houses in Hempnall including along the conservation area of The Street, Hempnall – T1 looms large here). The impact the turbines would have on St Margaret’s Church tower is also very clearly exhibited. T4 and T3 are revealed as 2 enormous “bookends” dominating and constricting the relevance of the church tower in this scene.

In our earlier submissions we have drawn attention to the fact that the view towards Hempnall from points along The Street, Fritton is “one of the classic views of Hempnall as a village whose setting is very much that of a valley settlement blending harmoniously with the features of the surrounding countryside” and that the turbines “would completely destroy this harmonious relationship between the built environment and the countryside. They would appear as towering structures dominating the view.” The church tower is visible from a number of points along this road.

5.3 The scene displayed on HPC Photomontage Location 6 (Figure 08.3A) is a view towards Hempnall from a point just over 2km NE of the centre of the village. Grover Lewis Associates refer to this photomontage when they write in their Heritage Impact Assessment for SHOWT, regarding the amended application revised proposal October 2013, that: “The fine views of St Margaret’s Church on the approach towards Hempnall along Bussey’s Loke, referred to in SHOWT’s original representations, would continue to be
seriously degraded by the presence of the three proposed turbines. From positions further northwards on Bussey's Loke, proposed turbines T1 and T3 would continue to be intrusive. Photomontage Figure 08.3 prepared by 2B Landscape Consultancy on behalf of Hempnall Parish Council is useful in this regard, as it illustrates the scale of the turbines in the landscape at the point where Bussey's Loke meets The Green."

5.4 The scene displayed on HPC Photomontage Location 7 (Figure 09.3A) is a view towards Hempnall from a point just under 2km SSW of the centre of the village. T1 dwarfs St Margaret's Church tower. Again the significance of the church in the landscape is much reduced by the presence of the turbines.

5.5 HPC Photomontage Location 1 (Figure 03.3A) is a view towards the turbine site from the Mill Centre. Between this place and the site lie the conservation areas along Hempnall Street, Bungay road and Mill Road. T1, T4 and T3 can clearly be seen and their negative impact on this scene is especially well illustrated in the animated version of this montage. The conservation area at the heart of our village where Bungay Road meets The Street (HPC Photomontage Location 2 (Figure 04.3A) would experience an impact from the rotating blades of T1 and T3 in particular.

5.6 HPC fully agrees with Grover Lewis Associates that: "The applicant's visualisation from Viewpoint 04 (ES Figure 13.8.38) shows that, notwithstanding the removal of proposed turbine T2, proposed turbines T1, T3, and T4 would remain highly intrusive in outward views from the churchyard over the flat open countryside to the north-east of the grade I listed parish church. Proposed turbines T1 and T3, a little over a kilometre away from the churchyard, would be particularly imposing. Proposed turbine T4, although further away, is on a similar alignment in relation to the church to the removed turbine T2, which would maintain the visual intrusion in this specific direction. Seen together, the three proposed 126.5 metre high turbines would appear as enormous, anachronistic structures out of scale with all surrounding features in the surrounding open countryside. Their turning motion would draw the eye making them highly prominent."

Furthermore HPC considers that this montage provides a good indication of the impact the turbines would have on the setting of the church and its churchyard when viewed from locations to the east of the site – just imagine how these huge turbines would appear in such views being clearly the dominant features dwarfing views of the church.

5.7 We also agree with Grover Lewis Associates that: "The applicant's visualisation from Viewpoint 10 (ES Figure 13.8.41) gives a clear indication of the scale of the three proposed turbines in the flat, open landscape to the east of Hempnall, in a view from the junction of Alburgh Road with Woodton Road. Whilst the photomontage fails to show the relationship with Hempnall parish church, it provides evidence of the scale of the proposed turbines in the countryside to the east of Hempnall and helps give an appreciation of the impact that the proposed turbines would have on the approach along Woodton Road, towards the grade I listed church of St Margaret."
5.8 Grover Lewis are entirely correct to state that “the three proposed 126.5 metre high turbines, would be highly prominent and intrusive in views out from various points around the grade I listed Church of St Margaret and from a great many points on the approaches towards the parish church on Bussey’s Loke and Woodton Road.”

5.9 Grover Lewis Associates refer to the importance of St Margaret’s Church in the landscape of Hempnall and its surrounding countryside. They write that: “In addition to its obvious religious and historical significance, the grade I listed Church of St Margaret provides a landmark feature, both in the village and in the wider landscape. Its relationship to the wider landscape is an essential component of its significance. There are fine views towards the church on the approaches to Hempnall on Bussey’s Loke and Woodton Road, which contribute greatly to the significance of the church as a landmark building.”

5.10 Other objectors have raised similar concerns about the impact the turbines would have on heritage assets. They include English Heritage, Steve Beckett (for SNC), Historic Environment Services and CPRE. Taken together these objections present a very strong case for refusal of this application.

5.11 HPC is especially encouraged by the report produced by Steve Beckett, Senior Conservation Officer for SNC (May 2013) in relation to the original application. Mr Beckett writes: I feel there would be harm to the setting of the church of St Margaret’s (Hempnall) even with the reduction of the turbines to 4, which are the ones nearest to the church, and disagree with the applicants that the “church would remain a prominent and significant feature on the approach to the village of Hempnall” (paragraph 12.6.8). These turbines would overwhelm the eastern approach and harm the rural setting of the church. I feel the situation is not unlike the Upper Vaunces’ case where the Inspector felt the turbines would “diminish the status of the building in the landscape, be visually jarring and compete with the round tower of the church.” I feel the turbines would compete with the square tower of St Margaret’s.

5.12 Although Mr Beckett’s comments relate to the application CPRE has noted that “they do not state that turbine 2 has any more of an impact on the setting of the church than the other 3 turbines” and that, “He is describing the impact that all the turbines would have on the setting of the church. Removing one turbine only would not reduce the impact the other 3 turbines would have on the setting of Hempnall Church and Mr Beckett does consider all the turbines to be significant in this respect.”

5.13 CPRE also refers to the fact that “Mr Beckett raises an objection under the NPPF that the application does not comply with paragraphs 128, 132, 134 and 137. Not only is he critical of the impact on St Margaret’s Church but also the impact on the Hempnall Conservation area. Mr Beckett confirms that there have been some key developments since Inspector Lavender’s Inquiry
decision re. Hempnall” and that “this point was also made by Grover Lewis Associates (on behalf of SHOWT) who refer to the Judicial Case at Barnwell Manor, East Northants in particular. It is very important that these developments are taken fully in to account by SNC Officers in formulating their recommendation on the amended proposal.”

5.14 Like CPRE HPC has studied in detail the New Text in the Amended ES and compared it with the Former Text in respect of impact on heritage assets and we can confirm that “in relation to St Margaret’s Church Hempnall – the Amended ES agrees mainly with the former text. Where there are changes they are descriptive not analytical and do not justify the conclusion that removing T2 would have a significant effect on reducing impacts on Hempnall Church. On pages 13 and 14 TCI refer to the change (presumably caused by the amendment to the scheme) in relation to St Margaret’s and state that: “The change affects paragraphs 12.6.3 to 12.6.10”. However in most of these paragraphs the wording has not changed at all. Paragraphs 12.6.4, 12.6.5, 12.6.8, 12.6.9 and 12.6.10 are the same in both the former and new texts.”

5.15 HPC also agrees with CPRE “That the relatively small increases in distances between some of the heritage assets and the nearest turbine through the removal of T2 would not materially reduce the impact of the scheme on those properties.” We also note that TCI agree with this conclusion. In this context CPRE quotes the Amended ES (with respect to those heritage assets where the distance to the nearest turbine has increased - page 11) that “The distances obviously increase in each case, but the assessment results have not materially changed from those in the environmental statement.”

5.16 CPRE states and we agree that “For the rest of the heritage assets considered in the original ES, i.e. those that remain as close to a turbine as in the 4 turbine scheme assessments also remain the same – i.e. no reduction in impact through the omission of T2.”

5.17 The Amended ES does fail to confirm a reduction in impact on heritage assets through the removal of T2, and therefore Mr Anders (of TCI) is incorrect in his claim (on page 3 of his letter of August 30th) that the omission of turbine two will materially reduce the impact of the proposed turbines on “the setting of heritage assets with particular reference to the church of St Margaret, Hempnall and the Hempnall Conservation Area.”

5.18 CPRE also point out that "In the original ES TCI consistently underestimate the magnitude of change and significance of effects, in relation to all the heritage assets assessed, as a result of the development, when compared to the conclusions reached by English Heritage, Steve Beckett SNC Senior Conservation Officer, Grover Lewis, Hempnall Parish Council, Historic Environment Services and CPRE – all of whom describe much more significant impacts." CPRE also write that “even if TCI considered impacts from the 4 turbine scheme on heritage assets to be slight it is to be expected that some evidence would be provided in the assessments in the Amended
5.19 The truth is TCI statements, as we have already noted, are contradictory and therefore unreliable. In the Amended ES (regarding heritage assets — page 11) it is stated that “the assessment results have not materially changed from those in the environmental statement.” This is at odds with Mr Anders’ claim (in his letter of August 30) that “the omission of turbine two will materially reduce the impact of the proposed wind farm on the following” which include “the setting of heritage assets with particular reference to the church of St Margaret, Hempnall and the Hempnall Conservation Area.”

5.20 With specific reference to the conservation area along the section of Hempnall Street to the north west of Hempnall School the visualisation from Viewpoint 20 (Amended ES Figure 13.8.46) reveals an impact of great magnitude. This viewpoint is not reassessed in the written section of the Amended ES and therefore the assessment remains as in the Original ES (as TCI put it on page 18 of the Amended ES, under Visual effects from key viewpoints, “Viewpoints not referred to remain as in the environmental statement”). The ES assessment of this viewpoint concludes that: “the effects would be of large magnitude and substantial significance.” As removal of T2 (*) has not altered this assessment this provides yet more evidence that omitting a turbine has not materially reduced impact on this important part of the Hempnall Conservation Area.”

N.B. (*) Not that any evidence is supplied in the Amended ES analysis of viewpoints to justify any claim that the magnitude or significance of visual effects at any viewpoint has been reduced by removing T2 from the proposals (see section 3).

5.21 TCI has used viewpoints (numbered 21 and 22) on Saxlingham Green and Fritton Common from which only glimpses of turbine blades would be visible. HPC agrees with CPRE that: “the 2 montages from these viewpoints are not representative of the impact the turbines would have on these two lovely conservation areas.”

Like CPRE HPC observers have monitored blimp flights from various points along Saxlingham Green and on Fritton Common and these observations have shown clear visibility of the balloon from a number of locations that lie within these conservation areas. We consider the impact the turbines would have on these really important heritage assets to be unacceptable and much greater than those described in paragraphs 13.6.115 and 13.6.118 of the Amended ES.

5.22 In conclusion there are a large number of reasons, provided in a highly significant number of expert objections, why the application for 3 turbines should be rejected on the grounds of significant adverse impacts on important heritage assets.
6. Bats and Birds

6.1 Inspector Lavender identified "The implications for local bat populations" as one of the main issues in the planning inquiry with respect to the Enertrag appeal. He devoted more than 5 pages (of a 28 page decision) to a consideration of these implications.

Mr Anders claims (in paragraph 4 on page 3 of his letter to SNC dated August 30th) that Inspector Lavender's concerns regarding bats have been addressed in the present scheme. We do not believe that they have.

6.2 The turbine area is clearly of great importance to bats. Inspector Lavender notes in paragraph 53 of his Appeal Decision that five static detectors, in place from April-July 2009, recorded 14,868 bat passes. The figures for July to September were even higher: Pipistrelle 19,468; Barbastelle 1,244; Myotis 104 and Leisler's 31. He also discussed (in paragraph 63) possible mitigation measures including turning off at least four (and preferably five) of the seven turbines during bat "risk" periods.

6.3 Given Inspector Lavender's concerns HPC is surprised to read TCI's conclusions in the original ES that impacts on bats are likely to be not significant or slight/not significant. Bats are hardly mentioned in the amended ES. These conclusions seem to conflict with the recognition of there being three high collision risk species, and four medium collision risk species known to use the site (Key findings / page 123 of the original January 2013 ES). Given the huge number of bat passes recorded then surely there must be a very significant likelihood of a large number of bat collisions if the turbines were built.

6.4 Although Inspector Lavender's comments were made with respect to Enertrag's seven turbine scheme the TCI three turbine proposals involve turbine locations that are actually closer to the important bat habitats of Little Wood and Saxlingham Grove than were any of the turbine locations in the Enertrag application. The tips of the blades on T4 would be barely 50 metres from the edge of Little Wood and given the fact that tree branches overhang the wood's edge this means that the actual separation distance is potentially less than 50 metres. The nearest Enertrag turbine to Little Wood was around 240 metres distant (according to the site plan dated April 2008).

T1 is about 225 metres from the south eastern corner of Saxlingham Grove (less if you measure the distance from blade tip) whereas the nearest Enertrag turbine was around 260 metres from this point - again according to the site plan dated April 2008. T3 is also closer to Little Wood than the Enertrag turbine that was located to the south west of this Wood.

6.5 Given the above facts how can the really important implications for local bat populations identified by Inspector Lavender be set aside on the basis of an inaccurate claim of insignificant impacts. A claim that is derived from inadequate assessments. We know that Natural England have not raised an objection to the application but it should be borne in mind that they also did
not object to the Enertrag scheme and Inspector Lavender clearly found their judgement to be wanting in respect of that application.

6.6 We commissioned bat expert Chris Vine to conduct two bat surveys on our behalf in order to obtain genuinely independent survey data (i.e. not paid for by the developer or the campaign group SHOWT) to inform our decision making on the important issue of how these proposals would impact on local bat populations. Unfortunately access to one of the key sites (The SSSI woodland called Little Wood) was denied us by the landowners who own the turbine site but Mr Vine still managed to conduct high quality and thorough surveys. His results confirm the importance of the site area and the neighbouring woodlands and hedgerows as an important habitat for a large number of bats including rare species. Mr Vine considers the Streetwood site to be thoroughly unsuitable for a wind turbine development. He has written to SNC objecting to the amended application and his letter is reproduced in full in Appendix E. We note, that like John Goldsmith, Chris Vine is critical of the work undertaken by ECOSA with regard to this application.

6.7 Dr David White, a leading ecological expert employed by Norfolk County council, has confirmed to CPRE that he is personally "uncomfortable" with this site as a place for wind turbines.

6.8 John Goldsmith (writing on behalf of the Norfolk Bat society) is critical of ES conclusions on Bats. These conclusions are based on information supplied by ECOSA whose work was funded by the developer and who, according to Mr Goldsmith “have no members of staff particularly recognised for having any acknowledged UK bat expertise.” Mr Goldsmith wonders why “ECOSA have played down the importance of the bat population around the site” and he notes that “the quality and content of their reports are less convincing than the presentation.”

Mr Goldsmith also queries the reliability of Natural England’s assessments: “Any Natural England opinions for this site could, in my opinion, be questioned, as they have shifted over time; originally vehemently opposed, under government pressure to rank renewable energy machines above UK and European statutes of wildlife law, there now currently appears to be a measure of acceptance. It needs to be firmly noted that information on Natural England SSSIs is dangerously out of date and the importance of the three ancient woodland SSSIs near this proposed site needs to be upgraded to include the EPS bird and bat species present.”

6.9 CPRE points out that “Natural England and Nick Bolton, the District Ecologist, have not objected to turbines on this site. However it seems that at best the surveys conducted on behalf of the applicant barely meet minimum acceptable standards and Mr Bolton’s report is confused on the matter of biodiversity offsetting mitigation rules as they apply to European Protected Species (which of course include all species of bats). Furthermore Natural England’s failure to raise an objection is no different to the stance they took with respect to the Enertrag application – which Inspector Lavender clearly
disagreed with and which was so easily exposed by a QC who we understand was acting for a local resident on this matter.” They go on to write that they consider “that it would be unwise for South Norfolk Council to place too much reliance on the comments and judgements made in the ES, or by Natural England in respect of impact on Bats.” They urge SNC “to be guided by local bat experts (Chris Vine and John Goldsmith), people who know the area in detail and have been involved with survey work on site and to listen to the cautious words of one of the leading Norfolk County Council ecologists, Dr David White, who is ‘uncomfortable’ with this site as a place for wind turbines.”

They conclude that “ES conclusions of insignificant impacts on Bats that are based on inadequate assessments should not prevail. The turbine site, and its neighbouring SSSI woodlands, are really important locations for bats, including rare Barbastelles. Surely SNC cannot allow such an important bat habitat to be threatened by the presence of wind turbines. The Norfolk Bat Society is correct in its assertion with regard to this application that: Only outright refusal would be satisfactory. As a quality local authority SNC must demand higher standards than those that are exhibited in the Environmental Statement and by Natural England in respect of these proposals. All species of bats are classified as European Protected Species so please protect them on this site by rejecting this TCI application.”

HPC fully supports this conclusion

6.10 Dr Tim Reed has been employed by HPC to evaluate the ornithological survey work undertaken with respect to this application. He has been very critical of the quality of much of this work and we have sent his reports and comments to SNC for consideration in respect of this application. It seems that Natural England are willing to accept the survey work even though they admit that it does not fully comply with their guidance.

6.11 Dr Reed has emailed HPC (30/10/13) in response to Natural England’s comments that guidance is not enforceable and we include, for your consideration, the full script of his email below:

When evaluating an application for planning permission, it is critical that a planning authority is able to decide this on the basis of a suitable set of data. Where there is potential for a negative impact on Schedule 1 (Wildlife and Countryside Act 1981) and/or Annex 1 (EU Birds Directive) species, and especially those sensitive to wind farm effects, the authority must have sufficient ecological information to determine an application in line with its duties under the National Planning Policy Framework (NPPF). (See the Natural England letter of 27.3.2013 to South Holland District Council - NE Ref 79148). In the South Holland case, Natural England was clear about the limitations of the data rendering the application unsuitable. There is little difference here for Hempnall.

As the data collected is ultimately to be used for collision risk and population impact assessments, it is critical that it is as suitable and accurate a representation of the use of the area as possible. As Natural England’s TIN069 states simply on page 13: “the
consequences of error when calculating avoidance rates are profound as even small changes in the rate of avoidance have very large effects on mortality predictions.”

This clearly places a premium on good quality data being collected. Where there is doubt/limit on the data, then the precautionary principle needs to be used. The need to know how suitable the sets of data are is fundamental. This requires that as TIN 069 p6 states: “Any proposed deviation from standard methods should be agreed beforehand with the relevant consenting authority.”

There is no such evidence of this in the Streetwood ES, nor in correspondence with Natural England. This means that the data and methodological faults of the ES are without support.


It may help to refer to this, as it is eloquent and clear on process. In paragraph 6, SNH (2005) introduces the use of standards. Whilst recognising that locations vary, the last sentence (my bold italics) makes clear that what is being done:

“The use of standardised methods of bird impact assessment will help to maintain consistency across assessments, facilitate comparisons between sites and assist in the prediction of effects at future developments. Nevertheless, each site, and the likely impacts of a wind energy development on each site, is different. As a result, it is not possible to provide ‘cookbook’ guidance with a simple recipe for any particular case. Hence, the present guidance is advisory only. It is intended to chart out the principles which should inform the development of a well-designed assessment that is appropriate in method and effort to the circumstances of the site. Departure from these principles and methods does not necessarily mean that survey methods are deficient. Developers should make clear where variations have been adopted and the justification for using such variations”

It is clear that SNH expects the guidance to be observed. In Para 41 it states:

“This guidance is not intended to be exhaustive for all species/groups or to repeat full survey methodological details available elsewhere (see Gilbert et al. 1998). However, where bird survey methods differ from those outlined here, the Environmental Statement should set out a clear rationale for using a different approach.”

In paragraph 42 it states for VPs:

“A basic VP watch methods statement is given in Appendix 1; if VP studies vary from this method, developers and consultants should explain within the ES why this has been the case”.

This makes it clear that there are expectations, and where there is variation this should be explained. This was not done in the ES for birds at Hempnall.

As NE’s TIN069 concludes on p14:

“Assessments of potential impacts of wind farms on birds are required under a number of situations. To undertake such assessments it is essential that reliable and representative baseline data are collected”

It goes on to say:
"A standard approach should be adopted for data collection, collation and presentation, and all data should freely available, ideally through publication on the internet.

What was collected at Hempnall failed to meet these basic expectations, and methodologically sound baseline data are lacking. As a result, the planning authority cannot meet the NPPF expectations.

For Natural England to resort to the assertion that TIN069 is only guidance without legal sanction is contrary to the use of data collected using both SNH and NE’s own guidance and their expectations, and the use of this guidance to determine impacts on protected species which is their statutory duty. As a logical extension, if it is merely unenforceable guidance, then there is no need for any quality at any stage; at the extreme no data would be needed. This surely cannot be the role of guidance for Natural England.

Dr T Reed (30.10.13)

NB A copy of the NE comments on the South Holland case is included in Appendix B. (as a pdf)

6.12 We are extremely concerned that planning applications might be approved when only minimum acceptable standards are met and where professional guidance is ignored by the applicant. HPC is reassured however that SNC is: "Proud to have been awarded the Investors in People Gold Standard – one of only 3% of organisations in the country to have achieved this award" and therefore will want to see the highest possible standards applied in respect of survey data presented with an application.

7. Cumulative Effect–omitting a turbine creates 2 wind farms

7.1 The Landscape Consultant (Bill Blackledge, a Chartered Landscape Architect acting for 2B Landscape Consultancy Ltd) employed by HPC to produce photomontages in relation to this application has made the following observations regarding the amended application. His email comments and the attendant montages and wire frames he used to illustrate his concerns are reproduced below:

"Further to your (HPC) request to provide a set of revised photomontages to reflect the omission of T2 from the proposed wind farm, the following has become apparent when reviewing the turbine visualisations.

The removal of turbine T2, principally in response to observations made by South Norfolk Council, appears to be an un-designed approach to satisfying the aim of reducing the turbine count from four to three. It is highly unlikely that, if faced with the issue of designing a three-turbine wind farm in this location, any developer would opt for the disjointed layout which is now presented.

It is possible that this simple omission, of the turbine closest to the village, has been the most convenient solution for the developer, reducing additional work
in terms of survey work, calculation and assessment. However, in producing the photomontages, it has become apparent that, from many viewpoints, the Hempnall Wind Farm now appears to be a pair of turbines (T3-T4) with another similar turbine some distance to the north-west (T1).

This lack of visual unity is most apparent in views from the south-west and north east. The following are included as pointers to the actual photomontages, which emphasis the distance between the T3-T4 pair and T1.

HPC Viewpoint 3 - Hempnall Playing Field

Viewpoint 5 – Near Fritton Crossroads
It is interesting to note that the viewpoints selected for Hempnall Parish Council (1-7) were not selected to illustrate this point, and yet four out of the seven do so. Arguably, Viewpoints 1 and 2 (The Mill and Village centre) also illustrate the same point, although it is less obvious in a static photomontage with obstructing foreground features such as buildings. This suggests that the lack of visual cohesion, between the T3-T4 pair and T1, will be apparent from many locations in the area.
The effect is also demonstrated by a number of TCI's revised wireframe visuals:

VPO4 - St Margaret's Church Yard

VPO5 - The Street, Fritton
VPO6 - Lundy Green

VP10 - Alburgh Road

VP12 - Wash Lane
The effect diminishes with distance and, from some viewpoints, any arrangement of three turbines can appear as a group. However, the lack of a coherent revised design, for what remains a significant development in the Parish, is surprising. The effect is apparent from a large enough proportion of receptor viewpoints as to represent an unacceptably low standard of design. The emphasis appears to have been placed on the developer’s convenience, rather than its responsibility to deliver a designed scheme with the lowest environmental effects.

Regards

Bill Blackledge

**Director Chartered Landscape Architect** for and on behalf of

2B Landscape Consultancy Ltd Registered Practice of the Landscape Institute

PS Because the photomontages included with Mr Blackledge’s comments were copied in to an email they are not of the same high picture quality as those he supplied in pdf format to Hempnall Parish Council. They are of sufficient quality to illustrate the 2 scheme effect but for all other assessment purposes SNC should refer to either, the folder of hard copies, or the electronic copies supplied by HPC.

7.2 Similar comments regarding a 2 scheme effect are made in the CPRE submission regarding the amended application. CPRE considers the 2 scheme effect to be sufficiently pronounced so as to introduce concerns over cumulative effect. This application – from many viewpoints – would create the appearance of 2 separate wind farms.

7.3 HPC fully endorses the comments made by both 2B Landscape Consultancy and CPRE, both in relation to the bad design of the amended application (i.e. the disunity and incoherence that has resulted from the cheap option of just dropping a turbine from the original scheme) and in relation to the issue of cumulative effect which is now apparent in the amended proposals.

We agree with the points made by CPRE in 2.7 of their submission (October 2013) and have reproduced this section of their statement below (in blue type)

The two scheme effect is now so pronounced that it raises the issue of cumulative effect.

Planning practice guidance for renewable and low carbon energy issued by the Department for Communities and Local Government in July 2013 (which should be followed unless there are clear reasons not to) states that
“cumulative visual impacts concern the degree to which the proposed renewable energy development will become a feature in particular views (or sequences of views) and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or would be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites would be visible from the proposed development site, the proposal will not create any cumulative impacts.”

Because turbine 1 is now so isolated from turbines 3 and 4, so as to give the appearance of two separate schemes from many viewpoints, CPRE considers that the “the degree to which the proposed renewable energy development will become a feature in particular views and the impact this has upon the people experiencing those views” makes concerns over cumulative visual impacts relevant to this amended application. Two separate turbine groups (a single turbine on the one hand and a two turbine grouping on the other hand) “will be visible from the same point, or would be visible shortly after each other along the same journey.”

We ask that SNC therefore evaluates this amended application in the context of a visual cumulative impact. (HPC agrees)

8. Losing a turbine reduces even further the small benefits the application would produce in terms of carbon dioxide displacements

8.1 In our June 2013 response to the TCI further response to our representations of May 2013 HPC produced a comprehensive evaluation of the very small contribution that the original 4 turbine proposal would make to displacing carbon emissions. This evaluation is included as Appendix A (8. - Carbon Emissions).

8.2 The dropping of a turbine from the scheme reduces these very limited benefits even further.

Our evaluation regarding the 4 turbine scheme was “That the turbines would not even displace enough carbon dioxide to cover, either the aggregated annual greenhouse gas emissions for which the residents of Hempnall are responsible, or their aggregated annual carbon dioxide emissions. They would only cover 77% of the aggregated annual greenhouse gas emissions (9,860 divided by 12,752 expressed as a percentage) and 92% of the aggregated annual carbon dioxide emissions (9,860 divided by 10,689 expressed as a percentage).”

And we concluded “This confirms what we said in our submission i.e. that this scheme would not even do enough good to offset the greenhouse gas emissions for which the residents of a medium sized Norfolk village are responsible – it would not even offset the CO2 emissions for which Hempnall residents are responsible.”
According to the Amended ES the CO2 displacement for the 3 turbine scheme is 7,396 tonnes – a reduction of 2464 tonnes from the 9860 tonnes claimed for the 4 turbine proposal. We note that TCI only claim a displacement of 7,317 tonnes in the leaflet they distributed to Hempnall residents in advance of the Parish Poll – which figure is correct, 7,396 or 7317? Let us be generous and apply the larger number. This produces the following figures:

The 3 turbines would only cover 58% of the aggregated annual greenhouse gas emissions for which the residents of Hempnall are responsible (7,396 divided by 12,752 expressed as a percentage) and 69% of the aggregated annual carbon dioxide emissions for which the residents of Hempnall are responsible (7396 divided by 10,689 expressed as a percentage)

In the South Norfolk context, when applying the Department of Energy and Climate Change statistics, its residents (124,500 in total in 2011 – according to Norfolk Insight) are responsible for an annual total of greenhouse gas emissions of 1,125,978 tonnes CO2 equivalent (9.044 x 124,500) and of this total 943,834.5 tonnes is carbon dioxide (7.581 x 124,500). The annual displacement of 7,396 tonnes of CO2 by the three TCI turbines would make a paltry contribution covering only 0.66 per cent (7,396 divided by 1,125,978 expressed as a % rounded to 2 decimal places) of the annual total greenhouse gas emissions and 0.78 per cent (7,396 divided by 943,834.5 expressed as a % rounded to 2 decimal places) of the annual total carbon dioxide emissions for which the residents of South Norfolk are responsible.

In national terms the 3 turbine scheme would offset 0.0013% of annual greenhouse gas emissions (7,396 divided by 571,600,000 expressed as a % rounded to 4 decimal places) and 0.0015% of annual CO2 emissions (7,396 divided by 479,100,000 expressed as a % rounded to 4 decimal places).

These numbers represent a pathetic contribution to the battle against climate change and most certainly do not justify the enormous amount of harm the turbines would cause to Hempnall and its surrounding villages. The 3 turbine scheme does not even come close to covering the aggregate carbon footprint of the residents of Hempnall – a medium sized Norfolk village.

9. Noise and Residential Amenity

9.1 In May TCI criticised the HPC adoption of a separation distance policy with respect to wind turbines by reference to a recent legal judgement in relation to the challenge to Milton Keynes Council’s proposed turbine separation policy. HPC does not believe this judgement invalidates our separation policy and we request that SNC consider the implications of the actual judgement and not TCI’s interpretation.

The following is a quote from a publication entitled Local Government Lawyer (dated 16.4.2013):
RWE NPower, which is looking to build two wind farms in the Milton Keynes area, advanced four grounds of challenge in the judicial review. They were:

1. The Wind SPD was adopted as a ‘supplementary planning document’. The claimant argued that Milton Keynes had no power to do so. Rather, the document had to be treated as a ‘development plan document’ and be subject to more rigorous examination before adoption;
2. The Wind SPD could not lawfully have been adopted given that the emerging policy in it conflicted with the adopted development plan for Milton Keynes;
3. When preparing the Wind SPD, the council failed to have regard to national policies and advice applicable to wind turbine development contained in guidance issued by the Secretary of State;
4. In all the circumstances, the council was obliged to have exercised its discretion to treat it instead as a ‘development plan document’, rather than as a ‘supplementary planning document’, or failed to have regard to the Secretary of State’s guidance which indicated that it should have done.

Judge John Howell QC found in favour of RWE NPower on the second ground only.

Chris Tofts, a planning solicitor (for Stephens Scown) concluded, “the High Court judge ruled that Milton Keynes’ proposed separation distances were not contrary to national policy, merely that they were contrary to the Council’s own adopted Local Plan” and that “it is open for Milton Keynes to seek to amend their Local Plan and re-impose greater separation distances again in the future.”

As Hempnall Parish Council does not have an adopted development plan it is not possible for its wind turbine separation policy to conflict with that plan. We consider that our policy remains intact and is unaffected by the Milton Keynes decision.

9.2 We do understand that as we are the lowest tier of local government SNC can ignore our separation distance policy - e.g. if they consider it is not supported by the detail of their own plan.

However our policy is a response to the very real concerns of local residents about the potential of turbine noise to be very disturbing and although TCI claim that the schemes at Hempnall and Kessingland are not directly comparable the following points are relevant:

- Complaints of disruptive turbine noise at Kessingland have been made by residents whose properties are up to 1km from the nearest turbine and several properties in Hempnall are either just under or just over 1km from a proposed turbine in the amended 3 turbine scheme.

- The fact that ES noise assessments indicate that turbine noise will be within government limits is hardly reassuring given that the turbines at Kessingland complied with all planning conditions and government regulations as they applied to noise.
9.3 HPC has taken a cautious approach in adopting a turbine separation policy – we want to protect local residents from being put at risk from the kind of disruptive noise experienced at Kessingland. If our policy is ignored and if the turbine plan is approved and there are subsequent turbine noise problems for local people we will be seen to have done our best to protect our parishioners and to have given a warning about a potentially very disruptive consequence of a turbine development.

9.4 Noise problems were not anticipated at Kessingland – by and large the local population did not oppose the scheme – but with turbines it is not really possible to predict what noise will be created by their operation and it is only once they are up that the truth is revealed. At that point it is often impossible to do anything about it - as the residents of Kessingland are finding out to their cost.

9.5 Our separation distance policy states that turbines of the height propose by TCI should be at minimum distance of 2km from the nearest residential property

9.6 CPRE has analysed the impact omitting T2 would have on residential amenity and HPC agrees with both their analysis and conclusion which is reproduced in blue type below:

TCI makes the point that omitting T2 means that there are now 9 dwellings within 1km of the turbines compared with 84 dwellings in the 4 turbine scheme.

Studying map Figure 13.9 to assess proximity of properties to the turbines in the amended application for 3 turbines reveals that a large number of properties are located only just over 1km from a turbine including:

- Many homes on the Old Market Way estate (between 1.1km and 1.3km from T1);
- A large number of houses along The Street, Bungay Road and the eastern end of Mill Road (between 1.05km and 1.4km from either T1 or T3);
- A number of houses at Silver Green (just over 1 km from T3)

Lyncroft, Meadow View and properties in the Road Green area remain under 1 km from T3.

On Saxlingham Green Thetford Farmhouse is only 770m from T1, Little Fylands Farm is only 800m from T1 and other properties a bit further north westwards along the Green are only just over 1km from T1.

CPRE considers the impact on residential amenity to be little changed by the omission of T2. Nothing magical happens to the effect a turbine creates when the 1km separation distance is exceeded slightly. These huge structures still dominate the landscape and, as has been made clear in the many hundreds of letters written in opposition to both the original and amended schemes,
local residents consider this impact to be unacceptable. The July, 2013 Planning Practice Guidance for renewable and low carbon energy, the significance of which has been emphasised in a recent Ministerial Statement, clearly states that “the views of local the communities likely to be affected should be listened to”

10. Tranquillity

10.1 HPC notes that the turbine site is in an area classified as Most Tranquil on the CPRE Tranquillity map of South Norfolk and we recognise that there is no definition that CPRE use with respect to any part of England that allows for an area to be classified as being more tranquil than the Streetwood site.

10.2 Tranquil rural areas are increasingly threatened by the impact of development and as CPRE write (in their statement of objection to the amended application): “areas defined as Most Tranquil are not as prevalent in rural South Norfolk as might be imagined” We also agree that: “Those that remain are really important assets that encapsulate the rural experience of being able to get away from it all.”

10.3 HPC supports the CPRE comment that: *The importance of protecting rural tranquillity is acknowledged in the SNC WTLS where for areas classified as Tributary Farmland (the turbine site is in area classified as Tas Tributary Farmland) it says that where a key landscape characteristic is one where “for the most part the landscape is peaceful, rural and tranquil” there is a High sensitivity to any number of turbines other than a single turbine. This proposal for 3 turbines should not be approved in this Most Tranquil location.*

11. Impacts on Settlements

HPC agrees with the analysis and conclusions of the CPRE assessment regarding impacts on settlements as written in their October statement of objection to the amended application. Their comments are reproduced below in blue type.

On page 15 of the amended ES, under 13.3.22, TCI list 15 settlements which surround the turbine site (within approximately 5 km). Only two of these, the villages of Hempnall and Fritton, are noted as experiencing a change in their distance from the development as a result of omitting T2. According to TCI the distance for Hempnall increases from 0.8km to 1.2km and for Fritton the distance increases from 2.8km to 3.1km.

Using the map Figure 12.3 from the ES at a scale of 1:12,500 we have calculated the following distance comparisons between various places in Hempnall and the nearest turbine under both the 4 turbine and 3 turbine schemes:
NE corner of Old Market Way Estate
Four turbine scheme 1.0km to T2
Three turbine scheme 1.1km to T1
Difference = 100m

Hempnall School
Four turbine scheme 975m to T2
Three turbine scheme 1.25km to T1
Difference = 300m

Hempnall Church
Four turbine scheme 900m to T2
Three turbine scheme 1.2km to T1
Difference = 300m

SE corner of Roland Drive Estate
Four turbine scheme 1.075 km to T2
Three turbine scheme 1.375 km to T3
Difference = 300m

Hempnall Village Hall
Four turbine scheme 875m to T2
Three turbine scheme 1.2 km to T3
Difference = 325m

Hempnall Playingfield (HPC Viewpoint)
Four turbine scheme 980m to T2
Three turbine scheme 1.29 km to T3
Difference = 310m

Tye Cottage, Bungay Road
Four turbine scheme 700m to T2
Three turbine scheme 1.05 km to T3
Difference = 305m

In all instances the distance increase is less than the 400m that TCI claim and given the huge size of these turbines (126.5m) CPRE does not consider increases in distance to the nearest turbine of around 300m to be very significant. The turbines still contravene the Hempnall Parish Council policy on separation distances. Their visual intrusion in to Hempnall remains significant and the potential for disruptive noise is still a present.

TCI admit there is no change in the distance of Hempnall Green and Silver Green from the nearest turbine, as they also do for 12 more of the settlements listed on page 15 of the Amended ES, as a result of omitting T2.

In the case of Fritton the increase of 300m is again not significant given the height of the turbines and their dominating aspect in the landscape (See HPC montage Figure 09.3 from the footpath close to the conservation area in Fritton)
Part two
CPRE concludes therefore that dropping T2 from the scheme has a relatively small effect on reducing impact on settlements and that this conclusion is consistent with the evidence provided in the Amended ES.

12. New Planning Practice Guidance

HPC is grateful for the CPRE analysis that was undertaken in their statement of objection on the potential importance of this new guidance and we make extensive use of CPRE material in the comments we make on this matter.

12.1 Mr Anders (on behalf of TCI) in his letter of August 30th plays down the importance of the recently introduced Planning practice guidance for renewable and low carbon energy (DCLG, July 2013). While he acknowledges that it can be a material consideration in planning decisions and should generally be followed unless there are good reasons not to he does not acknowledge important sections of the guidance that address the concerns local communities might have over renewable energy projects and which increase the importance given to safeguarding the environment.

12.2 CPRE has pointed out that paragraph 8 in the guidance states that local planning authorities, in considering locations for renewable energy schemes "will need to ensure" that they not only "take into account the requirements of the technology" but also "critically, the potential impacts on the local environment, including from cumulative impacts". They emphasise the fact that the key word is critically – i.e. an LPA must treat the environmental impact of a renewable energy schemes as a critical factor in its assessments. It is not a secondary consideration to policies aimed at increasing renewable energy production.

12.3 CPRE also observe that in order to over emphasise the importance of increasing renewable energy in the balance of factors that an LPA has to take in to account in assessing the suitability of a site for a renewable energy scheme Mr Anders produces an incomplete and misleading interpretation of what the guidance says in paragraph 6. He says "Local planning authorities are required to design their policies to maximise renewable and low carbon energy development." The actual wording is "Whilst local authorities should design their policies to maximise renewable and low carbon energy development, there is no quota which the local plan has to deliver."

The LPA is encouraged to ensure that renewable energy schemes are developed "in the right places."

In the opinion of CPRE the so called Streetwood site is not one of those right places. HPC fully endorses this view.

12.4 HPC would like to draw attention to a key part of paragraph 8 in the guidance i.e. the sentence that states: "The views of local communities likely to be affected should be listened to" To quote CPRE: "the word
should be the important one here and if this guidance is followed to the letter then there is no doubt how the outcome of the SNC Officers' recommendation should read because the local community has made its views very clear over and over again that it does not want a wind turbine development on this site. The local anti-turbine group has around 1300 members. The Hempnall PC Parish Poll on the 4 turbine scheme produced an 80% no vote on a large turnout and there have been hundreds of letters of objection. Very few local people have expressed support for turbines on this site. If localism means anything this development should not go ahead.”

Since CPRE wrote their statement of objection SNC has conducted a second parish poll on our behalf regarding the amended 3 turbine application and this revealed a level of opposition greater than 82% (see section 1) and the total number of letters of objection re. Application 2013/0105 now exceeds 1,000. HPC knows that local opinion is overwhelmingly against the proposals for wind turbines on this site and this level of objection has increased since the new plans which include dropping a turbine have been produced. The views of this local community should indeed be listened to.

12.5 CPRE also point out that while Mr Anders acknowledges that paragraph 5 of the guidance states that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities he also attempts to undermine the significance of this by writing “although this has never been the case as is demonstrated by the reasoned judgements underpinning numerous appeal decisions.” CPRE comment that in saying this Mr Anders seems to ignore the judgment handed down in the High Court by Mrs Justice Lang with regard to an application by Sea and Land Power and Energy Ltd. for wind turbines near Hemsby, Norfolk in which she backed both the local councils and conservation groups in rejecting the plans, stating: “As a matter of law it is not correct to assert that the national policy promoting the use of renewable resources ... negates the local landscape policies or must be given ‘primacy’ over them.”

The Planning practice guidance for renewable and low carbon energy repeats this key point in paragraph 15 where it states, “In shaping local criteria for inclusion in Local Plans and considering planning applications in the meantime, it is important to be clear that: the need for renewable or low carbon energy does not automatically override environmental protections”

12.6 CPRE also draw attention to the fact that the guidance details a number of constraints that raise important concerns in respect of the TCI amended application and that Mr Anders does not include a consideration of these in his review of the guidance on pages 6 and 7 of his letter.

For example in paragraph 15 the guidance states (amongst other things) “In shaping local criteria for inclusion in Local Plans and considering planning applications in the meantime, it is important to be clear that:
- Great care should be taken to ensure that heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.
- Protecting local amenity is an important consideration which should be given proper weight in planning decisions.
- Cumulative impacts require particular attention.

12.7 Paragraph 34 of the guidance is very much "in tune" with SNC DM 4.12. The guidance states: "As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of wind turbines on such assets. 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."

So many concerns about the impact that turbines on this site would have on heritage assets have been raised by organisations and individuals with good expertise and knowledge on this matter including English Heritage, Grover Lewis, CPRE, Steve Beckett (for SNC) and Historic Environment Services and it is therefore essential that SNC, in assessing the amended application, do take the guidance seriously and especially the requirement (page 9, paragraph 27) that: "Great care should be taken to ensure that heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting."

12.8 HPC is very concerned that not enough attention is being given to the potential impact that the turbines would have on local bat and bird populations and Paragraph 33 details risks to birds and bats from the presence of wind turbines. Inspector Lavender, in his appeal decision on the Enertrag application, expressed a large number of concerns about impacts on bats and our bat expert (Chris Vine) has confirmed, in 2 surveys, the importance of the site for bat populations including rare species. Therefore SNC need to consider paragraph 33 of the guidance very closely in assessing this application.

The guidance is also relevant to concerns raised by Dr Tim Reed, in the work he has undertaken for us, in regard to ornithological issues.

12.9 Paragraphs 39 to 44 of the guidance deal with cumulative effect. Landscape 2B consultancy, HPC and CPRE consider that omitting T2 has produced a 2 scheme effect and that the issue of visual cumulative effect is now a very real consideration in respect of this amended application.

12.10 HPC believes that the planning practice guidance does signal a shift towards giving greater weight to the views of the local community and like CPRE we are unconvinced by David Anders' assertion (at the foot of page 7 of his letter of 30/8/13) that "There has been no shift in the planning balance with the introduction of the guidance that requires greater weight to be given than before, for example, to the protection of the landscape, visual amenity or heritage assets or to representations made by members of the local community in relation to planning applications".
12.11 We are encouraged that the guidance states:

- That "the views of the local communities likely to be affected should be listened to" (paragraph 8)
- That "the need for renewable or low carbon energy does not automatically override environmental protections" (paragraph 15)
- That "cumulative impacts require particular attention" (paragraph 15)
- That "local topography is an important factor in assessing whether wind turbines could have a damaging effect on landscape and recognise that the impact can be as great in predominantly flat landscapes as in hilly of mountainous areas" (paragraph 15)
- That "great care should be taken to ensure that heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting" (paragraph 15)
- That "protecting local amenity is an important consideration which should be given proper weight in planning decisions" (paragraph 15)
- That the guidance "can be a material consideration in planning decisions and should generally be followed unless there are clear reasons not to" and that "Planning for Renewable Energy: A Companion Guide to PPS 22 is cancelled" (paragraph 2)
- That "whilst local authorities should design their policies to maximise renewable and low carbon energy development there is no quota which the local plan has to deliver" and that local authorities should encourage renewable developments to take place "in the right places" (paragraph 6)

12.12 We agree with CPRE that the guidance does seem to be altering the balance that should be given to various factors in assessing applications for renewable developments and that it is stressing how important it is for a local authority to consider fully the considerations detailed above. They seem to have become weightier issues.

12.13 CPRE points out that the guidance mentions how the impact of some technologies may have changed over time – e.g. the size of wind turbines has been increasing (this is mentioned in paragraph 9). Clearly therefore their potential impact on landscape and heritage features is now greater. 126.5 metre tall wind turbines are huge structures that dwarf every other feature in the landscape – our photomontage 08.3A clearly demonstrates this effect - as indeed do many of the other visualisations.

12.14 CPRE stresses the importance of a recent written Ministerial Statement (October 2013) by The Secretary of State for Communities and Local Government (The Rt. Hon Eric Pickles MP) in which he makes it very clear that his intention is that local authorities and the Planning Inspectorate take the Planning Policy Guidance for renewable and low carbon energy (DCLG, July 2013) very seriously. Mr Pickles is, via recovery policy, monitoring and assessing how the planning policy guidance is being applied. Mr Pickles writes, "My department published new planning practice guidance in the summer to help ensure that the planning concerns raised by local communities are given proper weight in planning decisions on onshore..."
renewable energy". Mr Pickles also states that "Planning works best when communities themselves have the opportunity to influence the decisions that affect their lives" and that "The National Planning Policy Framework includes strong protections for the natural and historic environment. Yet, some local communities have genuine concerns that when it comes to developments such as wind turbines and solar farms insufficient weight is being given to local environmental considerations like landscape, heritage and local amenity. The new guidance makes it clear that the need for renewable energy does not automatically override environmental protections and the views of local communities should be listened to."

With this statement being the very latest update of Government policy on this matter HPC, like CPRE, urges SNC to place the concerns of the local community at the forefront of its thinking when officers decide upon their recommendation regarding this application.

12.15 Relation of the guidance to the NPPF

Paragraph 5 of the guidance makes it clear that the National Planning Policy Framework "explains that all communities have a responsibility to help and increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development it is important that the planning concerns of local communities are properly heard in matters that directly affect them."

The NPPF of course has much more advice in its Chapter 12: Conserving and enhancing the historic environment and Chapter 11: Conserving and enhancing the natural environment on the importance of protecting cultural heritage assets and the landscape much of which is relevant to this amended application.

13. Comments on the Landscape and Visual Impact Assessment Review of the Revised Scheme (October 2013) – prepared for SNC by Michelle Bolger (on behalf of Gillespies)

13.1 HPC is grateful to Mrs Bolger for recommending that photomontages be produced for all viewpoints within 10km of the site. ES and Amended ES photomontages are provided for only 13 of the 22 viewpoints. We agree with CPRE that: "This is a serious omission by TCI and until this deficit of important assessment evidence is corrected this amended application should proceed no further in the planning process."

The developers must provide these montages and they should be made available to all consultees and the general public who should be given a minimum of 21 days to make comments. This additional consultation period should commence from the date that the required montages are available to be viewed. It is essential that the developers do this in order to ensure (in the words of Mrs Bolger) "that members of the local community have sufficient
information in order to be able to make an informed response to the application."

Photomontages that are missing include viewpoints on which the turbines would have a serious impact e.g. Lundy Green, Hempnall, Shotesham Lane (Saxlingham Nethergate), and Shotesham Road (Woodton).

13.2 HPC agrees with CPRE that, in the absence of a photomontage, a combination of a photograph of the existing view and a wire frame does not provide enough visual detail to enable the impact the turbines would have on the landscape to be fully assessed.

13.3 The cumulative assessment photos of existing views and wire frames (Figures 13.8.25 to 13.8.35 inc.) are also not accompanied by photomontages. Therefore the required level of visual clarity to assess cumulative impact is not available in the ES.

13.4 HPC is very critical of the clarity of the photomontages provided, especially those that accompany the amended application. The photos appear to have been taken on cloudy days and this fact coupled with indistinct representations of turbines on some of the photomontages - with the blades disappearing into milky skies - means that the visualisations under estimate the impact these tall structures would have on the landscape.

13.5 HPC is critical of the depth of coverage and analysis in Mrs Bolger’s October LVIA Review of the Amended application. The review occupies just over one page of A4 and only 2 paragraphs (5 and 6) deal specifically with the amended application. Paragraph 5 says: “A revised scheme has been submitted by TCI Renewables to SNDC (September 2013) which has omitted T2 altogether. It is accompanied by revisions to the Environmental Statement (ES) and revised Figures, including revised visualisations. Having reviewed the amended layout, the amendments to the ES and the amended Figures I can confirm that the omission of T2 does remove the most significant adverse impacts on the sensitive aspects of the landscape which were identified in the April Review.”

Mrs Bolger offers no explanation or analysis of the amended layout, the amendments to the ES and the amended Figures to justify the conclusion she arrives at.

13.6 HPC has studied the Amended ES in great detail and has provided in this submission a detailed analysis of how it does not justify claims that omitting T2 reduces impacts on landscape. Like CPRE we can confirm that we are therefore surprised by Mrs Bolger’s comment that having reviewed the Amended ES, as part of the body of evidence provided by the applicant, she feels able to use it to “confirm that the omission of T2 does remove the most significant adverse impacts on the sensitive aspects of the landscape which were identified in the April Review.”
13.7 We are also puzzled by Mrs Bolger’s significant change of emphasis between the April and October Reviews. In April she wrote (paragraph 2.7) “Omitting T2 would remove some of the most significant impacts on St Margaret’s Church, Rural River Valleys SLA, Hempnall village and residential properties.” In the October Review she writes: “the omission of T2 does remove the most significant adverse impacts on the sensitive aspects of the landscape which were identified in the April Review.”

Surely some does not mean most. Mrs Bolger should clarify whether she means some or most.

13.8 David Anders (for TCI) in his letter of August 30th writes: “it is evident from the Council’s landscape consultant’s report that, with the removal of turbine T2, the proposed scheme is considered to be acceptable by the Council in relation to landscape impacts and the WTLSS. We have not been advised that the Council disagrees with their landscape consultant’s findings and conclusions, and therefore, there can be no reasonable grounds to refuse planning permission on the grounds of landscape character and visual impact. He clearly places great importance on the use that the council will make of Mrs Bolger’s LVIA Reviews.

HPC is very concerned about the contradiction between Mr Anders’ statement of August 30th and the content of his email to Gary Hancock of SNC (dated August 29th) in which he writes: “Dear Gary, further to your telephone call this afternoon I welcome your verbal advice that the scheme will be recommended for approval following the deletion of turbine 2.” Either Mr Anders has been advised by SNC that the removal of T2 makes all the difference or he has not been advised on this matter. What is going on here? There appears to be a degree of manipulation and collusion.

13.9 We share the concerns of CPRE about the breadth of evidence considered in the October LVIA Review and that: “Limiting consideration to material supplied by the applicant and ignoring the wealth of evidence supplied by numerous respondents in respect of this application cannot lead to the formulation of a balanced conclusion. This is notwithstanding the fact that the evidence presented in the Amended ES does not justify claims of a reduction in visual impact through omitting T2.”

13.10 CPRE goes on to say that: “Had just some of the evidence supplied by other parties been looked at a very different conclusion would most likely have been reached. For example even the briefest of glances at Hempnall Parish Council’s original photomontages: Figure 06.3 (the view from the Old Market Way estate); Figure 08.3 (the view from the junction of Fylands Road and The Green; Saxlingham) and Figure 09.3 (the view from a footpath near New Church Farm, Friton) - which were available on the SNC website for Mrs Bolger to view in the formulation of her October Review - reveals that, if T2 is blanked out (and a professional landscape consultant is able to assess
images in this context), the visual impact on this area of Tas Tributary Farmland remains huge.

It is a great pity that this visual evidence, professionally prepared at a considerable cost to Hempnall Parish Council, was not considered as part of the LVIA review. If these revealing photomontages had been studied, as part of this review, then it is likely that they would have led to a different conclusion than that arrived at through simply following the written comments of Inspector Lavender. What they show (with T2 covered) is an impact so great that it alters the character of this part of the South Norfolk countryside severely."

HPC agrees wholeheartedly with these comments.

13.11 HPC is convinced that if the evidence provided by both our original and revised photomontages had been available to Inspector Lavender he would not have concluded that this site could accommodate a scheme with 2 or 3 turbines without there being significant harm caused to the local landscape character.

Our photomontage evidence post dates Inspector Lavender’s report and it provides accurate clear visual evidence of a major impact on landscape should 3 turbines be introduced into this area of Tas Tributary Farmland. SNC can avail itself of this important new evidence and should use it to inform judgements of how 3 turbines actually would impact on this site.

13.12 Furthermore we agree with CPRE that if Mrs Bolger had studied our photomontage 07.3 (from a viewpoint close to the Fritton crossroads) - by blanking out the impact of T2 (our 3 turbine montages were not available at the time she conducted her review of the amended scheme) we are sure that a conclusion of a much reduced impact on Hempnall village as a result of dropping T2 would most likely not have been reached. Our montages 07.3 and 07.3A reveal how T1 overhangs the buildings in the conservation area along Hempnall Street and how T4 adversely affects the view of St Margaret's church tower. As CPRE say "T4 and T3 almost frame the church tower in their dominance of the scene."

13.13 HPC is pleased that Helen Mellors (the lead officer regarding this application) has arranged a meeting at which we can show and explain the importance of the new evidence provided by our photomontages that relate to the amended scheme.

We are disappointed however that our original non animated montages, which have been available since the 26\(^{th}\) of April on the South Norfolk Council website, have apparently not been considered in the October LVIA review. A landscape architect of the quality of Mrs Bolger would most certainly have been able to blank out the impact of T2 from our original montages in making assessments. We certainly drew attention to their availability in our submissions and offered to attend meetings to discuss them and to show the animated versions.
13.14 In the opinion of HPC our photomontages clearly show that 3 x 126.5m turbines cannot be accommodated on this site in Tas Tributary Farmland without causing significant harm to the local landscape character. As CPRE state Inspector Lavender's conclusion was based on an interpretation of the written word in policy guidelines (namely the WTLSS) – he did not have the benefit of having access to professionally prepared photomontages that show exactly what a 3 turbine scheme looks like on this site. We ask SNC to be guided by real visual evidence and to not slavishly follow comments made in what is now in many respects an out of date inquiry report. Our photomontages vividly reveal the real huge visual impact these 3 turbines would produce.

13.15 As part of her failure to review a broad enough range of evidence in the formulation of her October Review Mrs Bolger not only appears to ignore the relevance of our photomontages but she also fails to take account of a wide range of other objection responses that have been submitted with respect to this application including the report of Steve Beckett (on behalf of SNC) and the expert report provided by Grover Lewis (on behalf of SHOWT).

We appreciate that Mr Beckett and Grover Lewis concentrate on heritage assets and that Mrs Bolger's comments are related to a review of impacts on landscape but in reality the distinction is not that clear. To a large extent the importance of a heritage asset is dependent on its appearance in the landscape, whether it be a church, a listed building or a conservation area, and Mrs Bolger does comment for example on impacts on St Margaret's Church – a key consideration in respect of this application.

13.16 The narrowness of Mrs Bolger's focus is fully revealed in paragraph 6 of the October Review in which she states: "Whilst there would remain some adverse impacts on the local landscape, they are considerably reduced. In line with the conclusions of the WTLSS and Inspector Lavender who decided an appeal on this site in 2009 (APP/L2630/A/08/2084443) it is concluded that the current three turbine scheme could be accommodated on this site without significant harm to the local landscape character."

In saying this she appears to be basing her conclusions on a guidance document (the WTLSS) and a report (Inspector Lavender's) that has now in many respects become outdated – especially in relation to policy changes and heritage asset guidance.

This approach is far too limited, as already stated it ignores the wealth of evidence supplied by so many respondents to this application and it fails to take account of important changes introduced in the NPPF and the July 2013 Planning practice guidance. It also fails to consider the relevance of Justice Lang's Hemsby decision, the Judicial Case at Barnwell Manor, East Northants and emerging policy from South Norfolk in its Development Management policies guidance. Much has changed since the WTLSS was published and since Inspector Lavender made his decision. Not that the WTLSS gives the green light for 3 turbines on this site – see our comments under Section 10 (Tranquillity).
13.17 Some of these changes are not specific to a consideration of landscape impacts and a landscape impact review is not concerned with the views of local residents nor is it primarily concerned with impacts on heritage assets. However, as already noted, there is a degree of overlap between landscape impacts and impacts on heritage assets and we agree with CPRE that, especially with regard to St Margaret’s Church, “it would be useful to have clarification on which impacts the October LVIA review deals with and whether there is common ground in the territory covered by Mrs Bolger and say Steve Beckett (for SNC) and Grover Lewis (for SHOWT).”

13.18 The disregard of emerging SNC Development Management Policies in the October LVIA Review is worrying. Many are relevant to this application and given that there is great significance attached to impacts on St Margaret’s Church then DM 4.12 (Designated Heritage Assets) is especially pertinent. It states that “proposals which adversely affect the significance of a heritage asset will only exceptionally be permitted.”

14. Public Rights of Way

14.1 TCI comments on impact on PROW in the Amendments to the ES, with respect to the 3 turbine application, are very limited and are restricted to a consideration of Busseys Loke and one footpath. No attempt is made to assess impact on PROW over the very wide area that would be affected by a view of the turbines.

14.2 Hempnall Parish Council Visual Intrusion Map

For the Enertrag application and subsequent Public Inquiry HPC produced a visual intrusion map to show the impact of the turbines on all public access routes within a 110km² survey area centred on the proposed wind turbine site. The map was based on a survey carried out by Hempnall parish councillors and helpers from several residents in the area.

This map remains relevant to the TCI application. A reduction in the number of turbines from 7 (Enertrag) to 3 (TCI amended scheme) does not affect the validity of the map because the survey work was based on blimp sightings (Sept 2007 to May 2008) from locations close to the sites of Turbines 1 and 4 as shown in the current application by TCI. If a small blimp can be seen then turbines 1 and 4 would most certainly be visible – as would turbine 3 from many locations on the Visual Intrusion map - the actual visual impact of the turbines on public access routes in the survey area is likely to be greater than our map shows because the mass of 3 large industrial structures far exceeds the visual impact of a small blimp on which the survey was based.

Furthermore the Enertrag application was for turbines of maximum height to blade tip of 125 metres whereas TCI are proposing turbines of 126.5 metres
to blade tip so visual intrusion is likely to be greater than that indicated on our map.

A copy of the map is attached for your consideration. We can supply further copies for distribution to members of the committee that will consider this application if you require them.

**Impact on public routes**

![Pie chart showing the proportion of routes in the survey area affected by visual intrusion from the turbines]

- Intermittent but regular view of turbines
- Clear view of turbines
- No view of turbines

**Pie chart to show the proportion of routes, in the survey area, affected by visual intrusion from the turbines**

There are 351 km (218 miles) of public road/track/bridleway/footpath in the survey area. Along 126 km (78 miles - 36%) of these public routes there will be a clear view of some or all of the turbines. Along 164 km (102 miles - 47%) there will be an intermittent but fairly regular view. Only 61 km (38 miles - 17%) will have no view at all. Therefore 290 km (180 miles - 83%) of all the public access routes in our survey area will suffer visual intrusion by the turbines, which of course will be visible over a far greater area than that of our survey.

Please see LDA Design Figures 13.6 and 13.7 (Zones of Theoretical Visibility maps) to understand the full impact over the wider area of Norfolk. These maps confirm the findings of our own survey.

A nationally renowned footpath, Boudica Way, crosses the survey area for 27 km (16.5 miles). Along 8 km (5 miles - 30%) of this route there will be a clear view of some or all of the turbines. Along 14 km (8.5 miles - 52%) there will be an intermittent but fairly regular view. Only 5 km (3 miles - 18%) will have no view at all.

Given the above facts, walkers, cyclists, horse riders and car drivers and passengers travelling through this area will obviously have their view of the countryside dramatically altered by the turbines. TCI admit that "**significant**
visual effects for high sensitivity receptors such as users of public rights of way may potentially occur up to five kilometres from the turbines.” Our research shows significant impact over a far greater area and is supported by the ZTV maps referred to already.

The area is popular with walkers, riders and cyclists and many of the users of the public rights of way are local people. It is quite clear from the letters of objection and the Hempnall parish poll results that the majority of local people do not consider a view of the turbines to be a bonus and would not welcome the chance to experience the wind turbines at close quarters – or even from a distance.

Over large areas of countryside whole turbines will be visible and even in the zone between 3km and 5km from the site where it is claimed partial obscuring of the turbines is likely to be significant (ES 13.6.144) the HPC map shows a far greater impact than is admitted to.

Hempnall Parish Council’s observations revealed that from most routes in the Hempnall area the 50m meteorological mast erected by Enertrag (close to the site of TCI turbine 1) was clearly visible including from some valley bottom locations such as from the bridge on Mill Rd (Grid Ref 236944) and from the footpath near Hole Farm (Grid Ref 236928). Therefore from such places, by definition at least 76.5m (126.5m – 50m) of turbine will be visible and not just tips of blades. Indeed numerous footpaths in the vicinity of Bussey’s Loke, Saxlingham Greens and Hempnall Greens will have a clear view of the entire mass of the structures. Furthermore walkers on local footpaths will have their enjoyment of the countryside spoilt by turbine shadows, noise and the hypnotic effect of rotating blades. Further afield even where maybe only the tips of blades are visible, their rotation will be an annoying distraction.

14.3 Inaccuracies in the Environmental Statement

The ES contains inaccuracies with regard to PROW. In 13.6.141 it is stated that the southern end of Nobbs Lane is not a public right of way – this is wrong. Due to the efforts of HPC this section of track was accorded restricted byway status 4 years ago.

In 13.6.143 it is claimed that where Boudica Way passes Saxlingham Green at its nearest point to the site (as illustrated by viewpoint 21) the presence of trees would obscure the turbines. The blimp, when flown close to the site of turbines 1 and 3 on two separate occasions, was clearly visible from this section of Saxlingham Green. Therefore visualisation 13.8.47 does not appear to be accurate.

Similarly visualisation 13.8.48 (viewpoint 22) does not show a view of the turbines from this public road. This representation conflicts with blimp sightings (when flown close to the site if turbine 1) from this spot. Observations of the blimp were made from several places in and around the conservation area of Fritton Common including from the southern end at GR 223919 with the whole of the common in view.
14.4 Blimp Flight of 13.3.13

TCI consistently underestimate the visual impact of the turbines on Hempnall and its surrounding area and hence its impact on users of PROW. Their statements are riddled with contradictions. They admit to substantial effects to changes to views within 1.5km of the turbines and moderate effects between 1.5km and 3.5km but also state that the density of buildings and trees in Hempnall will mean that most of the village will be screened from the turbines.

This assessment conflicts with evidence already referred to above and with evidence gathered from the blimp flight carried out on 13.3.13 when the balloon was flown close to the site of turbine 3 and on a day when atmospheric turbulence prevented it from reaching anywhere near its full height of 126.5m. This flight enabled further assessments to be made about the likely impact of the turbines on the local landscape and PROW.

This blimp flight revealed impressive sightings from a large number of locations both within and outside Hempnall. It could be clearly seen from: Fairstead Lane; the playing field; the village hall; the playing field entrance; the centre of the village near Kilbourn's garage; Roland Drive; Coronation Crescent; Field Lane; the Mill Centre; the allotments; Broaden Lane; The Street; Mill Road; Bungay Road; Alburgh Road; the church yard; Busseys Loke; Road Green; Lundy Green; Silver Green and the school.

If one small blimp can be so visually present from so many places what impact would 3 x 126.5m industrial structures have – they would visually dominate Hempnall, including those parts of the village that are conservation areas, and the approaches to the village.

In fact part of the visual dominance of Hempnall and its approaches is admitted and revealed by TCI (contradicting their conclusion that no settlement will be visually dominated by the turbines) in some of their photomontages: e.g. Broaden lane (figure 13.8.37); St Margaret's Churchyard (figure 13.8.38); The Street, Fritton (figure 13.8.39); the B.1527 (figure 13.8.40); Oxnead Lane near junction with B.1527 and Alburgh Road (figure 13.8.41).

The blimp flight on 13.3.13 also enabled a further assessment to be made of the impact the turbines would most likely have on the conservation areas of Fritton and Saxlingham Green and blimp sightings more than confirm English Heritage's concerns with regard to these heritage assets. The blimp was clearly visible from parts of Fritton Common including from outside the Old Rectory and from the road that defines the southern border of the Common with the whole of the common in the same view. Along Saxlingham Green it could be seen from all locations south east of Grove Farm (GR 248 964) and intermittently from locations west north, west of this point (up to the corner with the road to Hempnall). Included within this was a view from GR 24964 (close to viewpoint 21) with the blimp clearly visible above the trees – contradicting the evidence of figure 13.8.47 that shows no view of turbines.
Elsewhere in Fritton outside the conservation area an assessment was made of the impact on footpaths trending eastwards from Middle Road and The Street. From these PROW the blimp was hugely visible along long sections of these very attractive paths. Significant sightings were observed along The Street Fritton confirming a huge impact here as identified in Figure 13.8.39. Some of these sightings showed the blimp and Hempnall Church tower in the same view - i.e. from Grid References 232942, 233943 and 233944 (SE corner of the Fritton Crossroads). The view of the blimp from the Fritton Crossroads (B1527 junction with The Street Fritton) confirmed that from this location the turbines would dominate the skyline with the valley settlement of Hempnall (in the foreground) overhung by industrial structures.

Footnotes

Planning Policies
In our submissions regarding the original TCI application we gave a full analysis of relevant planning policies including emerging SNC Development Management Policies. For completeness this analysis is attached in Appendix D

MoD Objection
TCI acknowledges an objection by the MoD but write (in a letter to SNC dated August 30th) that it is anticipated that this objection will be withdrawn. We note however that in a letter dated the 27th September, 2013 the MoD states its objection to the 3 turbine scheme having previously objected to the 4 turbine scheme.

15. Summary of Conclusions

Recommendation of Refusal

15.1 Hempnall Parish Council has voted unanimously to recommend refusal of this application. In arriving at this decision careful consideration has been given to the opinion of local residents as expressed in the parish poll of October 21st 2013. As a democratically elected local authority we consider it crucial that we reflect the great concerns of the vast majority of our parishioners who clearly oppose these 3 turbine proposals. We urge South Norfolk Council to democratically respond in a like manner.

15.2 We formally request that all our submissions regarding this application (2013/ 0105) are thoroughly considered by the relevant SNC officers responsible for making a recommendation to the Development Management Committee that will determine this application and by the councillor members of that committee. These submissions include detailed comments dated March 27th (full response to the original application) and June 8th (our response to TCI Renewables’ further response) together with those included in this document.

15.3 Hempnall Parish Council does not believe that omitting turbine 2 has reduced adverse effects significantly, if at all, and in some respects it has
increased the visual impact of the application by creating a proposal that
would appear as two separate schemes in the landscape.

Local Opposition

15.4 Local opposition to turbines on this site is overwhelming as evidenced by
2 Hempnall parish poll results, over 1,000 letters of objection, a huge
membership of SHOWT (1300) and rejection of the amended plans by the
South Norfolk MP, the County Councillor for Hempnall Alison Thomas, County
Councillor Adrian Gunson, District Councillors and almost all the Parish
Councillors in the area that surrounds the turbine site.

This enormous level of opposition is backed by expert opinion offered by
Grover Lewis (on behalf of SHOWT), CPRE, English Heritage, Historic
Environment Services, the MoD and others — including experts appointed by
this council (Chris Vine regarding bats and Dr Tim Reed re. ornithology) and
Steve Beckett (Senior Conservation Officer for SNC).

15.5 The Parish Polls have produced consistent results that confirm that the
level of opposition has not dropped as a result of the proposals being
amended through the omission of Turbine 2. In fact the poll conducted on
the amended application for 3 turbines revealed that the level of opposition
had increased to over 82% (415 voted no). The percentage of those in favour
of turbines fell to under 18% (just 90 voted yes).

With a turnout of around 50% for both parish polls the results are especially
significant (a much lower turnout is a typical response in most parish polls).

15.6 Parish polls can be a material consideration in the determination of
planning applications. HPC has acted in accordance with the wishes of its
residents in opposing this application, in preparing the detail of its objections
and in deciding on how best to campaign on this matter. We urge SNC
officers and the elected councillors on the Development Management
Committee to also pay full regard to the results of these polls and to provide a
fair and reasonable democratic response. The Planning practice guidance for
renewable and low carbon energy stresses that “The views of local
communities likely to be affected should be listened

Landscape Impacts

15.7 SNC officers and councillors should be guided by the revealing new
visual evidence provided by the HPC photomontages in assessing this
application. This evidence post dates the Inquiry report by Inspector Lavender
and clearly shows what the 3 turbines proposed by TCI would actually look
like in this area of Tas Tributary Farmland. We do not consider Inspector
Lavender was right in saying that this site can accommodate 2 to 3 turbines
without suffering a significant adverse impact on its landscape and we believe
that any fair minded person who studies our montages, and indeed several of
the visualisations supplied by TCI in respect of the amended application,
would come to the conclusion that three 126.5m tall turbines would produce a
severe negative impact on the landscape of Hempnall and the villages and countryside that surround it. Our photomontages show that the removal of T2 still creates a scheme that produces severe negative visual and landscape effects. There is no reduction in the magnitude of the effects at any of the 22 viewpoints, as a result of the omission of turbine 2.

15.8 We have studied the original ES and the Amendments to the ES in detail and can confirm that Judgements on the magnitude of the visual effects at all 22 viewpoints have not changed as a result of the omission of turbine 2. Omitting a turbine has not reduced impact. Furthermore Judgements on the magnitude of the visual effects at the 15 viewpoints within 5km of a turbine in the 3 turbine proposal reveal that changes would be of a large or large to medium magnitude at 11 of these viewpoints. This is an admittance of the great degree of change the 3 turbines would produce to the views of the landscape from within Hempnall and from its surrounding villages.

15.9 An analysis of the significance of effect at all 22 viewpoints as described in the ES and the Amendments to the ES reveals that omitting T2 has not altered assessments of significance.

15.10 There is therefore no justification to back up the TCI claim that they have materially reduced landscape impacts by removing turbine 2 from the scheme because their own ES analysis of both the magnitude and significance of effect at 22 viewpoints shows this not to be the case.

15.11 New ZVI maps are not supplied with the amended application. The zone of theoretical visibility will remain essentially the same. Visual intrusion over South Norfolk (and beyond) would therefore be as significant as in the 4 turbine proposals. Omitting T2 has not reduced visual impact over the wider area.

15.12 HPC is concerned that at almost all of the viewpoints assessed as experiencing a degree of change of a large or large – medium magnitude, TCI manage to conclude that the visual effects would only be of moderate significance. We agree that the significance of effects will be substantial at Viewpoint 4 (St Margaret’s Churchyard), Viewpoint 10 (Alburgh Road, Hempnall) and Viewpoint 20 (The Street, Hempnall). At many of the other viewpoints we consider TCI has consistently under estimated the significance of effects. HPC agrees with CPRE that the significance of both landscape and visual effects would be much greater than TCI state and we support the CPRE conclusions as detailed in Appendix C.

Furthermore HPC considers that the magnitude of the visual effects exhibited at a number of the viewpoints is even more severe than the damaging degree of change admitted to in the ES and the Amended ES.

We are also very critical of the clarity of the photomontages provided, especially those that accompany the amended application. The photos appear to have been taken on cloudy days and this fact coupled with indistinct
representations of turbines on some of the photomontages - with the blades disappearing in to milky skies - means that the visualisations under estimate the impact these tall structures would have on the landscape.

15.13 In 3.9 we describe in detail the information revealed by the seven new photomontages we have produced with regard to the amended application. These photomontages show that the 3 turbines proposed in the amended scheme would produce a great degree of negative change to the landscape of the Tas Tributary Farmland Character Area in and around Hempnall and to views in that same area. The magnitude of their impact would be very considerable.

Many people currently enjoy these views (residents and visitors alike) and large numbers of high sensitivity receptors (walkers, joggers, cyclists and horse riders) use the dense network of footpaths, bridleways and by-roads that fill this area with public access routes. These high sensitivity receptors will all experience severe visual effects if the turbines were constructed.

The landscape effects that would result from the construction of the turbines are also dramatically exhibited in our photomontages especially when the turbine views are compared with the existing views.

15.14 The countryside surrounding Hempnall is attractive and tranquil. Its strong rural character is the result of a harmonious combination of elements. Fields, woods, hedgerows, meadows and shallow stream and river valleys blend together almost seamlessly. They almost seem as if they were “meant for each other.” This quality is visible on many of the photographs showing existing views – especially HPC figures 07.1A, 08.1A and 09.1A. It is also evident on most of the photos of existing views included in ES figures 13.8.2 to 13.8.23 (with the exception of 13.8.20 and 13.8.4).

These existing views show that the area is generally free from any large scale development. There is an absence of modernity. This traditional scene is enhanced by the presence of church towers which punctuate the skyline without dominating the trees or other buildings in an uncomfortable way, and a large number of historic listed buildings.

Photos of existing views towards Hempnall reveal it as a low-lying valley settlement often hardly visible from surrounding areas. It blends with the trees and the contours of the land.

The turbines proposed by TCI would seriously destroy the quality of the landscape in and around Hempnall. They would tear to pieces the harmonious blend of elements described above. Some montages reveal how the turbines would tower over Hempnall and how they would alter the perception of its setting and that of St Margaret’s Church.

15.15 We consider that our montages contribute a great deal of new visual evidence with regard to this application. They highlight the impact of the proposals on village setting, on the church and on views from within the
village and towards the village. They reveal a big impact on Hempnall’s conservation areas and on treasured landscapes including an area of much valued Rural River Valley.

15.16 We repeat “The main conclusion that we draw from the new evidence presented on our photomontages (i.e. evidence that post dates Inspector Lavender’s Inquiry report) is that 3 turbines cannot be accommodated on this site without there being severe adverse impacts on the landscape of Hempnall and its surrounding countryside.”

We also consider that several of the revised ES photomontages supplied with the amended application support this conclusion.

The Busseys Loke area of Hempnall is not a suitable site for huge wind turbines and if Inspector Lavender had been able to view the photomontages that now exist, showing the actual impact that these 3 turbines would have on this site, we believe he would share our conclusion about their unacceptability.

15.17 The developer should be required to produce the photomontages that are absent for 9 of the 22 viewpoints and this application should proceed no further through the planning system until this evidence deficit has been corrected. After these missing montages have been produced sufficient time needs to be allowed by SNC for all consultees to consider thoroughly the new evidence they present.

Landscape Designations

15.18 HPC endorses the comments made by CPRE with respect to the impact that the 3 turbines would have on the Tas Rural River Valley Landscape character Area and agrees that the Amendments to the ES offer “no reasons to justify any claim that TCI might make that dropping T2 has reduced impacts on the Tas Rural River Valley Landscape Character Area.”

15.19 We also support CPRE when they disagree “with the Amended ES when it states (13.4.4 - New Text) that reducing the number of turbines to 3 brings the proposals in line with the recommendations of the SNC WTLSS in respect of impact on Tas Tributary Farmland” and agree that “Given the Tranquil nature of the turbine site this site, according to the WTLSS, should not be suitable for anything other than a single turbine.”

15.20 Very importantly our photomontage Figure 07.3A reveals significant information about the impact the 3 turbines would have on parts of the Tas Rural River Valley Landscape Character Area. The detail of our comments 4.2.1 to 4.2.12 inc. must be assessed thoroughly

A significant area of Hempnall is classified as Tas Rural River Valley Landscape - especially a large section of the countryside that appears beneath the turbines on our Figure 07.3A. This landscape type reaches right in to the heart of the village close to the junction where Mill Road, The Street
and Bungay Road meet. This landscape is covered by SNC saved policy ENV3 which seeks to protect the distinctive local landscape character of the river valleys.

The Tas Rural River Valley Landscape Character Area is, according to the SNC Wind Turbine Landscape Sensitivity Study, especially sensitive to wind turbine developments and it as classed as having a High Sensitivity to all groupings of turbines (from 1 to 25+).

The WTLSS Landscape Sensitivity Overview with respect Rural River Valleys states that: “This is an intimate and enclosed landscape within which wind turbines would be incongruous and dominate the overall small scale character of the valleys”. Although the turbines would not be located on a site that is itself in the Rural River Valley Landscape Character Area they would have a severe impact on that part of Hempnall that is classified as Rural River Valley.

We consider that our photomontage 07.3A shows that the valley(s) in which Hempnall is located is an “intimate and enclosed landscape” and that the “wind turbines would be incongruous and dominate the overall small scale character of the valley(s).” We also consider that our montage demonstrates an example of “turbines appearing much closer to settlements than is actually the case.”

The WTLSS Landscape Sensitivity Overview with respect Rural River Valleys also stresses “The importance of retaining an uncluttered setting” and that “views to key landmark features is a further consideration”. HPC considers that our montage perfectly demonstrates that the setting of Hempnall, as a low lying valley settlement blending harmoniously with the surrounding countryside, would be destroyed through the introduction of the clutter of 3 enormously high modern industrial structures. Furthermore the view to the key landmark feature of Hempnall Church tower would suffer from the dominant presence of the turbines.

The ES and Amendments to the ES seriously under estimate the impact that the proposed 3 turbines would have on a significant area of Hempnall that is classified as Tas Rural River Valley landscape. We ask that SNC follow the guidance of the WTLSS that “The Rural River Valleys have a high sensitivity to any form of wind turbine development” and, in assessing how our river valley(s) would be affected by TCI’s proposals, that the evidence supplied by our Figure 07.3A is fully investigated.

15.21 Figure 07.3A also reveals the dramatic impact of the proposals on the conservation area of Hempnall Street and the church tower.

The conservation area and the Rural River Valley Character Area adjoin and overlap, meaning that much of what is displayed on this montage is classed
as having a high value in terms of the landscape and in relation to heritage assets.

**Heritage Assets**

**15.22** HPC considers emerging SNC Development Management Policies to be highly relevant to a consideration of turbine impact on heritage assets especially **DM 4.12 Designated Heritage Assets** which states that: "proposals which adversely affect the significance of a heritage asset will only exceptionally be permitted."

We have consistently pointed out that the negative impacts the development would have on heritage assets (especially St Margaret’s Church, Hempnall and conservation areas) would be sufficiently large to justify refusal of the application. HPC does not consider that the removal of T2 from the application alters significantly the damage the turbines would inflict on heritage assets, especially St Margaret’s Church, and we urge SNC to be guided by DM 4.12 and to refuse this application.

**15.23** Figure 08.3A is referred to by heritage experts Grover Lewis Associates in their statement “The fine views of St Margaret’s Church on the approach towards Hempnall along Bussey’s Loke, referred to in SHOWT’s original representations, would continue to be seriously degraded by the presence of the three proposed turbines. From positions further northwards on Bussey’s Loke, proposed turbines T1 and T3 would continue to be intrusive. Photomontage Figure 08.3 prepared by 2B Landscape Consultancy on behalf of Hempnall Parish Council is useful in this regard, as it illustrates the scale of the turbines in the landscape at the point where Bussey’s Loke meets The Green.”

**15.24** Figure 09.3A reveals how T1 dwarfs St Margaret’s Church tower. Again the significance of the church in the landscape is much reduced by the presence of the turbines.

**15.25** Figures 03.3A and 04.3A illustrate, especially in the animated versions, how conservation areas at the heart of our village would experience negative impacts from rotating turbine blades.

**15.26** HPC fully agrees with Grover Lewis Associates expert comments (referred to in Section 5 of this submission) about the negative impacts the proposals would have on St Margaret’s Church and its churchyard.

**15.27** We also fully support the points made by other objectors who have raised similar concerns about the impact the turbines would have on heritage assets. They include English Heritage, Steve Beckett (for SNC), Historic Environment Services and CPRE. Taken together these objections present a very strong case for refusal of this application.

The observations of Steve Beckett about the impact that all the turbines would have on the setting of Hempnall Church are especially important. His
objections under the NPPF — i.e. that the application does not comply with paragraphs 128, 132, 134 and 137 are especially relevant.

15.28 We also share Mr Beckett’s concerns about the impact on the Hempnall Conservation area.

15.29 We urge SNC to take full account of Mr Beckett’s advice that there have been some key developments since Inspector Lavender’s Inquiry decision re. Hempnall. This point was also made by Grover Lewis Associates who refer to the Judicial Case at Barnwell Manor, East Northants in particular. It is very important that these developments are fully considered by SNC Officers in formulating their recommendation on the amended proposal.

15.30 We have studied in detail the New Text in the Amended ES and compared it with the Former Text in respect of impact on heritage assets and we can confirm that we agree with CPRE that “in relation to St Margaret’s Church Hempnall — the Amended ES agrees mainly with the former text. Where there are changes they are descriptive not analytical and do not justify the conclusion that removing T2 would have a significant effect on reducing impacts on Hempnall Church.”

15.31 HPC also agrees with CPRE “That the relatively small increases in distances between some of the heritage assets and the nearest turbine through the removal of T2 would not materially reduce the impact of the scheme on those properties.” We also note that TCI agree with this conclusion.

15.32 CPRE states and we agree that “For the rest of the heritage assets considered in the original ES, i.e. those that remain as close to a turbine as in the 4 turbine scheme assessments also remain the same — i.e. no reduction in impact through the omission of T2.”

15.33 The Amended ES does fail to confirm a reduction in impact on heritage assets through the removal of T2, and therefore TCI is incorrect to claim that the omission of turbine two will materially reduce the impact of the proposed turbines on “the setting of heritage assets with particular reference to the church of St Margaret, Hempnall and the Hempnall Conservation Area.”

15.34 We agree with CPRE that “in the original ES TCI consistently underestimate the magnitude of change and significance of effects, in relation to all the heritage assets assessed, as a result of the development, when compared to the conclusions reached by English Heritage, Steve Beckett SNC Senior Conservation Officer, Grover Lewis, Hempnall Parish Council, Historic Environment Services and CPRE — all of whom describe much more significant impacts.” CPRE also write that “even if TCI considered impacts from the 4 turbine scheme on heritage assets to be slight it is to be expected that some evidence would be provided in the assessments in the Amended ES to justify the claim that the omission of T2 would materially reduce impacts.”
15.35 TCI statements are contradictory and therefore unreliable. In the Amended ES (regarding heritage assets – page 11) it is stated that “the assessment results have not materially changed from those in the environmental statement.” This is at odds with Mr Anders’ claim that “the omission of turbine two will materially reduce the impact of the proposed wind farm on the following” which include “the setting of heritage assets with particular reference to the church of St Margaret, Hempnall and the Hempnall Conservation Area.”

15.36 With specific reference to the conservation area along the section of Hempnall Street to the north west of Hempnall School the visualisation from Viewpoint 20 (Amended ES Figure 13.8.46) reveals an impact of great magnitude. This viewpoint is not reassessed in the written section of the Amended ES and therefore the assessment remains as in the Original ES - i.e. that: “the effects would be of large magnitude and substantial significance.” Omitting T2 has not materially reduced impact on this important part of the Hempnall Conservation Area.

15.37 HPC considers that the impact on the conservation areas of Saxlingham Green and Fritton Common will be greater than shown on the visualisations from viewpoints 21 and 22 (see 5.21)

15.38 There are a large number of reasons, provided in a highly significant number of expert objections, why the application for 3 turbines should be rejected on the grounds of significant adverse impacts on important heritage assets.

Bats and Birds

15.39 Inspector Lavender identified “The implications for local bat populations” as one of the main issues in the planning inquiry with respect to the Enertrag appeal. He devoted more than 5 pages (of a 28 page decision) to a consideration of these implications.

TCI claim that Inspector Lavender’s concerns regarding bats have been addressed in the present scheme. We do not believe that they have.

15.40 The turbine site and its neighbouring woodlands are clearly an important habitat for bats (see 6.2) of great importance to bats. Three high collision risk species, and four medium collision risk species known to use the site. Given the huge number of bat passes recorded then surely there must be a very significant likelihood of a large number of bat collisions if the turbines were built.

15.41 As the area is such an important bat habitat HPC is surprised by ES conclusions that impacts on bats are likely to be not significant or slight. Bats are hardly mentioned in the amendments to the ES. Enertrag came to similar conclusions in their ES and were shown to be wrong.
15.42 The three turbine proposals involve turbine locations that are actually closer to the important bat habitats of Little Wood and Saxlingham Grove than were any of the turbine locations in the Enertrag application.

15.43 Given the above facts how can the really important implications for local bat populations identified by Inspector Lavender be set aside with conclusions of insignificant impacts based on inadequate assessments. We know that Natural England have not raised an objection to the application but it should be borne in mind that they also did not object to the Enertrag scheme and Inspector Lavender clearly found their judgement to be wanting in respect of that application.

15.44 The two independent bat surveys surveys that bat expert Chris Vine has undertaken on behalf of Hempnall Parish Council have confirmed the importance of the site area for bat populations including rare species. These surveys augment our evidence base on this matter and robustly endorse our objection regarding the negative impact that turbines on this site would have on important bat habitats. Chris has written to SNC objecting personally to the amended application – his comments are included in full in Appendix E.

Dr David White, a leading ecological expert employed by Norfolk County council, has confirmed to CPRE that he is personally "uncomfortable" with this site as a place for wind turbines.

15.45 HPC agrees with the criticisms of the ES made by John Goldsmith who has objected to the development on behalf of the Norfolk Bat society. We also share his concerns over the quality of the work undertaken for the applicant by ECOSA and about the reliability of Natural England's assessments.

15.46 We share CPRE doubts about the quality of the District Ecologist's report and agree that SNC should be "guided by local bat experts (Chris Vine and John Goldsmith), people who know the area in detail and have been involved with survey work on site and to listen to the cautious words of one of the leading Norfolk County Council ecologists, Dr David White, who is "uncomfortable" with this site as a place for wind turbines."

15.47 **HPC fully supports the CPRE conclusions that:**

- "ES conclusions of insignificant impacts on Bats that are based on inadequate assessments should not prevail."

- "The turbine site, and its neighbouring SSSI woodlands, are really important locations for bats, including rare Barbastelles."

- "The Norfolk Bat Society is correct in its assertion with regard to this application that: Only outright refusal would be satisfactory."

- And that "Surely SNC cannot allow such an important bat habitat to be threatened by the presence of wind turbines."
Their concluding remark on this matter is very important and gets our full support. It reads “As a quality local authority SNC must demand higher standards than those that are exhibited in the Environmental Statement and by Natural England in respect of these proposals. All species of bats are classified as European Protected Species so please protect them on this site by rejecting this TCI application.”

15.48 Dr Tim Reed has been employed by HPC to evaluate the ornithological survey work undertaken with respect to this application. He has been very critical of the quality of much of this work and we have sent his reports and comments to SNC for consideration in respect of this application. It seems that Natural England are willing to accept the survey work even though they admit that it does not fully comply with their guidance.

HPC is extremely concerned that planning applications might be approved when only minimum acceptable standards are met and where professional guidance is ignored by the applicant.

**Cumulative Effects – 2 schemes**

15.49 We share the concerns raised by Bill Blackledge, a chartered Landscape Architect acting for 2B Consultancy Ltd, and CPRE that omitting T2 has created a 2 scheme effect which raises the issue of Cumulative Effects. The current disjointed design layout has come about through the developer wishing to take the cheapest option in order to create a 3 turbine proposal from the original 4 turbine scheme. It represents poor design.

We urge SNC to read thoroughly Mr Blackledge’s submission (under 7.1) and to evaluate this amended application in the context of the likelihood of there being cumulative effects because the turbines would appear in the landscape as two separate schemes.

**Reduction in Benefits**

15.50 Omitting a turbine reduces the original schemes already minor contribution to displacing carbon dioxide emissions even further.

According to the Amended ES the CO2 displacement for the 3 turbine scheme is 7,396 tonnes – a reduction of 2464 tonnes from the 9860 tonnes claimed for the 4 turbine proposal.

The 3 turbines would only cover 58% of the aggregated annual greenhouse gas emissions for which the residents of Hempnall are responsible (7,396 divided by 12,752 expressed as a percentage) and 69% of the aggregated annual carbon dioxide emissions for which the residents of Hempnall are responsible (7396 divided by 10,689 expressed as a percentage).

In the South Norfolk context the annual displacement of 7,396 tonnes of CO2 by the three TCI turbines would make a paltry contribution covering only 0.66
percent (7,396 divided by 1,125,978 expressed as a % rounded to 2 decimal places) of the annual total greenhouse gas emissions and 0.78 percent (7,396 divided by 943,834.5 expressed as a % rounded to 2 decimal places) of the annual total carbon dioxide emissions for which the residents of South Norfolk are responsible.

In national terms the 3 turbine scheme would offset 0.0013% of annual greenhouse gas emissions (7,396 divided by 571,600,000 expressed as a % rounded to 4 decimal places) and 0.0015% of annual CO₂ emissions (7,396 divided by 479,100,000 expressed as a % rounded to 4 decimal places).

These numbers represent a pathetic contribution to the battle against climate change and most certainly do not justify the enormous amount of harm the turbines would cause to Hempnall and its surrounding villages. The 3 turbine scheme does not even come close to covering the aggregate carbon footprint of the residents of Hempnall – a medium sized Norfolk village.

15.51 The Planning practice guidance for renewable and low carbon energy refers to the fact that “when a decision is finely balanced” assessing the energy contribution to be made by a proposal is a particularly relevant consideration. This implies that local authorities should not shy away from making a decision based on an assessment of the harm versus benefit balance. The guidance also states that “the need for renewable or low carbon energy does not automatically override environmental protections” Surely this also requires local planning authorities to make a judgement as to whether claimed benefits justify overriding environmental protections. The harm versus benefits balance clearly lies at the heart of decision making in Development Management.

What is very clear to Hempnall Parish Council and to most of its residents is that the claimed (very minor) benefits do not outweigh the considerable harm this development would cause to Hempnall and the surrounding area.

**Noise and Residential Amenity**

15.52 HPC adopted a separation distance policy with respect to wind turbines in order to protect its residents from potential noise problems. For turbines of the height proposed by TCI the policy states that there should be at least 200m between a turbine and the nearest house. HPC does not believe that the recent legal judgement in relation to the challenge to Milton Keynes Council’s proposed turbine separation policy invalidates our separation policy.

15.53 Our policy is a response to the very real concerns of local residents about the potential for turbine generated noise to be very disturbing and was prompted by the experience of Kessingland residents who are complaining of disruptive noise from nearby turbines.
15.54 HPC has taken a cautious approach in adopting a turbine separation policy. If our policy is ignored and the turbine plan is approved and there are subsequent turbine noise problems for local people we will be seen to have done our best to protect our parishioners and to have given a warning about a potentially very disruptive consequence of a turbine development.

15.55 Noise problems were not anticipated at Kessingland - by and large the local population did not oppose the scheme - but with turbines it is not really possible to predict what noise will be created by their operation and it is only once they are up that the truth is revealed. At that point it is often impossible to do anything about it - as the residents of Kessingland are finding out to their cost.

15.56 CPRE has analysed the impact omitting T2 would have on residential amenity and HPC agrees with both their analysis and conclusion which is that the impact on residential amenity is likely to be little changed through the omission of T2.

**Tranquility**

15.57 HPC notes that the turbine site is in an area classified as Most Tranquil on the CPRE Tranquility map of South Norfolk and we recognise that there is no definition that CPRE use with respect to any part of England that allows for an area to be classified as being more tranquil than the Streetwood site.

15.58 Tranquil areas are increasingly threatened by the impact of development. The importance of protecting rural tranquility is acknowledged in the SNC WTLSS where for areas classified as Tributary Farmland it says that where a key landscape characteristic is one where “for the most part the landscape is peaceful, rural and tranquil” there is a High sensitivity to any number of turbines other than a single turbine. **This proposal for 3 turbines should not be approved in this Most Tranquil location.**

**Impacts on settlements**

15.59 HPC agrees with the analysis and conclusions of the CPRE assessment regarding impacts on settlements.

Thirteen of the fifteen settlements that lie within approximately 5km of the turbine site would not experience a change in their distance from the development as a result of omitting T2. Some parts of Hempnall and Fritton, would be slightly further from the nearest turbine as a result of the omission – in most instances under 300m. Given the height of the turbines and their overpowering presence this increase is not significant.

There is no change in the distance of Hempnall Green and Silver Green from the nearest turbine.
15.60 HPC agree with the CPRE conclusion that dropping T2 from the scheme has a relatively small effect on reducing impact on settlements and that this conclusion is consistent with the evidence provided in the Amended ES.

New planning practice guidance for renewable and low carbon energy

15.61 We are encouraged that the guidance states:

- That “the views of the local communities likely to be affected should be listened to” (paragraph 8)
- That “the need for renewable or low carbon energy does not automatically override environmental protections” (paragraph 15)
- That “cumulative impacts require particular attention” (paragraph 15)
- That “local topography is an important factor in assessing whether wind turbines could have a damaging effect on landscape and recognise that the impact can be as great in predominantly flat landscapes as in hilly of mountainous areas” (paragraph 15)
- That “great care should be taken to ensure that heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting” (paragraph 15)
- That “protecting local amenity is an important consideration which should be given proper weight in planning decisions” (paragraph 15)
- That the guidance “can be a material consideration in planning decisions and should generally be followed unless there are clear reasons not to” and that “Planning for Renewable Energy: A Companion Guide Guide to PPS 22 is cancelled” (paragraph 2)
- That “whilst local authorities should design their policies to maximise renewable and low carbon energy development there is no quota which the local plan has to deliver” and that local authorities should encourage renewable developments to take place “in the right places” (paragraph 6)

The guidance does seem to be altering the balance that should be given to various factors in assessing applications for renewable developments and that it is stressing how important it is for a local authority to consider fully the considerations detailed above. They seem to have become weightier issues.

15.61 The document stresses that “planning practice guidance can be a material consideration in planning decisions and should generally be followed unless there are clear reasons not to.”

15.62 Paragraph 8 of the guidance states clearly that in considering locations for renewable energy schemes “local planning authorities will need to ensure they take into account the requirements of the technology and critically, the potential impacts on the local environment, including from cumulative impacts”. The key word here is critically – i.e. an LPA must treat the environmental impact of a renewable energy schemes as a critical factor in its assessments. It is not a secondary consideration to policies aimed at
increasing renewable energy production. The impacts on the environment seem to have been given more weight.

The paragraph concludes with the statement: “The views of local communities likely to be affected should be listened to.” Given the huge level of local opposition to the scheme (see section 2) then this piece of guidance surely must become a critical factor in the determination of this application.

15.63 HPC is encouraged by the High court judgement of Mrs Justice Lang with regard to an application by Sea and Land Power and Energy Ltd. for wind turbines near Hemsby, Norfolk in which she backed both the local councils and conservation groups in rejecting the plans, stating: “As a matter of law it is not correct to assert that the national policy promoting the use of renewable resources ... negates the local landscape policies or must be given ‘primacy’ over them.”

We trust that Justice Lang’s decision will be fully considered by SNC in their determination of this application.

15.64 Paragraph 34 of the guidance is very much “in tune” with SNC DM 4.12. The guidance states: “As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of wind turbines on such assets. 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.”

Given the great concern expressed by expert opinion regarding the impact this scheme would have on heritage assets it is essential that SNC, in assessing the amended application, do take the guidance seriously and especially the requirement (page 9, paragraph 27) that: “Great care should be taken to ensure that heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.”

15.65 HPC is very concerned that not enough attention is being given to the potential impact that the turbines would have on local bat and bird populations and Paragraph 33 of the guidance details risks to birds and bats from the presence of wind turbines. Inspector Lavender, in his appeal decision on the Enertrag application, expressed a large number of concerns about impacts on bats and we have provided detailed comments in section 6 of this submission. SNC need to consider paragraph 33 of the guidance very closely in assessing this application.

15.66 The Secretary of State for Communities and Local Government (The Rt. Hon Eric Pickles MP) in a recent Ministerial Statement makes it very clear that his intention is that local authorities and the Planning Inspectorate take the Planning Policy Guidance for renewable and low carbon energy (DCLG, July 2013) very seriously. Mr Pickles also states that “Planning works best
when communities themselves have the opportunity to influence the decisions that affect their lives” and that “The National Planning Policy Framework includes strong protections for the natural and historic environment. Yet, some local communities have genuine concerns that when it comes to developments such as wind turbines and solar farms insufficient weight is being given to local environmental considerations like landscape, heritage and local amenity. The new guidance makes it clear that the need for renewable energy does not automatically override environmental protections and the views of local communities should be listened to.”

HPC urges SNC to place the concerns of the local community at the forefront of its thinking when officers decide upon their recommendation regarding this application.

15.67 Paragraph 5 of the guidance makes it clear that the National Planning Policy Framework “explains that all communities have a responsibility to help and increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development it is important that the planning concerns of local communities are properly heard in matters that directly affect them.”

The NPPF of course has much more advice in its Chapter12: Conserving and enhancing the historic environment and Chapter 11: Conserving and enhancing the natural environment on the importance of protecting cultural heritage assets and the landscape much of which is relevant to this amended application.

Comments on the Landscape and Visual Impact Assessment Review of the Revised Scheme (October 2013) – prepared for SNC by Michelle Bolger (on behalf of Gillespies)

15.68 HPC is grateful to Mrs Bolger for recommending that photomontages be produced for all viewpoints within 10km of the site. ES and Amended ES photomontages are provided for only 13 of the 22 viewpoints. We agree with CPRE that: “This is a serious omission by TCI and until this deficit of important assessment evidence is corrected this amended application should proceed no further in the planning process.”

The developers must provide these montages and they should be made available to all consultees and the general public who should be given a minimum of 21 days to make comments. This additional consultation period should commence from the date that the required montages are available to be viewed. It is essential that the developers do this in order to ensure (in the words of Mrs Bolger) “that members of the local community have sufficient information in order to be able to make an informed response to the application.”

15.69 HPC is critical of the depth of coverage and analysis in Mrs Bolger’s October LVIA Review of the Amended application. The review occupies just
over one page of A4 and only 2 paragraphs (5 and 6) deal specifically with the amended application. Paragraph 5 says: “A revised scheme has been submitted by TCI Renewables’ to SNDC (September 2013) which has omitted T2 altogether. It is accompanied by revisions to the Environmental Statement (ES) and revised Figures, including revised visualisations. Having reviewed the amended layout, the amendments to the ES and the amended Figures I can confirm that the omission of T2 does remove the most significant adverse impacts on the sensitive aspects of the landscape which were identified in the April Review.”

Mrs Bolger offers no explanation or analysis of the amended layout, the amendments to the ES and the amended Figures to justify the conclusion she arrives at.

15.70 HPC has studied the Amended ES in great detail and has provided in this submission a detailed analysis of how it does not justify claims that omitting T2 reduces impacts on landscape. Like CPRE we can confirm that we are therefore surprised by Mrs Bolger’s comment that having reviewed the Amended ES, as part of the body of evidence provided by the applicant, she feels able to use it to “confirm that the omission of T2 does remove the most significant adverse impacts on the sensitive aspects of the landscape which were identified in the April Review.”

15.71 We also wonder why Mrs Bolger wrote in April that: “Omitting T2 would remove some of the most significant impacts on St Margaret’s Church, Rural River Valleys SLA, Hempnall village and residential properties” while in October she writes: “the omission of T2 does remove the most significant adverse impacts on the sensitive aspects of the landscape which were identified in the April Review.”

Surely some does not mean most. Mrs Bolger should clarify whether she means some or most.

15.72 We share the concerns of CPRE about the breadth of evidence considered in the October LVIA Review and that: “Limiting consideration to material supplied by the applicant and ignoring the wealth of evidence supplied by numerous respondents in respect of this application cannot lead to the formulation of a balanced conclusion. This is notwithstanding the fact that the evidence presented in the Amended ES does not justify claims of a reduction in visual impact through omitting T2.”

CPRE goes on to say that: “Had just some of the evidence supplied by other parties been looked at a very different conclusion would most likely have been reached. For example even the briefest of glances at Hempnall Parish Council’s original photomontages: Figure 06.3 (the view from the Old Market Wey estate); Figure 08.3 (the view from the junction of Fylands Road and The Green; Saxlingham) and Figure 09.3 (the view from a footpath near New Church Farm, Fritton) - which were available on the SNC website for Mrs Bolger to view in the formulation of her October Review - reveals that, if T2 is blanked out (and a professional landscape consultant is able to assess
images in this context), the visual impact on this area of Tas Tributary Farmland remains huge.

It is a great pity that this visual evidence, professionally prepared at a considerable cost to Hempnall Parish Council, was not considered as part of the LVIA review. If these revealing photomontages had been studied, as part of this review, then it is likely that they would have led to a different conclusion than that arrived at through simply following the written comments of Inspector Lavender. What they show (with T2 covered) is an impact so great that it alters the character of this part of the South Norfolk countryside severely."

HPC agrees wholeheartedly with these comments and asks SNC to fully consider the photomontages we have submitted in assessing this application even though Mrs Bolger ignored them in her October Review.

15.73 HPC is convinced that if the evidence provided by both our original and revised photomontages had been available to Inspector Lavender he would not have concluded that this site could accommodate a scheme with 2 or 3 turbines without there being significant harm caused to the local landscape character.

Our photomontage evidence post dates Inspector Lavender’s report and it provides accurate clear visual evidence of a major impact on landscape should 3 turbines be introduced into this area of Tas Tributary Farmland. SNC can avail itself of this important new evidence and should use it to inform judgements of how 3 turbines actually would impact on this site.

15.74 Furthermore we agree with CPRE that if Mrs Bolger had studied our photomontage 07.3 (from a viewpoint close to the Fritton crossroads) we are sure that a conclusion of a much reduced impact on Hempnall village or St Margaret’s Church as a result of dropping T2 would most likely not have been reached.

15.75 As part of Mrs Bolger’s failure to review a broad enough range of evidence in the formulation of her October Review she not only appears to ignore the relevance of our photomontages but also fails to take account of a wide range of other objection responses that have been submitted with respect to this application including the report of Steve Beckett (on behalf of SNC) and the expert report provided by Grover Lewis (on behalf of SHOWT).

We appreciate that Mr Beckett and Grover Lewis concentrate on heritage assets and that Mrs Bolger’s comments are related to a review of impacts on landscape but in reality the distinction is not that clear.

15.76 The narrowness of Mrs Bolger’s focus is fully revealed in paragraph 6 of the October Review in which she states: "Whilst there would remain some adverse impacts on the local landscape, they are considerably reduced. In line with the conclusions of the WTLS and Inspector Lavender who decided an appeal on this site in 2009 (APP/L2630/A/08/2084443) it is concluded that
the current three turbine scheme could be accommodated on this site without significant harm to the local landscape character.”

In saying this she appears to be basing her conclusions on a guidance document (the WTLSS) and a report (Inspector Lavender’s) that has now in many respects become outdated – especially in relation to policy changes and heritage asset guidance.

This approach is far too limited. It ignores the wealth of evidence supplied by so many respondents to this application and it fails to take account of important changes introduced in the NPPF and the July 2013 Planning practice guidance. It also fails to consider the relevance of Justice Lang’s Hemsby decision, the Judicial Case at Barnwell Manor, East Northants and emerging policy from South Norfolk in its Development Management policies guidance. Much has changed since the WTLSS was published and since Inspector Lavender made his decision. Not that the WTLSS gives the green light for 3 turbines on this site – see our comments under Section 10 (Tranquillity).

15.77 The disregard of emerging SNC Development Management Policies in the October LVIA Review is worrying. Many are relevant to this application and given that there is great significance attached to impacts on St Margaret’s Church then DM 4.12 (Designated Heritage Assets) is especially pertinent.

Public Rights of Way

15.78 The HPC Visual Intrusion map shows just how many PROW, permissive paths and roads used by walkers, cyclists, joggers and horse riders will be affected by a view of the turbines.

There are 351 km (218 miles) of public road/track/bridleway/footpath in the survey area. Along 126 km (78 miles - 36 %) of these public routes there will be a clear view of some or all of the turbines. Along 164 km (102 miles - 47%) there will be an intermittent but fairly regular view Only 61 km (38 miles - 17%) will have no view at all. Therefore 290 km (180 miles - 83%) of all the public access routes in our survey area will suffer visual intrusion by the turbines, which of course will be visible over a far greater area than that of our survey.

A nationally renowned footpath, Boudica Way, crosses the survey area for 27 km (16.5 miles). Along 8 km (5 miles - 30%) of this route there will be a clear view of some or all of the turbines. Along 14 km (8.5 miles – 52%) there will be an intermittent but fairly regular view. Only 5 km (3 miles – 18%) will have no view at all.

15.79 The area is popular with walkers, joggers, riders and cyclists and many of the users of the public rights of way are local people. It is quite clear from the letters of objection and the Hempnall parish poll results that the majority of local people do not consider a view of the turbines to be a bonus and would not
welcome the chance to experience the wind turbines at close quarters – or even from a distance – when using the PROW and road network in the area.

We are also convinced that the majority of visitors to the area who use these routes would not appreciate the fact that the attractive, rural and tranquil landscape they seek in their excursions in to the countryside will be defaced by the presence of massive industrial power generators should this scheme be approved.

15.80 The amount of coverage given to impacts on PROW in the ES is pathetically small and represents a failure to acknowledge just how much visual interference and annoyance these turbines would cause to the increasing number of people who use PROW and roads for recreation.

Footnotes

15.81 In our submissions regarding the original TCI application we gave a full analysis of relevant planning policies including emerging SNC Development Management Policies. For completeness this analysis is attached in Appendix D

15.82 HPC is aware that, in a letter dated the 27th September 2013, the MoD states its objection to the 3 turbine scheme having previously objected to the 4 turbine scheme.

15.83 The proposals also include infrastructure, access roads and a control building, which would impact significantly on the landscape of this tranquil and rural area and this infrastructure damage is not reduced through the omission of T2.

Epilogue

Our photomontages clearly show that 3 x 126.5m turbines cannot be accommodated on this site in Tas Tributary Farmland without causing significant harm to the local landscape character. The comment by Inspector Lavender that the site could accommodate 2 or 3 turbines was based on an interpretation of the written word in policy guidelines (namely the WTLSS). He did not have the benefit of having access to professionally prepared photomontages that show exactly what a 3 turbine scheme looks like on this site. We ask SNC to be guided by new real visual evidence and not to slavishly follow comments made in what is now, in many respects, an out of date Inquiry report. Our photomontages vividly reveal the real huge visual impact these 3 turbines would produce.

We do not believe that omitting T2 has reduced adverse impacts significantly, if at all, and in some respects it has increased the visual impact of the application by creating a proposal that would appear as two separate schemes in the landscape.

TCI and the local landowners involved in the scheme continue to pursue this application against the wishes of most people who live in the Hempnall area.
They seem determined to ride roughshod over local opinion in order to achieve their aims. They are opposed by the local MP, the local county councillors, the local district councillor and nearly all of the parish councils in the area as well as the vast majority of local residents.

TCI are dismissive of the views of local people who actually understand much better than many professional landscape architects the “genius loci” (i.e. the spirit of the place). It is we who have a detailed and intimate knowledge of this countryside and we are perfectly able to look at a photomontage and assess the impact of turbines. Most local people will not possess the vocabulary of the planning professional but in no way does this invalidate their responses. Much of the planning terminology with respect to visual impact assessment conceals as much as it reveals. It represents an attempt to objectify a process that is essentially subjective.

Unlike TCI, whose main motivation in this is surely the pursuit of profit, the parish council is a group of elected volunteers who receive nothing for their work. Our motivation in rejecting this planning application stems from a desire to represent the clear majority view of our residents.

TCI support their case with an ES that is rarely critical of any aspect of the application. The phrase “no significant effects” (or similar) cropping up everywhere. Is the ES a bastion of truth or is it a succession of reports whose conclusions are distorted because they have been paid for by the developer? We know that an ES is meant to be objective but is it really, and can a developer funded ES ever truly be objective?

The passing of the Localism Act means that local planning authorities no longer have to adopt targets for wind farms set at regional level and the Department of Energy and Climate Change RESTATS Report for April 2013 shows that the UK now has a total of 13.25GW of operational, under construction and consented onshore wind capacity which exceeds the upper end (13GW) of the projected 2020 central range for onshore wind capacity in the government’s 2012 Energy Roadmap Update. Therefore there is no target driven pressure on SNC requiring them to approve this application.

This development would radically alter the landscape of Hempnall and the surrounding area in a way that is unacceptable to the vast majority of local residents. It would impact negatively on a considerable number of heritage assets. It introduces the possibility of exposure to unacceptable noise levels for the people living in a number of properties that are close to the turbines. It would destroy the tranquility of one the most peaceful parts of South Norfolk. It threatens important wildlife habitats and bird and bat populations. It contravenes a number of planning policies at national and local level.

HPC therefore concludes that the harm these proposals would produce outweighs enormously the claimed benefits which we have demonstrated are very minor indeed.
John Fuller the Leader of SNC and Sandra Dinneen the Council's Chief Executive write in the foreword to the Council's Corporate Plan for 2011-14 that South Norfolk Council aims to protect and enhance the "special qualities of South Norfolk that make it one of the best places to live and work in the country."

If this application was approved it would not only be a travesty of local democracy it would also lead to a decimation of the existing character of Hempnall and of a large part of the surrounding area, completely undermining South Norfolk Council's commitment to protect and enhance the special qualities of South Norfolk. For the residents of Hempnall and the neighbouring villages this would no longer be one of the best places to live in the country.

It has taken an enormous amount of work for HPC to produce this document. We hope that it will be given thorough consideration.

HPC would like to thank the officers and staff at SNC for the guidance that has been offered on procedural matters with regard to planning issues and with respect to the organisation of the parish polls – all very much appreciated.

We urge SNC officers to recommend refusal of this application and in so doing respect the democratic wishes and concerns of our parishioners.

4.11.2013
This attractive, ancient green lane leads from Nobbs Lane to Fylands Road. Turbine 4 is about 350 metres from this tranquil and beautiful permissive bridleway.
Hempnall Parish Council

Application 2013/0105 as amended

Part three
APPENDIX A

From HPC June response to the TCI further response to our representations of May 2013

Section 8.) Carbon Emissions

8.1 TCI queries the relevance of our references to the aggregated annual carbon footprint of the residents of Hempnall and wonder where it comes from and what it includes.

8.2 The term carbon footprint can be used to describe the total carbon emissions for which an individual, country or organisation is responsible.

8.3 According to the Science Museum website the average carbon footprint of a typical UK resident is between 10 and 12 tonnes. Taking the lower of these 2 figures and multiplying it by the number of people in Hempnall, 1,310 in 2001 (census figure), produces an aggregated annual carbon footprint for the residents of Hempnall of 13,100 tonnes. This is why we quoted “around 13,000 tonnes” in our submission.

8.4 Since presenting our submission we have examined the concept of the carbon footprint more closely and offer the following analysis which enables the significance of TCI’s claims of an annual CO₂ displacement from four 2.5MW turbines of some 9,860 tonnes to be viewed not only in a local but also in a national context.

Our Analysis

8.4.1 Carbon footprints sometimes take into account carbon-based gases (carbon dioxide and methane), but they can also include other greenhouse gases such as nitrous oxides and CFCs. Where greenhouse gases other than CO₂ are included the figures are expressed as CO₂ equivalent.

8.4.2 Department of Energy and Climate Change provisional estimates (published on the 28th of March 2013) show that in 2012 UK total greenhouse gas emissions (including all 6 greenhouse gases) totalled 571.6 million tonnes (CO₂ equivalent). Carbon dioxide is the major component (83.8% approximately) in this total and UK carbon dioxide emissions in 2012 totalled 479.1 million tonnes. If these figures are presented per capita (per person) – which is how carbon footprints are often expressed – the numbers work out as follows:

- 9.044 tonnes per capita CO₂ equivalent for all greenhouse gases
- 7.581 tonnes of carbon dioxide per capita if only CO₂ emissions are taken in to account
Notes

A) Per capita numbers are rounded to 3 decimal places

B) The ONS (Office for National Statistics) estimates the population of the United Kingdom (UK) to be 63.2 million (based on 2011 census figures).

8.4.3 Given that all of us as a nation are responsible for producing these greenhouse gases - they are the result of all the things we do and all the things that are done for us (by business, industry, energy production etc) - it is valid to analyse the emissions figures on a per capita basis. Each of us is responsible, directly (through our own actions) or indirectly (through the actions of others producing things for us) for a share of the nation's total greenhouse gas emissions - including CO₂.

8.4.4 Many organisations, including The US Department of Energy's Carbon Dioxide Information Analysis Center (CDIAC), produce statistics of carbon dioxide emissions (CO₂), on a per capita basis.

8.4.5 Applying the Department of Energy and Climate Change 2012 figures to Hempnall the aggregated annual greenhouse gas emissions for which the residents of Hempnall were responsible in 2012 is 12,752 tonnes CO₂ equivalent (i.e. the per capita figure of 9.044 CO₂ equivalent multiplied by the total updated population total for the village of 1410* - see NB). The aggregated annual carbon dioxide emissions total is 10,689 tonnes (7.581 per capita figure x 1410*).

NB * Because the 2011 census figures of parish populations have not yet been released we have estimated the current population of Hempnall at 1410 (2001 census figure of 1310 plus 7.6% increase). This 7.6% increase in population is the figure for Norfolk as a whole (2001 to 2011) – source Norfolk Insight (analysis of census figures). It is reasonable to assume that the population of Hempnall will have grown in line with the Norfolk average.

8.4.6 Looking at the TCI claim (let us accept for the purposes of this analysis that it is accurate) that the 4 Hempnall turbines would displace the emission of some 9,860 tonnes of the greenhouse gas carbon dioxide in to the atmosphere annually and analysing this contribution in the context of the local and national figures for greenhouse gas emissions (in total) and carbon dioxide emissions (as part of that total) leads to the these conclusions:

- The turbines would not even displace enough carbon dioxide to cover, either the aggregated annual greenhouse gas emissions for which the residents of Hempnall are responsible, or their aggregated annual carbon dioxide emissions. They would only cover 77% of the aggregated annual greenhouse gas emissions (9,860 divided by 12,752 expressed as a percentage) and 92% of the aggregated annual carbon dioxide emissions (9,860 divided by 10,689 expressed as a percentage). This confirms what we said in our submission i.e. that this scheme would not even do enough good to offset the greenhouse gas emissions for which the residents of a medium
sized Norfolk village are responsible – it would not even offset the CO₂ emissions for which Hempnall residents are responsible.

- In the South Norfolk context when applying the Department of Energy and Climate Change statistics its residents (124,500 in total in 2011 – according to Norfolk Insight) are responsible for an annual total of greenhouse gas emissions of 1,125,978 tonnes CO₂ equivalent (9.044 x 124,500) and of this total 943,834.5 tonnes is carbon dioxide (7.581 x 124;500). The annual displacement of 9,860 tonnes of CO₂ by the TCI turbines would make a paltry contribution covering only 0.88 percent (9860 divided by 1,125,978 expressed as a % rounded to 2 decimal places) of the annual total greenhouse gas emissions and 1.04 percent (9860 divided by 943,834.5 expressed as a % rounded to 2 decimal places) of the annual total carbon dioxide emissions for which the residents of South Norfolk are responsible.

- In national terms the scheme would offset 0.0017% of annual greenhouse gas emissions (9860 divided by 571,600,000 expressed as a % rounded to 4 decimal places) and 0.0021% of annual CO₂ emissions (9860 divided by 479,100,000 expressed as a % rounded to 4 decimal places).

8.4.7 Hempnall Parish Council therefore concludes that whether this scheme is judged by its potential to reduce greenhouse gas emissions locally or nationally, its contribution would be very minor indeed.

8.5 On page 7 of TCI’s Further Response, in the second paragraph under Carbon dioxide reductions, they state that they “are particularly concerned that a public body should state as part of its consultation response that the project’s benefits are limited to a very minor reduction (if any) in carbon dioxide emissions” and that “This is a very misleading and inaccurate statement.”

HPC considers it misleading for TCI to quote statistics about the number of homes the scheme could supply electricity to. These figures are always hotly disputed and household electricity generation is only a part of the picture.

The benefits of the scheme should be judged by reference to its potential to reduce greenhouse gas emissions (including CO₂ emissions) and in this context HPC considers that it is fully justified to state that the project’s benefits are “very minor” and we have supplied the statistics to justify our conclusion.

8.6 Our reference to whether the scheme might not contribute anything at all to reducing CO₂ emissions is based on research by people like the Dutch Physicist C. le Pair who conclude that wind power, which because of its intermittency, needs to be backed up by conventional energy sources, e.g. gas, can emit more CO₂ than the most efficient gas turbines running alone. Incidentally, in this context, one of the main reasons why the UK has been able to cut its CO₂ emissions by 19% since 1990 (although they rose between
2011 and 2012) is because we have moved away from coal powered
generation in favour of gas.

8.7 TCI comment that a number of reports contradict the findings of the
Civitas report we submitted. Of course there are conflicting opinions about the
effectiveness of wind as an energy source but it seems to us that the trend is
very much in favour of those who criticise the usefulness of wind turbines.

8.8 A "brand new" report by Mark Powell for AT Kearney argues that Britain
can hit its targets for reducing carbon emissions and spend £40 billion less
than envisaged (under the present pro turbine / pro nuclear approach) if it
embarks on a new "dash for gas." The report also says that pressing ahead
with current plans for investing in renewables and nuclear energy risks
burdening the struggling British economy with unnecessarily high energy bills.
Mr. Powell writes, "we have headed down the road to green transition
without fully thinking through the consequences and without
considering how best to achieve the transition at the lowest cost
possible." He adds, "we need to have the courage to stop the policy
juggernaut" (i.e. current policy).

8.9 It is all very well for supporters of small onshore wind schemes to claim
that they are "part of the mix" of energy generation sources as if just being
there means they make a useful contribution – they do not. It is akin to Roy
Hodgson selecting a two year old boy to play centre forward for England – he
would be part of the mix (i.e. the team) but his contribution to the side would
not, and could not, be significant.

8.10 Onshore wind projects like the proposed TCI scheme rely heavily on
large consumer derived subsidies. This money would be far better spent on
researching and developing renewable energy sources that really do work
and that do not suffer the the intermittency of wind power.
APPENDIX B NE South Holland (Pinchbeck) – Attached to electronic submission as pdf file
APPENDIX C

4.) CPRE Viewpoint Analysis

4.1 For the avoidance of doubt in our analysis of viewpoints we are employing the definitions offered by Michelle Bolger in the Glossary attached to her Landscape and Visual Impact Assessment Review as prepared for SNC in respect of this application.

Magnitude is described as “A combination of the scale, extent and duration of an effect also defined as degree of change.”

Landscape effects are “Changes in the elements, characteristics, character and qualities of the landscape as result of development.”

Visual effects are “Changes in views and visual amenity of visual receptors resulting from development.”

Visual Sensitivity is “The intrinsic sensitivity of visual receptors, such as residents, to visual change.”

4.2 The CPRE viewpoint analysis is based on assessments of visualisations of the 3 turbine scheme supplied by TCI (with their amended application), together with assessments made from observations of blimp flights and through assessment of Hempnall Parish Council’s revised photomontages.

4.3 With regard to the TCI viewpoints we analyse the viewpoints for which they have provided photomontages plus viewpoints 6, 8 and 9 for which there are no photomontages provided but which are places that have a clear view towards the turbine site.

TCI Viewpoint 1 - CPRE considers that glimpses of rotating blades from this location will cause effects that would be greater than those described in the original ES (13.6.56). This viewpoint was not reassessed in the Amended ES

TCI Viewpoint 2 - We agree with TCI that the effects would be of a large magnitude but disagree with their conclusion of moderate significance. The Landscape effects at this viewpoint would be undeniably substantial – every element in the existing view (trees, hedges, woods) would suffer domination by the turbines. The character and quality of the landscape would suffer substantially. The current view is enjoyed by a large number of walkers, cyclists and joggers (high sensitivity receptors) who use Broaden Lane and the several PROW that cross this landscape between Broaden Lane and the turbine site – the visual effect on these visual receptors would be substantial.

The two scheme effect, resulting from the removal of T2 is very apparent from this viewpoint.
TCI Viewpoint 4 - We agree with TCI that the effects would be of a large magnitude and of substantial significance (in the view of CPRE both in terms of the Landscape effects and the visual effects).

Again the two scheme effect, resulting from the removal of T2 is very evident from this viewpoint.

Clearly the view outwards from the church yard to the turbine site would be enormously changed (agreed by both TCI and CPRE) and it is fairly obvious from the photomontage from viewpoint 3 that views inward towards the church and churchyard from points to the east of the turbine site would also be severely affected by the presence of the turbines. It is hard to reconcile this fact with the conclusion in 12.6.10 of the amended ES that “overall the magnitude of change to the setting of this high sensitivity asset (the church) is small and the effect is not considered to be significant. Steve Beckett (for SNC), English Heritage and Grover Lewis (for SHOWT) – amongst others – clearly do not share this view.

TCI Viewpoint 5 - We disagree with TCI that the effects would be of a large – medium magnitude and consider the degree of change here to be large. We also disagree with their conclusion of only moderate significance. The Landscape effects at this viewpoint are substantial.

Hempnall Parish Council write “this unclassified road (The Street Fritton) is used by a large number of walkers, cyclists, joggers and horse riders, not just people in cars.” These high sensitivity receptors would experience a substantial visual effect. It is extremely misleading of TCI to describe the users of this road as being only of medium sensitivity – that of course assumes that they only motorists – a statement that is far from the truth.

CPRE agrees with Hempnall Parish Council’s comment that the view towards Hempnall from points along The Street, Fritton is “one of the classic views of Hempnall as a village whose setting is very much that of a valley settlement blending harmoniously with the features of the surrounding countryside” and that the turbines “would completely destroy this harmonious relationship between the built environment and the countryside. They would appear as towering structures dominating the view.”

What is not clear from the gloomy (almost smudgy) TCI montage from The Street, Fritton is the presence of the houses and church in Hempnall. These are much clearer on the Hempnall Parish Council photomontage (Fig: 07.3A) from a viewpoint position just to the north of TCI Viewpoint 5. The HPC montage shows clearly how the turbines dominate houses in Hempnall (including along the conservation area of The Street, Hempnall – look how T1 is looming large here). The impact the turbines would have on St Margaret’s Church tower is also very clearly exhibited on the HPC montage.

The two scheme effect, resulting from the removal of T2, is again very apparent from both the TCI and HPC montages from viewpoints on The Street, Fritton.
TCI Viewpoint 6 - TCI has not supplied a photomontage from this viewpoint but CPRE members, who have observed blimp flights (where the blimp has been flown on 3 separate occasions from points close to the sites of turbines 1, 3 and 4) from this location, a location from which there is a clear view of the turbine site, have reported that the degree (magnitude) of change that would result from the development would be large (greater than the large-medium magnitude described by TCI in their Amended ES (13.6.72).

We also consider the significance of both landscape and visual effects to be substantial. The turbines would become the key feature in the view dominating local woods, trees and hedges. This is a very rural landscape in which the turbines would appear as incongruous large artificial, industrial structures – changing the character of the countryside substantially.

Many walkers, cyclists, horse riders and joggers (high sensitivity receptors) enjoy using the minor roads and several footpaths close to this viewpoint - the visual effect on these visual receptors would be substantial.

The two scheme effect, resulting from the removal of T2 is also apparent from this viewpoint – as is evident from the wire frame view.

TCI Viewpoint 7 - We disagree with TCI that the effects would be of a large – medium magnitude and consider the degree of change here to be large. We also disagree with their conclusion of only moderate significance. The Landscape effects at this viewpoint are substantial. The turbines overhang the existing tree coverage and introduce large scale artificial industrial objects into what is essentially an unspoilt, attractive rural view (with the exception of the Give Way sign so prominent in the foreground).

The current view is enjoyed by a large number of walkers, cyclists and joggers (high sensitivity receptors) who use Oxnead Lane and the delightful PROW Green Lane known as Nobbs Loke which continues northwards from the point where Oxnead Lane joins the B 1527 - the visual effect on these visual receptors would be substantial.

The two scheme effect, resulting from the removal of T2 is also apparent from this viewpoint.

TCI Viewpoint 8 - TCI has not supplied a photomontage from this viewpoint nor have they reassessed it in the Amended ES. Therefore it is accepted in the ES that the removal of T2 is not going to lessen the impact of the development when viewed from this point.

CPRE, has observed blimp flights (where the blimp has been flown on 3 separate occasions from points close to the sites of turbines 1, 3 and 4) from this location, a location from which there is a clear view towards the turbine site, and we are sure that the degree (magnitude) of change that would result
from the development would be at least of a large-medium magnitude – a
degree of change that TCI admit to in their original ES (13.6.78).

Landscape effects and visual effects here would be substantial – greater than
the moderate significance attributed by TCI in their original ES (13.6.78). This
is an elevated viewpoint and the turbines would appear above the trees on the
skyline – on this we agree with TCI. However we disagree with the TCI view
that they would be relatively small elements in the horizon. Again we find it
hard to reconcile this TCI conclusion with their assessment of a degree of
change of large to medium magnitude. This viewpoint is about 2 miles from
the Streetwood site and bearing in mind how large the Eye turbines appear in
the landscape at distances up to 7 miles from their site we think the impact of
the development proposed by TCI on the character of the landscape at this
viewpoint would be substantial.

Many walkers, cyclists, and joggers (high sensitivity receptors) enjoy using
the minor roads and several footpaths close to this viewpoint - the visual
effect on these visual receptors would be substantial. One footpath in
particular trends southwards from near to this point towards the turbine site
and users of this PROW would experience a particularly vivid view of the
turbines.

The two scheme effect is also evident from this viewpoint (as shown on the
wire frame)

TCI Viewpoint 9 - TCI has not supplied a photomontage from this viewpoint
but they have reassessed it in the Amended ES. From this viewpoint there is
a large open view towards the turbine site and CPRE, has observed blimp
flights (where the blimp has been flown on 3 separate occasions from points
close to the sites of turbines 1, 3 and 4) from this location and we are sure
that the degree (magnitude) of change that would result from the development
would be of a large magnitude – greater than the TCI assessment of large-
medium.

Landscape effects and visual effects here would be substantial - greater than
the moderate significance attributed by TCI. Every element in the existing
view (trees, hedges, woods) would suffer domination by the turbines. The
character and quality of the landscape would suffer substantially.

Walkers, cyclists, horse riders and joggers (high sensitivity receptors) enjoy
using the minor roads and footpaths close to this viewpoint - the visual effect
on these visual receptors would be substantial. Again it is extremely
misleading of TCI to describe the users of these roads as being only of
medium sensitivity.

TCI Viewpoint 10 - We agree with TCI that the effects would be of a large
magnitude and of substantial significance (in the view of CPRE both in terms
of the Landscape effects and the visual effects).
The Landscape effects at this viewpoint are undeniably substantial – every element in the existing view (trees, hedges, woods) would suffer domination by the turbines. The character and quality of the landscape would suffer substantially. The current view is enjoyed by a large number of walkers, cyclists and joggers (high sensitivity receptors) who use not only Alburgh Road but also the PROW which runs from the B1527 (from a point close to this viewpoint) towards the turbine site and Back Lane (a footpath linking Alburgh Road to Hempnall Playing Field) - the visual effect on these visual receptors would be substantial.

Again the two scheme effect, resulting from the removal of T2 is very evident from this viewpoint.

TCI Viewpoint 11 - We disagree with TCI that the effects would be of a large - medium magnitude and consider the degree of change here to be large. We also disagree with their conclusion of only moderate significance. The Landscape effects at this viewpoint are substantial. The turbines introduce large scale man made features into a delightfully open, unspoilt rural view. They become the key feature in the scene altering the character of the landscape enormously.

Several PROW cross this lovely undulating part of the South Norfolk landscape many of which trend in a south westwards direction towards the turbine site - including Boudicca Way (a very heavily used and much loved long distance path). Users of these PROW would very much experience a view of the turbines that is similar to that illustrated from viewpoint 11 and therefore a large number of walkers, horse riders, cyclists and joggers (high sensitivity receptors) would experience a substantial visual effect.

TCI Viewpoint 12 – TCI comment that “at present the trees are the largest feature within this view and the turbines would dominate them in terms of scale” They do not comment on the magnitude of effects. CPRE considers that the degree of change the development would cause at this viewpoint to be of a large magnitude. We also consider the significance of effects would be substantial.

In terms of landscape effects TCI admit that the turbines would dominate the trees here. This is a very attractive and tranquil part of South Norfolk and the introduction of such large scale artificial industrial structures in to this scene would adversely transform one of the nicest parts of the district in an extremely serious manner. This potential impact is of great concern to CPRE. Such lovely tranquil places are becoming increasingly rare. They should be treasured and not have their character threatened by wind turbine developments.

Both Wash Lane and Fylands Road (the viewpoint is almost adjacent to the junction between these 2 roads) are well used by walkers, horse riders, cyclists and joggers – these high sensitivity receptors would experience a substantial visual effect. Once again it is extremely misleading of TCI to describe the users of these roads as being only of medium sensitivity – that of
course assumes that they only motorists – a statement that is far from the truth.

**If only one reason was needed to refuse this application then its impact on this place and the lovely rural countryside that surrounds it (which would be similar to that displayed in the photomontage from this viewpoint) is in the opinion of CPRE a sufficient reason – and of course there are many others.**

**TCI Viewpoint 13** – CPRE disagree with TCI that the effects would be of medium magnitude and only of moderate significance. In 2.14 we refer to the fact that we now have “real life” local turbines that can provide us with a truer picture of turbine impact over the wider area. The view of the Eye Turbines from The A140 close to the Old Ram, Tivetshall shows the dominant impact huge turbines can have on landscape over a considerable distance. Woodton Village Hall is only about 2 miles from the Streetwood site. The degree of change will be greater than that exhibited on the TCI murky montage from viewpoint 13 because each of the 3 turbines is clearly visible and we know what impact the Eye turbines have over a distance much greater than 2 miles. CPRE considers the magnitude of effect to be at least large-medium and because of the 2 scheme appearance we think this viewpoint reveals landscape and visual effects of greater than moderate significance.

**TCI Viewpoint 16** – TCI offer no reassessment of this viewpoint in the Amended ES therefore the impact of the turbines on this view is presumably unaffected by the removal of T2.

Using the Eye turbines’ “visibility over a distance example” (this viewpoint is just over 3 miles from the turbine site) we think the impact of the development on the character of the landscape would be greater than the effects of negligible magnitude / not significant attributed by TCI in their original ES (13.6.101).

**TCI Viewpoint 20** – TCI offer no reassessment of this viewpoint in the Amended ES therefore the impact of the turbines on this view is as described in the original ES and is unaffected by the removal of T2. This raises the question of how can Mr Anders claim that the omission of T2 has materially reduced impact on the setting of heritage assets such as the Hempnall Conservation Area – of which this section of The Street is a key part – because this conclusion is not justified by arguments put forward in the Amended ES? Impacts on Hempnall are described in paragraph 13.6.122 of the Amended ES. With respect to this section of The Street the descriptions in both the Former Text and the New Text are identical. No reassessment is offered to justify a reduction in impact as a result of omitting T2 from the proposals.
CPRE agrees fully with the TCI assessment of this viewpoint i.e. that the impact remains as described in the original ES which is of a large magnitude and substantial significance. Therefore the removal of a turbine has not lessened the destructive effect the turbines would have on this part of the Hempnall Conservation area.

**TCI Viewpoints 21 and 22** - TCI appear to have used viewpoints on Saxlingham Green and Fritton Common from which only glimpses of turbine blades would be visible. CPRE believes that the 2 montages from these viewpoints are not representative of the impact the turbines would have on these two lovely conservation areas.

CPRE observations of blimp flights from various points along Saxlingham Green have shown clear visibility of the balloon when flown from sites close to the locations of turbines 1 and 4. We consider at these points the development would present a degree of change of at least a large-medium magnitude resulting in substantial landscape and visual effects at such sensitive locations.

We have also observed blimp flights from various points on Fritton Common and have clearly seen the balloon (when flown from sites close to the locations of turbines 1, 3 and 4) at a number of places both on the common and from roads that cross the common. We consider the development would present a degree of change of at least a medium magnitude with moderate landscape and visual effects in such sensitive locations.
APPENDIX D
Planning Policies

HPC considers that this planning application conflicts with planning policies at national, local and parish level and should therefore be refused. In particular it contradicts the conclusions of the South Norfolk Council Wind Turbine Sensitivity Study in relation to its recommendations with respect to small groups of turbines in areas of Tributary Farmland that are of a peaceful, rural and tranquil nature.

A) National Policies


Some of the key requirements of the NPPF for local planning authorities to consider in relation to landscape protection policies are:

I. that the Government recognizes that the intrinsic character and beauty of the countryside should be protected for its own sake;

II. that local planning authorities should set criteria based landscape protection policies;

III. that local planning authorities should base landscape policies or adequate, up to date and relevant evidence.

In relation to I. HPC considers that the attractive, rural and tranquil character of the countryside surrounding Hempnall should be protected from the impact of 3 massive industrial structures.

In relation to II. and III. HPC considers that SNC have produced in the Wind turbine landscape Sensitivity Study a criteria based landscape protection policy that is based on up to date and relevant evidence and that if this policy is applied to this application then the application should be refused (see below).

English Heritage has pointed out “That the application fails to satisfy paragraphs 128, 132, 134 and 137 of the NPPF and recommend permission is refused.”

The importance of tranquillity is recognised in the NPPF Para. 123 “Planning policies and decisions should aim to identify and protect areas of tranquility which have remained relatively undisturbed by noise.”

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B) South Norfolk Policies

Wind Turbine Landscape Sensitivity Study

The key policy guidelines at district level on the issue of wind turbines are contained in the South Norfolk Wind Turbine Sensitivity Study. The turbine site is located in a landscape type defined as Tributary Farmland and on page 24 of the Sensitivity Study under the heading Remoteness and Tranquillity a landscape within an area that is Tributary Farmland that has a key characteristic of being “for the most part peaceful rural and tranquil” is regarded as having a High Sensitivity to a small group of 2 to 6 turbines. It is also noted that “it is likely that this scale of development could have an impact on the tranquillity of the wider landscape.”

SNC define High Sensitivity in their Guidance Note on Assessing the Landscape and Visual Impact of Large Wind Turbine Developments (June 2009). Under 4.3 it states that “the judgments on sensitivity in the Wind Turbine Landscape Sensitivity Study are made on a 3-point scale” and a High Sensitivity means that “key characteristics of the landscape are fragile and would be adversely affected by turbine development. Wind turbine development would be most likely to result in a significant change in character.

The tranquillity maps produced by CPRE are well respected for their accuracy and the turbine site shows as an area of dark green on the CPRE map for South Norfolk. This means it is defined as “Most Tranquil” – a copy of this map is included with this submission.

Because tranquillity is a key characteristic of the proposed turbine site the application clearly should be refused by reference to the Wind Turbine Landscape Sensitivity Study which classifies tranquil places located in areas of Tributary Farmland as having a High Sensitivity to turbine groupings of this size.

Local Landscape Designations

The local Landscape designations were re-validated in September 2012 in a review conducted by Chris Blandford Associates for SNC.

Tas Tributary Farmland

The turbine site, as already stated, is in an area classified as Tas Tributary Farmland which has as one of its Key Characteristics an “Open, gently undulating to flat and sloping landscape incised by shallow tributary valleys, the tributary streams of which are not prominent landscape features.” This is actually an accurate description of the turbine site which gently slopes downwards to the shallow valley of a stream that is a tributary of the River Tas.

The Blandford Report lists (under section 5.6.1) as a particular sensitivity and vulnerability of such a landscape the fact that “Gently sloping topography and open landscape” make this area “sensitive to intrusion by tall and large elements including
farm buildings and pylons.” It goes on to state (5.6.2) that “any development permitted should respect the character and features of the Tas Tributary Farmland and its landscape assets including”:

“Respect the existing small scale and dispersed historic settlement pattern and avoid developments that would affect the vernacular qualities of existing settlements (e.g. urbanising influences upon the rural lanes) or would lead to impacts upon the character of settlement distribution.”

And “Consider the impact of any development upon the skyline and sense of openness of the character area.”

Clearly the introduction of wind turbines into such a landscape is not at all appropriate. 126.5m high turbines are much taller features than pylons and together with their associated tracks, control building etc. they would be an urbanising influence upon a rural lane (Busseys Loke). Their impact upon the skyline and sense of openness of the character area would be devastating.

**Rural River Valleys**

2 areas of countryside that are classified as Rural River Valleys are located close to the proposed turbine site i.e. the river valley that trends westwards from Hempnall to Tasburgh and the stream valley that trends north westwards from Market Lane Farm (GR 259973) towards Shotesham village. Under SNC policy ENV 3 these areas will be protected and enhanced.

In the Wind Turbine Landscape Sensitivity Study Rural River Valleys are classed as having a high sensitivity to any form of wind turbine development and it is noted that these are "intimate and enclosed landscapes within which wind turbines would be incongruous and dominate the overall small-scale character of the valleys."

It is important to view Figure 13.8.42 in this context. This view point is on the valley side of the Rural River Valley that is close to Shotesham. The photomontage clearly shows the very considerable impact the proposed turbines would have on a landscape that is defined as having a High Sensitivity to a development of this kind.

The HPC visual intrusion map and the ZTV map Figure 13.6 (which allows for the effect of woodlands and settlements on visibility) reveal that both areas of Rural River Valley referred to above will suffer considerable visual intrusion from the proposed turbines. This is unacceptable given their vulnerability and sensitivity to such a development.

We have shown through our analysis of HPC photomontage Figure 07.3A that a significant part of Hempnall that is classified as Rural River Valley would suffer severely from the presence of towering turbines in the scene.
Other SNC saved policies that apply to this application

ENV 5 Historic Parklands

ENV5 seeks to protect the landscape quality of historic parklands. The HPC visual intrusion map and the ZTV map Figure 13.6 show that the setting of the historic parklands at Shotsham Park, Morningthorpe Manor and along the Tas tributary valley west of Hempnall, could experience a negative impact from the turbines.

ENV 8 Development in the open countryside

This policy has a presumption against development outside the development limits and village boundaries of existing settlements. It states that such development should only be permitted if it respects the intrinsic beauty of the countryside and is sensitively integrated into its rural surroundings in terms of siting, scale and design. TCI’s proposals clearly conflict with these policy aims.

ENV 14. Habitat protection and ENV 15. Species protection

Both Tim Reid and Chris Vine have highlighted inadequacies in the ES with regard to the underestimation of the likely threats to local bat and bird populations and their habitats from this proposed development. Policies ENV 14 and ENV 15 are relevant in this context.

IMP 10 Noise

This policy states that “development, including the use of land, will not be permitted if, because of the noise it would create, the occupants of housing or other noise sensitive uses would be exposed to a significant noise disturbance.”

HPC has sought to avoid the significant noise disturbance that wind turbines can produce through introducing a separation distance policy. We request that SNC respect our reasons for introducing this policy and refuse this application because it contravenes HPC policy.

IMP 15 Setting of Listed Buildings

The huge scale of the turbines means that they would have an impact on the setting of listed buildings such as Hempnall Church. This has been acknowledged by many experts who have raised objections to this application. Most certainly policy IMP 15 applies in this context.

IMP 18 Development in conservation areas

IMP 18 states that planning permission will not be granted for development proposals in conservation areas, or proposals on sites outside conservation areas which would affect the character appearance, setting or views into or out of the conservation area.
Clearly, as already reasoned, these proposals would have a highly significant negative impact upon the conservation areas of Hempnall, Saxlingham Green and Fritton Common and therefore planning permission should not be granted.

**C) Joint Core Strategy (JCS) Policies**

In March 2011 a Joint Core Strategy was adopted for the councils of South Norfolk, Norwich City and Broadland. The key requirements of the adopted Joint Core Strategy in relation to landscape protection policies within South Norfolk’s Development Plan Documents (DPD’s) include:

- DPDs should seek to retain the locally distinctive character of rural areas in accordance with the JCS’s spatial vision.
- DPDs should seek to protect the key landscapes of acknowledged regional or local importance in order to comply with a core planning objective of the JCS.
- The JCS requires that DPDs should safeguard and enhance environmental assets of local importance (including landscape and historic landscape character, countryside and rural character)
- DPDs should recognise that assets of local importance are valuable in their own right and in combination provide a significant resource for the JCS area.

The turbine proposals would destroy, not retain, the locally distinctive character of the rural area surrounding Hempnall. In so doing key landscapes of local importance, including Saxlingham Green and Fritton Common would be negatively affected. Environmental assets of local importance including the landscape, historic landscape (e.g. church buildings) and countryside and rural character would suffer negative impacts as detailed earlier in this submission.

The policies contained within the JCS with respect to landscape protection surely require that this application be refused.

**D) Regional Renewable Energy Targets**

HPC understands that regional renewable energy targets have been abolished. There is therefore no requirement for SNC to pass this application in order to comply with such targets.

**E) HPC Turbine Separation Distance Policy**

As already stated HPC has sought to avoid the significant noise disturbance that wind turbines can produce through introducing a separation distance policy. We request that SNC respect our reasons for introducing this policy and refuse this application.
SNC Development Management Policies

HPC is encouraged by the content of a number of the draft Development Management Policies proposed for South Norfolk insofar as they relate to renewable energy projects. In this context relevant HPC comments to the recent consultation regarding the SNC / DMP document are noted below:

Policy 3.14 (Amenity, noise and the quality of life)

- HPC supports the proposals aimed to limit the impact of noise and the need to protect areas of rural tranquillity.

Policy 4.2 Renewable Energy

- We assume that in policy 4.2 paragraph two should read “proposals will not be permitted” and not “proposals will be permitted.”

- HPC has, in its responses to planning applications for wind turbines, always supported the principles embodied in 1a) and 1b) of this DMP i.e. “That proposals will not 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 historical 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.”

- In the context of “significant adverse impacts on the amenities and living conditions of nearby residents by way of noise” we have adopted the following Separation Distance Policy in relation to wind turbines:

**HPC Wind Turbine Separation Policy – 15/01/2013**

1) If the wind turbine height, to blade tip, is greater than 25 metres but does not exceed 50 metres, the minimum distance requirement between the turbine and the nearest residential property, is 1000 metres.

2) If the wind turbine height, to blade tip, is greater than 50 metres but does not exceed 100 metres the minimum distance requirement between the turbine and the nearest residential property is 1500 metres.

3) If the wind turbine height, to blade tip, is greater than 100 metres but does not exceed 150 metres the minimum distance requirement between the turbine and the nearest residential property is 2000 metres.

4) If the wind turbine height, to blade tip, is greater than 150 metres the minimum distance requirement between the turbine and the nearest residential property is 3000 metres.
• We have also stressed the importance, acknowledged in section 2 of DMP 4.2, of the role of the South Norfolk Wind Turbine Landscape Sensitivity Study in the assessment of the suitability of a site for large scale wind turbines.

**DM 4.7 Landscape Character and River Valleys**

• Hempnall Parish Council supports all aspects of this proposed policy.

**DM 4.12 Designated Heritage Assets**

• HPC has, in its responses to planning applications for wind turbines, always supported the principles embodied in DM 4.12 especially with reference to the way in which a development proposal can affect the setting of a designated heritage asset. We especially support the statement: *"proposals which adversely affect the significance of a heritage asset will only exceptionally be permitted"*

If these emerging policies are used in anyway by SNC as guidance in making a recommendation regarding the TCI application we would like our footnote comments to be taken into account.
Appendix E

Copy of the letter sent by Chris Vine to Helen Mellors (SNC) by email dated 2nd November 2013

2nd November 2013

Dear Mrs Mellors,

Revised Wind Turbine Proposal – Hempnall

Application reference: 2013 / 0105

I understand that a revised Hempnall wind turbine proposal from TCI has been submitted which does not now include the previously proposed wind turbine (T2) nearest Hempnall village but still includes the siting of a wind turbine (T1) south of Saxlingham Grove and another (T4) very close to the north side of Little Wood.

As previously reported, both Saxlingham Grove and Little Wood are important woodland sites for bats; both contain populations of bats contributing to the good diversity of bats known to exist in the local area.

This is recognised in the TCI Planning Statement which states that: Three high collision risk species, four medium risk species and two low risk species are known to use the site.

My own surveys have confirmed the presence of a breeding population (at least 10 bats) of the nationally rare Barbastelle bat, and roosting sites of noctules, a species of high risk from wind turbines, within Saxlingham Grove.

I have also shown that a population of Barbastelle bats exists within Little Wood; my surveys recorded 4 Barbastelle bats flying along the hedgerow which exits Little Wood at its northeast corner on the 11th October 2011 and 5 Barbastelle bats were seen flying out of Little Wood along the same hedgerow on the 5th June 2013.

My results above are likely to be an under-recording of the number of Barbastelles roosting within Little Wood since the observations were made from just one possible exit point from the wood. Other bats are likely to exit the wood at other locations – there are three hedges running eastwards from Little Wood towards Nobb’s Lane.

I therefore conclude that the population of Barbastelles in Little Wood to be much greater than 5, in my opinion likely to be greater than the population of at least 10 bats found in Saxlingham Grove.

The Barbastelles recorded above are likely to be adult females and Little Wood is very likely used as a maternity roosting site by these rare bats making it, as well as Saxlingham Grove, an important breeding site for these bats in Norfolk as well as nationally.

I have to say that the advice given to TCI by the ECOSA ecologists and their response to my own survey results is, to say the least, disappointing.
ECOSA claim to have carried out comprehensive surveys in accordance with accepted survey guidelines and good practice and yet have failed to identify the number of Barbastelle bats present in Little Wood, stating that just 1 or 2 Barbastelle bats were present in 2012.

Their thorough surveys have under-estimated the bat populations within Little Wood. This leads me to question their survey techniques and shows a lack of understanding of Barbastelle bats in particular and therefore an incorrect impact assessment.

If I had been allowed to carry out detailed surveys of the bats within Little Wood, I am convinced the results would have showed this beyond doubt.

The proposed siting of turbines so close to important woodlands ignores the EUROBATS guidelines that state that wind turbines should not be sited within 200 metres of woodland due to the risk that this type of siting implies for all bats.

The number and diversity of bat species present is an indicator of the high quality of habitat found in the Hempnall area. Any impacts on such bat populations is unacceptable; the loss of just one or two adult bats a year as a result of wind turbines at Hempnall may well cause serious irreversible damage to the important bat populations present at the site and is a reason why an earlier proposal for wind turbines at the site was rejected.

The latest proposal does little to remove the threat to bats from the siting of wind turbines in the Hempnall area which is not a suitable location for them; three wind turbines so close to important woodlands used by bats are likely to result in the killing of these scarce European Protected Species.

The TCI Renewables proposal for wind turbines in the Hempnall area should be rejected.

 Regards,

Chris Vine
From: Michelle Bolger [mailto:Michelle.Bolger@gillespies.co.uk]
Sent: 02 December 2013 13:02
To: Helen Mellors
Subject: Hempnail Revised Wind Turbine Development

Dear Helen

I have now reviewed the response to the revised application received from Hempnail Parish Council (HPC), considered the photomontages submitted by HPC, and reconsidered the visual information provided by TCI renewables. As noted in my review of the original application (April 2013) TCI did not provide photomontages for all the viewpoints considered.

HPC questioned my statement in the review of the revised application that the omission of Turbine 2 removed the most significant adverse impacts of the original scheme identified as in my April Review. I have reviewed both schemes again and I can confirm that I do consider that the removal of T2 does remove the most significant adverse impacts that I identified, which were due to the proximity of Turbine 2 to Hempnail, the Conservation area and to residential properties.

In reviewing the applications again a new issue has been drawn to my attention which is that with the removal of T2 the scheme is no longer balanced and from some locations will appear as a pair of turbines and a single turbine. This is most marked from the following viewpoints:

- ES Viewpoint 4 (St Margaret’s Churchyard)
- ES Viewpoint 6 (Lundy Green)
-ES Viewpoint 8 Shotesham Lane
- ES Viewpoint 10 Alburgh Road
- ES Viewpoint 12 Wash Lane
- HPC Viewpoint 3 Hempnail Playing Fields
- HPC Viewpoint 7 Footpath near Church Farm Fritton

This unbalanced appearance will increase the adverse impact of the revised application on the landscape.
In my review in September I concluded that ‘the current 3 turbine scheme could be accommodated on this site without significant harm to the local landscape character.’ In re-reading this I realise that this statement does not in fact accurately reflect my opinion: There will be significant adverse impacts on the character of the landscape surrounding the site (and these will be increased by the ‘unbalanced’ appearance of the scheme). However the Wind Turbine Landscape Sensitivity Study (WTLSS) concluded that the Tributary Farmland landscape character type had a moderate sensitivity to a small group of turbines (2 or 3). In the light of this assessment and in the light of Inspector Lavender’s comments on the capacity of this landscape I am of the view that the adverse landscape and visual impacts, although some of them are significant, are likely to be considered acceptable in the planning balance.

Regards

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Landscape Institute Awards 2013  
NEO Bankside Wins Design for Small Scale Private Development
Wind Turbine Development
Streetwood Wind Farm, Hempnall, Norfolk
Revised Scheme August 2013

Landscape and Visual Impact Assessment Review

PREPARED FOR:
South Norfolk District Council

LPA REF: 2013/0105
October 2013
Prepared by:

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Qualifications:

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Date of issue:

20th September 2013

Revision

2nd October
Review of Amended Scheme

1. In April 2013 Gillespies prepared a review of the landscape and visual impact assessment (LVIA) submitted with an application for wind turbine development on land surrounding Busseys Loke, Hempnall Norfolk (the April Review). The April Review was undertaken for South Norfolk District Council (SNDC). The development is described as the Streetwood Wind Farm.

2. The April Review identified that the Wind Turbine Landscape Sensitivity Study (WTLSS) April 2006 (final amendments January 2008) undertaken for South Norfolk District had concluded that the Tributary Farmland landscape character type had a moderate sensitivity to a small group of turbines (2 or 3). The site is located in this landscape character type.

3. The April Review concluded that the site was one of the locations within the Tas Tributary Farmland landscape character area that was capable of accommodating wind turbine development of 2-3 turbines. However the review identified that the location of Turbine 2 (T2), due to its proximity to particularly sensitive features in the landscape, would result in significant adverse impacts on the following features in the landscape:
   - St Margaret’s Church
   - Rural River Valleys SLA
   - Hempnall village

4. The April Review also identified that the location of T2 would result in an overwhelming impact on two residential properties.

5. A revised scheme has been submitted by TCI Renewables to SNDC (September 2013) which has omitted T2 altogether. It is accompanied by revisions to the Environmental Statement (ES) and revised Figures, including revised visualisations. Having reviewed the amended layout, the amendments to the ES and the amended Figures I can confirm that the omission of T2 does remove the most significant adverse impacts on the sensitive aspects of the landscape which were identified in the April Review.
6. Whilst there would remain some adverse impacts on the local landscape, they are considerably reduced. In line with the conclusions of the WTSS and Inspector Lavender who decided an appeal on this site in 2009 (APP/L2630/A/08/2084443) it is concluded that the current 3 turbine scheme could be accommodated on this site without significant harm to the local landscape character.

Photomontages

7. Subsequent to preparing the response above, SNDC forwarded an email received from David Hook on behalf of the Campaign for the Protection of Rural England (CPRE) which raised issues regarding the absence of photomontages for a number of the viewpoints.

8. The issue of the ‘missing’ photomontages was raised in the April Review (Para 3.13) where it was noted that for a number viewpoints only wireframes had been provided: ‘Photomontages have been prepared for 14 out of the 22 viewpoints. No explanation is given as to why no photomontage has been prepared for the other 8 viewpoints. Three of those where no photomontage has been prepared are within 5km and have unobstructed views. (Viewpoints 6, 8 and 9)’ It is not unusual for wireframes only to be produced for more distant viewpoints (beyond 15km) but it is best practice to prepare photomontages for viewpoints within 15km.

9. The April Review had in fact miscounted as the ES contains only 13 photomontages with 9 viewpoints for which there are only wireframes. The viewpoints for which photomontages have not been prepared are more clearly identified in the SEI as the Viewpoints Location Map includes a dot beside the Viewpoint reference for those viewpoints which do have photomontages.

10. Although the April Review identified that photomontages had not been prepared for all the viewpoints, it did not recommend that the applicant was requested to provide the missing photomontages. Further photomontages were not requested because it was considered that they were not required in order to make a professional landscape assessment of the landscape and visual impacts of the proposals. This was on account of our professional experience of wind turbine development, and detailed previous knowledge of the site and of the Inspector’s decision with regard to the previous application.
11. Photomontages are produced for two purposes; for the landscape professional to make an assessment of the likely landscape and visual impacts, and for members of the local community to understand the impact of the development. In fact recent draft guidance from Scottish Natural Heritage on photomontages proposes some differences between how the photomontages should be presented depending on whether they are intended to inform a professional landscape assessment or to inform the general public. This draft guidance came out for consultation after my report was written. (The consultation on the guidance has now closed but revised guidance has yet to be issued)

12. The Planning practice guidance for renewable and low carbon energy was published in July 2013, also after the April Review. It notes that ‘As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them. (Paragraph 5) and that ‘The views of local communities likely to be affected should be listened to.’ (Paragraph 8) On the basis that the Planning practice guidance for renewable and low carbon energy stresses the importance of local consultation I consider that it would be reasonable to request that the applicant prepare photomontages for all viewpoints within 10km in order to ensure that members of the local community have sufficient information in order to be able to make an informed response to the application.

13. In effect this would mean the preparation of photomontage for the following viewpoints:

1.1 V03 Markshall Farm Road – 9.23km from Turbine 1
1.2 V06 Lundy Green – 2.70km from Turbine 3
1.3 V08 Shotsham Lane – 3.12km from Turbine 1
1.4 V09 Shotsham Road – 2.10km from Turbine 4
1.5 V14 Long Lane, Upper Stoke – 6.88km from Turbine 1
1.6 V15 Harvey’s Lane Seething 4.58km from Turbine 4
1.7 V17 Mill Lane, Hardwick – 6.21km from Turbine 3
1.8 Wacton Common – 7.98km from Turbine 1
Wind Turbine Development
Streetwood Wind Farm, Hempnall, Norfolk

Landscape and Visual Impact Assessment Review

PREPARED FOR:
South Norfolk District Council

LPA REF: 2013/0105
Prepared by:

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**REFERENCE DOCUMENTS**

**GLOSSARY AND ABBREVIATIONS**

**APPENDIX 1: FIGURES**
Introduction

Scope of this report

1.1 In February 2013 Gillespies was instructed by South Norfolk District Council (SNDC) to prepare a review of the landscape and visual impact assessment (LVIA) submitted with an application for wind turbine development on land surrounding Busseys Loke, Hempnall Norfolk. The development is described as Streetwood Wind Farm.

1.2 The development comprises the erection of 4 wind turbines with a maximum height of 126.5m and associated development for a period of 25 years, including control building, electricity transformers, underground cabling, access tracks, crane hard standing, new vehicular access, culvert and off-site highway works. It has been submitted by TCI Renewables and is accompanied by an Environmental Statement (ES). The LVIA forms Chapter 13 of that ES and has been prepared by LDA Design. Within this review this application is referred to as Streetwood Wind Turbine Development (WTD).

1.3 A previous application for a seven turbine scheme at Hempnall (including turbines located in the same fields as the current application) was refused by SNDC in 2008 and was the subject of an appeal in 2009 (APP/L2630/A/08/2084443). The appeal was dismissed in December 2009. Within this review that application is referred to the previous application. The Inspector at the inquiry was Inspector Lavender.

1.4 A desktop review of the ES for the Streetwood WTD was undertaken combined with a desktop study of published landscape character and other landscape assessments for the area. This was followed by a site visit to the site and the surrounding area in March 2013.

1.5 The review is structured as follows:

- **Section 2** is an executive summary with conclusions
- **Section 3** provides a desk-top review of the LVIA which includes the methodology used in the Environmental Statement and the visualisations and other material prepared to support the LVIA.
- **Section 4** provides an assessment of the LVIA findings with regard to landscape and visual impacts.
- **Section 5** considers the impacts on residential properties.
Relevant Experience with Wind Turbine Development

1.6 This review was undertaken for SNDC by Michelle Bolger who over the last eight years has assessed a number of wind turbine developments of a similar height to the current proposals both for Gillespies and during her employment at Liz Lake Associates. This included reviewing applications for both LPAs and local action groups and presenting evidence at appeal with regard to the landscape, visual and historic environment impacts of wind turbine development. Michelle Bolger provided landscape evidence on behalf of South Norfolk District Council with regard to the previous application for WTD at Hempnall.

Relevant Guidance

1.7 A range of published guidance on assessing landscape and visual impact and in particular the landscape and visual impact of wind turbine development is available. A list of reference documents is provided at the end of this review.

1.8 This review has concentrated on the assessment of landscape impacts and the assessment of the impact on residential visual amenity. The nature of wind turbine development means that significant impacts generally occur as a result of changes in views which affect the way in which the landscape character is perceived.
Executive Summary

Summary

2.1 The methodology used in the LVIA is generally appropriate although it fails to identify whether impacts are adverse or positive. This approach is not helpful to the decision makers who do have to decide if adverse landscape or visual impacts outweigh the renewable energy benefits. The LVIA underestimates the distance from which there can be significant effects on landscape character but it is agreed that significant effects are unlikely beyond 10km.

2.2 The site is located in the Tas Tributary Farmland & Landscape Character Area (LCA). A Wind Turbine Landscape Sensitivity Study (WTLSS) April 2008 (final amendments January 2008) was undertaken for South Norfolk. This concluded that the Tributary Farmland landscape character type (LCT) had a moderate sensitivity to a small group of turbines (2 or 3). The WTLSS recommends that these should be located on more open, flatter ground and away from the key sensitivities of the LCT; sensitive views to and from the wider landscape and the site and setting of churches. Inspector Lavender in his decision for the previous inquiry agreed with the conclusions of the WTLSS.

2.3 When compared to the previous application the current arrangement has omitted the three turbines farthest to the east and north and the exact location of the four retained turbines has been changed. In particular Turbine 2 (T2) has been moved 250m to the west and is now closer to Hempnall. T2 now has a greater impact on the identified key landscape sensitivities; St Margaret’s church and the Rural River Valleys SLA. It also has a greater impact on Hempnall itself.

2.4 The area immediately around the turbines is larger in scale, has suffered hedgerow loss and is considered capable of accommodating a group of 2-3 turbines. T2, due to its proximity to particularly sensitive features in the landscape results in significant adverse impacts.

2.5 With regard to residential amenity Inspector Lavender considered that the previous application would not result in overwhelming or overbearing impacts on residential properties. However within the current application T2 has been moved closer to the two most affected properties. T2
is now directly in front of these properties and will appear to be stacking with T1. It is considered likely that these changes will result in an overbearing impact on these properties.

Recommendations

2.6 It would be helpful to understand the reasoning behind the decision to move T2 closer to Hempnall and the properties on Bungay Road. A photomontage from the road in front of the two properties would be helpful to illustrate the likely view from the two properties.

2.7 Although the Tas Tributary Farmland is considered capable of accommodating a wind turbine development of 2-3 turbines the location of the current application adversely affects key sensitivities. Omitting T2 would remove some of the most significant impacts on:

- St Margaret's Church
- Rural River Valleys SLA
- Hempnall village
- Residential properties.
3 Review of Methodology: Landscape and Visual Impact Assessment

Introduction

3.1 The methodology used for the Landscape and Visual Impact Assessment (LVIA) is set out in Section 13.2 of Volume 1 of the ES.

Determining the nature of the effect

3.2 ES paragraphs 9.28 to 9.32 of the LVIA methodology put forward the argument that it is not possible for landscape architects to decide whether the impacts of wind turbines are adverse or beneficial. This approach to the landscape assessment of wind turbine development, which was prevalent at one time, has now been largely discredited. It is not helpful to the decision makers who do have to decide if there are adverse landscape or visual impacts that outweigh the renewable energy benefits of the proposal.

3.3 Of particular concern is the statement in the LVIA methodology ‘Making positive/adverse judgements for effects of wind farms on landscape character based on current guidance would be of questionable value, particularly if using the conventional interpretation (which is implicit in many local plan policies) that any ‘out of character’ development should be considered adverse.’ It is not the role of the landscape architect do decided which local plan polices should be followed and which should be ignored.

3.4 Additionally the preparation of wind turbine landscape sensitivity studies (such as the one prepared for South Norfolk District and relied upon in the ES) depend on the ability of the landscape architect to make professional judgments about which landscapes can accommodate wind turbines without significant harm and which cannot. The LVIA acknowledges this in Paragraph 13.2.30 which states that a ‘large-scale landscape is likely to be less sensitive to large scale wind farm developments, whilst small-scale, enclosed landscape may be highly sensitive to all but very small-scale proposals.’ This statement clearly suggests

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1 ES Page 269 Paragraph 13.2.23
that in small scale landscapes large scale proposals have the potential to have adverse impacts on the landscape.

3.5 It is not the role of the landscape architect to carry out the balancing exercise. However the landscape architect must identify if the effects are harmful and if harmful to what degree in order that the decision maker can carry out that balancing exercise.

Landscape Character

3.6 ES paragraph 13.2.34 states that ‘Based on recent appeal decisions, there is a general consensus that significant effects on landscape character arising from wind turbines are generally confined to the immediate vicinity. Such effects are generally agreed as being of high magnitude within up to 1km of turbines...reducing to medium within up to 4km.’ This statement confuses significance and magnitude. The distance from the turbines is a key factor in determining magnitude but the significance of the effect is equally determined by the sensitivity of the receptor. Moreover there is no general consensus that effects of high magnitude or significance on landscape character are confined to 1km from the turbine. It may be that the LVIA methodology has confused effects on landscape character with impacts on residential properties as it is generally agreed that overwhelming or overbearing impacts for residential properties are within 1km.

3.7 It is agreed that significant effects are unlikely beyond 10km and that it is appropriate to considered only local landscape character areas within 10km.

Visual Receptors

3.8 The methodology for assessing the sensitivity of visual receptors is appropriate although the statement that ‘views from private property are not a material consideration in determining planning applications’ (paragraph 13.2.48) is not correct as has been shown by a large number of inspectors’ decisions. Moreover the LVIA quotes from the National Policy Statement for Renewable Energy Infrastructure (EN-3) which specifically refers to the potential for unacceptable visual impacts on residential receptors: ‘appropriate distances should be maintained between wind turbines and sensitive receptors to protect amenity. The two main impact issues that determine the acceptable separation distances are visual amenity and noise.’

3.9 In fact it is unclear why the methodology includes the statement that views from private properties are not a material consideration in determining planning applications as it is
immediately contradicted by the second half of the sentence ‘unless the proposed change is sufficiently unpleasant or intrusive to cause unacceptable harm to residential amenity.’ Additionally, Inspectors have concluded that where the impact on residential properties just fails to pass the threshold of unacceptable the harm should nevertheless be included in the final balancing exercise. ‘there would be a more marked adverse effect on the living conditions of the occupiers of Vicarage Farm and High View House, in terms of outlook. Whilst not so great as to make these houses unacceptable places to live, this matter needs to be brought into the planning balance.’

Planning Policy

3.10 Paragraphs 13.2.62 to 13.2.95 set out the policy context of with regard to landscape and visual matters. However there is no subsequent evaluation within the LVIA as to whether the proposals are consistent with national or local planning policy.

Photomontages

3.11 The photomontages have been prepared generally in accordance with the Scottish Natural Heritage (SNH) Visual Representation of Wind Farms Good Practice Guide (2007). The field of view used is 90°, twice the width of a standard single frame image, and there is no warning on the photomontages that they should be viewed curved. As with all photomontages they should be used with caution as they will naturally tend to underestimate the impact of the proposals. Using a 90° field of view they are hard to view as they should be (curved with all parts of the image 45cm distant) and this will also tend to underestimate the impact of the proposals.

3.12 The quality of the original photographs is good, as is the printed quality of the photomontages.

3.13 Photomontages have been prepared for 14 out of the 22 viewpoints. No explanation is given as to why no photomontage has been prepared for the other 8 viewpoints. Three of those where no photomontage has been prepared are within 5km and have unobstructed views. (Viewpoints 6, 8 and 9)

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2 APP/H0520/A/11/2146394 Bicton Wind Farm, Kimbolton 2012
4 Review of Assessment of Landscape Impacts:

Landscape Character and Sensitivity

4.1 Paragraph 13.3.3 correctly identified the national regional and local landscape assessments relevant to this application. In particular the Landscape Character Areas of the Rural Policy Area, prepared by LUC for South Norfolk. Paragraph 13.3.11 makes reference to WTLSS. These are the key documents with regard to the current application.

4.2 Paragraph 13.3.11 identifies that the site is located within the Tas Tributary Farmland (B1) LCA. It also identifies the LCAs within 5km of the site and therefore those most likely to be affected by the development:
   - Tas Rural River Valley (A1),
   - Waveney Tributary Farmland (B4),
   - Thurlton Tributary Farmland with Parkland (C2)
   - Great Moulton Plateau Farmland (E2).

4.3 The site is located within National Character Area (NCA) 83 the South Norfolk and High Suffolk Claylands. NCAs are important for understanding the landscape context of a site however they are not an appropriate scale at which to be assessing individual applications. The LVIA makes reference to the EERA study *Placing Renewables in the East of England*. This is a region-wide study and includes an assessment of the sensitivity and capacity of the NCAS (at that time called JCAs) within the region to accommodate wind development. However the document is clear that it should not be used to judge landscape sensitivity with regard to individual proposals. Inspector Lavender at the previous inquiry considered that although the conclusions of the EERA study were relevant in indicating underlying assumptions. *None of this can be translated directly into development control policy or be applied to individual schemes, as the Ove Arup study is at pains to repeatedly stress (page D11)*

4.4 The conclusions of the WTLSS are that the Tas Tributary Farmland *is considered to have a moderate sensitivity to a small-scale group of turbines. It is likely that only the lower end of*
this scale (2 – 3 turbines) will be appropriate.'

In addition to the guidance for single turbines the WTLSS recommends that the location of proposed WTD should:

- ‘Respect the rural and tranquil character of the tributary farmland landscape – there may be some opportunities for this scale of development in relation to existing sources of movement or on the more open flatter areas of the landscape;
- Respect the sensitive views across the landscape and into adjacent character areas, in particular to adjoining River Valleys, The Broads and Norwich and to important landmarks including Wymondham Abbey and the setting of churches.'

4.5

The LVIA does not at this point make reference to the recommendation of 2-3 turbines but states that the current proposal 'falls into the range of two to six turbines identified as being more appropriate to this landscape type in the wind turbine sensitivity study, in line with the findings of the inspector at the appeal regarding the previous application on this site.'

The Inspector in that decision stated that he had no doubt 'that there is capacity for wind energy development at Hempnall' but he also stated that he shared 'the judgment of the sensitivity study that turbines in the number and extent proposed in this case would not be comfortably absorbed into the Tas Tributary Farmland landscape.' This does not imply that he considered a six turbine scheme appropriate to this landscape type, rather it refers us back to the judgements of the sensitivity study. The landscape sensitivity overview within the WTLSS for a small group within the tributary valley concludes:

‘Overall it is judged that the Tributary Farmland landscape type has a moderate sensitivity to location of a small group of turbines (2-6 turbines). This landscape is sensitive due to the strong rural and tranquil character of much of the landscape and sensitive views to and from the wider landscape. The tributary valleys, views to The Broads and the site and setting of churches are also key sensitivities. There may be some limited opportunity for the lower end of a small scale group (no more than 2 or 3) to be located on more open, flatter ground where such a development could form a landmark feature.'

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4 Wind Turbine Landscape Sensitivity Study for South Norfolk Page 26 Paragraph 5.7
5 Wind Turbine Landscape Sensitivity Study for South Norfolk Page 26 Paragraph 5.7
6 Environmental Statement Paragraph 13.4.4
7 APP/L2630/A/08/2084443 Land around Busseys Loke, Hempnall, Paragraph 85
8 APP/L2630/A/08/2084443 Land around Busseys Loke, Hempnall, Paragraph 13
9 Wind Turbine Landscape Sensitivity Study for South Norfolk Page 25
Comparison with Previous Application

4.6 Section 3.4 of the LVIA is Design Evolution. This describes the main mitigation included in the scheme as being the reduction in numbers from seven to four. Paragraph 13.4.4 states that ‘The new layout has withdrawn from the eastern side of the site, which increases the distance to the nearest residential receptors to the eastern side of the site as well as withdrawing from the smaller more enclosed landscape of the eastern half of the site.’ It fails to note that the closest residential receptors were to the south and that the current proposals bring the turbines closer to residential proprieties and to Hempnall itself. The four turbines that have been retained are the four closest to Hempnall.

4.7 Chapter 3 of the ES Site Identification and project evolution is accompanied by Figures 3.1 to 3.3 which set out the design evolution of the proposals. Some of the reasons given for the design evolution refer to issues another than landscape and visual (e.g. noise and ecology) however the LVIA makes no reference to the landscape and visual reasons referred to in Figures 3.1 to 3.3. Conversely in Figures 3.1 to 3.4 there is no mention of reducing impacts on residential properties to the east of the site.

4.8 Although a number of alternatives were considered the four turbines proposed correspond quite closely to the four turbines in the south western part of the seven turbine scheme, although the precise location of each turbine has been changed. The following describes how the location of each turbine has been changed and refers to the reasons given on Figures 3.1 to 3.3:

- Turbine 1 has moved slightly (less than 100m) to the north east to be further from hedges which are used by bats for feeding and commuting routes.
- Turbine 2 has moved approximately 250m in order to move it out of the main line of sight from the path to the porch of St Margaret’s church.
- Turbine 3 has been moved approximately 100m to the north ‘to reduce visual effects on properties to the south, such as those along Bungay Road and Silver Green’.
- Turbine 4 has been moved about 200m closer to Little Wood, to the south east. The reasons for this are not clear. An early iteration (Evolution 3) has the turbine omitted from this field. In the next iteration (Evolution 4) a turbine is back in this field but in a new location. It is moved further south in Evolution 5 but no reason is given.
4.9 The most significant thing to note here is that in Evolution 5 T2 & T3 were at similar distances from the closest properties on Bungay Road. Evolution 6 moved T3 further away from these properties but T2 was moved closer to both the residential properties and the settlement of Hempnall. The text that accompanies Evolution 6 suggests that the effect of moving T2 to the west on residential amenity and on the village of Hempnall was not considered.

Assessment of effect on landscape character

4.10 The key issues are considered to be the effect of the proposals on the Tas Tributary Farmland LCA and the Tas Rural River Valley LCA. The Tas Rural River Valley LCA corresponds to the Rural River Valley Special Landscape Area (SLA) which is covered by saved policy EVN3 of the South Norfolk Local Plan. This policy has been the subject of a recent review by Chris Blandford Associates (South Norfolk Local Landscape Designations Review 2012) which concluded that ‘the existing evidence base is sufficiently robust to justify and defend this policy’.

4.11 As previously stated it is not agreed that effects of large magnitude are limited to within 1km of the development. A high magnitude of change depends on factors other than distance and Vp 2 (1.22km) and Vp 5 (1.98km) are both examples where there is a high magnitude of change beyond 1km. Both these viewpoints are representative of the effect on the landscape character of the landscape to the south and west of the Hempnall. Viewpoints 7 & 10 are representative of impacts on the landscape character to the east of Hempnall.

4.12 Paragraphs 13.6.7 to 13.6.14 assess the impact on NCA 83 the South Norfolk and High Suffolk Claylands. NCAs are not the appropriate scale at which to assess the impact of individual schemes and leads to the inevitable conclusion that significant effects in the vicinity of the site would not be significant overall given the size of the NCA.

4.13 The assessment of effects on the Tas Tributary Farmland adopts the assessment of medium sensitivity from the WTLSS although this is specifically restricted to groups of ‘no more than 2-3 turbines’. A four turbines scheme is only just above this threshold and therefore it is correct that this scheme should be considered in the light of that sensitivity assessment and the reasoning behind the conclusion examined in the light of the current scheme. Within the local area there

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10 Chris Blandford Associates, South Norfolk Local Landscape Designations Review Paragraph 5.2.7

File Reference: OX5003 D04 Streetwood WTD Landscape Final Rev 01
are aspects that result in an increased sensitivity namely the proximity to Hempnall and St Margaret’s church and the proximity to the Tas Rural River Valley LCA and the Rural River Valley SLA. The location of St Margaret’s on the edge of the village is recognised as a distinctive landscape feature that establishes the presence and character of Hempnall and increases the landscape character sensitivity of land that is close to the village. This is separate to the statutory duty to have regard to the desirability of preserving its setting.

Impacts on Hempnall and Rural River Valley SLA

4.14 When compared to the previous seven turbine scheme not only are the four retained turbines the closest to these sensitive receptors but T2 has been moved closer towards these sensitive receptors. This can be seen on the photomontages for Viewpoints 4 and 20.

4.15 Viewpoint 4 is from St Margaret’s churchyard. In the previous scheme the closest turbine, (located to the east of T2) was just over 1km distant. In the current scheme it is 840m distant. Based on the methodology used within the LVIA the churchyard at St Margaret’s falls within the area for which there is a high magnitude of change. Paragraph 13.2.31 describes the change as ‘strongly affecting the ‘sense of place’’. To adopt the language of Paragraph 13.2.31 the current baseline sense of place is that ‘I am in a rural churchyard’. This will change to ‘I am in or at a wind farm.’ Figure 1 attached to this report shows how the relocation of T2 has affected the proportion of Hempnall village is within 1km of a turbine. For ease of reference the map of the Conservation Area has also been attached so that it can be judged how much of the Hempnall CA is also with 1km of T2. There is no evidence in the Environmental Statement to show that these highly sensitive aspects of the local landscape character were considered when the decision was taken, at Design Evolution 6, to move T2 250m to the west.

4.16 Viewpoint 20 is a new viewpoint which has been prepared because the new school entrance has opened up views from the village towards the turbines. This viewpoint is an example where the use of a 90° field of view is rather misleading. T2 is in the centre of the view and is clearly more dominant than any of the other turbines. Previously both T1 & T2 would have been a similar distance away at approximately 1.25km. T2 is now 1.09km distant and is much more noticeably out of scale with the features in the view, in particular the adjacent tree line.

\[11\] Environmental Statement Paragraph 13.2.31
Although in the photograph of Viewpoint 20 large agricultural buildings are visible, these are rarely visible in the glimpsed views from the street of the landscape beyond. However the tree that can be seen adjacent T2 in Photomontage 20 is seen frequently and it is an indicator of the relative height of T2 when seen from within the village. As a result of moving T2 250m closer to the edge of Hempnall there will be a significant increase in the apparent height of T2 relative to buildings within and vegetation around the village. This will result in increased visibility, (over rooftops) and a greater discordance in scale. Consequently there will be a significant adverse impact on Hempnall, noticeably greater than the impact identified by the Inspector for the seven turbine scheme.

4.17

Moving T2 will increase its visibility from the Watermeadows behind Hempnall. This area lies within the Rural River Valleys SLA. From the footpath which crosses this area there are views out across the edge of Hempnall. It was acknowledged at the previous inquiry that there would be views of the closest turbine from this area. T2 will be approximately 200m closer which will make a noticeable difference in respect of the apparent scale of the turbine relative to the characteristics of the Rural River Valley SLA. Distinctive characters which have been identified as desirable to safeguard are listed in the Chris Blandford Report as follows:

- Very distinctive character and strong sense of place.
- Large number of important/rare features, including landmark features such as windmills, round towered churches and mills, as well as diverse habitats of wetland, woodland and heathland.
- Grazed, pastoral valleys floors contrast strongly with the arable dominated farmland of the majority of the District.
- Largely intact rural character, which in places is highly tranquil and undisturbed.
- Intimate and enclosed landscape with an overall small-scale character.  

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12 Chris Blandford Associates, South Norfolk Local Landscape Designations Review Paragraph 5.2.6
The area immediately around the turbines is larger in scale and has suffered hedgerow loss. Although the turbines will still be seen in the context of Saxlingham Grove and Little Wood the latter will not be surrounded by turbines as described by Inspector Lavender. The WTLSS assesses this LCT as capable of accommodating a group of 2-3 turbines, Inspector Lavender agreed with this assessment with regard to the Hempnall area and it appears that a 2-3 turbine scheme could be accommodated without impinging on the key landscape sensitivities. However with the current layout T2 has a significant adverse impact on the small scale landscape of Hempnall, St Margaret’s church and the adjacent Rural River Valley SLA. If T2 were omitted there would be a significant reduction in the impact of the proposal on the more sensitive feature of the Tas Tributary Farmland LCA.
5 Impacts on Residential Amenity

Introduction

5.1 An approach to assessing the impact of wind turbine development on residential properties was set out succinctly by Inspector Lavender (the same Inspector Lavender from the inquiry for the previous application) in a decision regarding wind turbine development on land west of Enifer Downs Farm, Langdon, Kent. This approach has come to be known informally as ‘the Lavender Test’. He set out the position as follows:

Paragraph 39 of the PPS 22 Companion Guide affirms that the planning system exists to regulate the development and use of land in the public interest. In most cases, the outlook from a private property is a private interest, not a public one, and the public at large may attach very different value judgments to the visual and other qualities of wind turbines than those who face living close to them. Equally, people pass through a diverse variety of environments when going about their daily lives, whether by car or when using the local rights of way network, and I find nothing generally objectionable in turbines being part of that wider experience. However, when turbines are present in such number, size and proximity that they represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as an unattractive and thus unsatisfactory (but not necessarily uninhabitable) place in which to live. It is not in the public interest to create such living conditions where they did not exist before.\(^\text{13}\)

5.2 Inspector Lavender uses the terms ‘overwhelming and unavoidable’. The term overbearing has also been used by other inspectors to describe a similar impact.

5.3 The assessment of effects on residential properties is contained in paragraphs 13.6.145 to 13.6.157 of the LVIA. Paragraph 13.6.145 acknowledges that views from private properties are a material consideration in planning applications if development gives rise to unacceptable harm. As indicated in the quotation above, the threshold for unacceptable harm on residential visual amenity is high but it is a threshold that wind turbine development can cross.

\(^{13}\) APP/X2220/A/08/2071880 - Land west of Enifer Downs Farm, Langdon Para 86
5.4 With regard to the previous application Inspector Lavender concluded that there would not be unacceptable impacts on residential amenity. At that inquiry the council considered that the turbines would have an unpleasantly overwhelming and unavoidable presence in main views from two single storey properties on Bungay Road, Lyncroft and Meadow View. Inspector Lavender did not agree with this conclusion and his reasoning is set out below (Lyncroft is incorrectly named as Lynhurst):

Lynhurst and Meadow View are two bungalows sited alongside each other on the south side of Bungay Road, east of Hempnall and about 700 m from the nearest turbine, T2, to the north east. Turbine T1 would stand directly to the front of them but at a distance in excess of 1 km and turbine T3 would be about 750 km distant, further to the east than T2. Both of these dwellings have main entrance doors, bedroom windows and lounge windows to the front (north facing). There is a single east facing bedroom window in the flank of Meadow View, while Lynhurst has a conservatory and a well tended garden on its east side. Both properties at present have open outlooks across Bungay Road (in the case of Meadow View above a front hedge) to a pattern of flat, open fields beyond and blocks of woodland (including Little Wood) further off. I saw that both dwellings are functionally associated with the large farmyard directly behind them, sharing interconnected accesses. The only sitting out area at Meadow View is alongside a garage drive across the rear of the property. It may be that many people not engaged in farming would find the close physical, functional and visual relationship between these properties and the farmyard with its sizeable buildings to be representative of less than ideal living conditions, but the contrast with the open outlook to the north and east is very much a compensatory factor. The quality of that outlook could be held to be diminished by turbines extending across about half of the field of view, but the perception of openness would not, in my estimation be significantly reduced given the separation distances involved both from the respective houses and between the turbines themselves. In my estimation, neither property would become an unattractive place in which to live because of the turbines.14

5.5 Figure 2 shows the relationship between the turbines and the properties on Bungay Road for the previous scheme and the current scheme. It has been derived from Figures 3.1 to 3.3. Within the previous application three turbines were located with 1 km of the two properties with the turbine directly in front of the two properties being 1 km distant and the closest turbine being

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14 APP/L2630/A/08/2084443 Land around Busseys Loke, Hempnall, Paragraph 44
offset to the east. Within the current application there are also three turbines within approximately 1km although the furthest of these (T1) has moved slightly north and is now just beyond 1km. T2, which was always the closest, has moved closer, it is now 650m rather than 680m. However more significantly it is now directly in front of the two properties and also in line with T1 such that the turbine blades will appear to be ‘stacking’.

5.6

It has been accepted by a number inspectors that stacking blades exacerbates the impact of turbines. At Brineton, Shifnal, South Staffordshire (APP/C3430/A/11/2162189) the Inspector concluded:

Starting with Lilac Cottage, the nearest turbine would be some 860m from the cottage. The property has limited depth and faces the appeal site. Its curtilage is to the side with virtually no curtilage to the rear. All 6 turbines would be visible and clustered in a relatively small arc. There would be stacking of turbines or at least significant overlapping of blade arcs of T1 and T3 and T2 and T4. Although the ES found that the frontage hedge would mitigate impacts from the dwelling, the hedge covers less than half of the ground floor windows. In my opinion, the existing height of hedge would be insufficient to prevent the wind turbines appearing overwhelming and dominant from this cottage and its useable garden. The turbines would be unavoidable and overbearing on the outlook from this property and its private amenity space.\(^\text{15}\)

5.7

It should be noted that in addition to the stacking of blades the situation of Lilac Cottage, with virtually no curtilage to the rear, is similar to that at Lyncroft and Meadow View. However the closest turbine in that case was 860m which is more than 200m further away than T2 in the current application.

5.8

Paragraph 4.9 above describes how the turbines have been relocated and lists the reasons given on Figures 3.1 to 3.3, although these reasons are not mentioned in the LVIA. The reason for moving T3 is described as ‘to reduce visual effects on properties to the south such as those along Bungay Road and Silver Green.’ However at the same time T2 was moved closer to the properties on Bungay Road.

\(^{15}\) APP/C3430/A/11/2162189 Paragraph 53
5.9 Inspector Lavender considered that the separation distances between the turbines in the previous application mitigated some of the potential adverse impacts. It is clear from Figure 2 that in the previous application the four turbines were evenly spaced when seen from Lyncroft and Meadow View. In contrast, T1 and T2 of the current application are likely to be seen as stacking. T3 and T4 are likely to be seen as overlapping although views towards these turbines will be more oblique. The text that accompanies Evolution 6 suggests that the effect on residential amenity of moving T2 was not considered.

5.10 Inspector Lavender concluded that the impact on the residential amenity of Lyncroft and Meadow View would not be overwhelming. However the current application exacerbates the impact and it is considered that the current layout is likely to result in overbearing or overwhelming impacts.
REFERENCES

University of Newcastle for Scottish Natural Heritage (SNH) Visual Assessment of Wind Farms: Best Practice (2002)
Landscape Institute Advice Note 01/09 Use of Photography and Photomontages in Landscape and Visual Assessment. (2009)
Scottish Natural Heritage, Siting and Designing Windfarms in the landscape- Version 1 (2009)
Highlands Council Visualisation Standards for Wind Energy 2010
GLOSSARY AND ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Definition</th>
</tr>
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<tbody>
<tr>
<td>AONB</td>
<td>Area of Outstanding Natural Beauty</td>
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<tr>
<td>Cumulative effects</td>
<td>Cumulative effects are the summation and or additional effects that result from changes caused by a development in conjunction with other past, present, or reasonably foreseeable actions.</td>
</tr>
<tr>
<td>EIA</td>
<td>Environmental Impact Assessment</td>
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<tr>
<td>ES</td>
<td>Environmental Statement</td>
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<tr>
<td>HLC*</td>
<td>Historic Landscape Characterisation. Term used to describe an assessment of the historical types and component parts of the landscape, which contribute to its wider landscape character.</td>
</tr>
<tr>
<td>Indirect effects</td>
<td>Not a direct result of the development, but are often produced away from it or as a result of a complex pathway.</td>
</tr>
<tr>
<td>Key Landscape Characteristics</td>
<td>These are the key or main characteristics of the landscape character, usually common or notable, physical and perceptual characteristics.</td>
</tr>
<tr>
<td>Landscape character*</td>
<td>A distinct and recognisable pattern of elements that occurs consistently in a particular type of landscape and how this is perceived by people. It reflects particular combinations of geology, landform, soils, vegetation, landuse and human settlement. It creates the particular sense of place of different areas of the landscape.</td>
</tr>
<tr>
<td>LCT</td>
<td>Landscape Character Type – distinct types of landscape that are relatively homogeneous in character. They are generic in nature may occur in different areas in different parts of the country</td>
</tr>
<tr>
<td>LCA</td>
<td>Landscape Character Area – single unique areas that are the discrete geographical areas of a particular landscape type.</td>
</tr>
<tr>
<td>LVIA</td>
<td>Landscape and Visual Impact Assessment.</td>
</tr>
<tr>
<td>Landscape capacity</td>
<td>The amount of change which a particular landscape character type or area is able to accommodate without significant detrimental effects on its character. Capacity is likely to vary according the type and nature of change being proposed.</td>
</tr>
<tr>
<td>Landscape designations</td>
<td>Areas protected by law or through planning policies for reason of their landscape qualities e.g. National Parks, AONB and Local Landscape Designations.</td>
</tr>
<tr>
<td>Landscape effects</td>
<td>Change in the elements, characteristics, character, and qualities of the landscape as a result of development.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>Landscape elements</td>
<td>A component part of the landscape, such as trees, woodland and ponds.</td>
</tr>
<tr>
<td>Landscape features*</td>
<td>Prominent eye-catching elements, e.g. Wooded hill tops, and church spires.</td>
</tr>
<tr>
<td>Landscape quality (or condition)*</td>
<td>Based on judgements about the physical state of the landscape, and about its intactness, from visual, functional, and ecological perspectives. It also reflects the state of repair of individual features and elements which make up the character in any one place.</td>
</tr>
<tr>
<td>Landscape Qualities*</td>
<td>Term used to describe the aesthetic or perceptual and intangible characteristics of the landscape such as scenic quality, tranquillity, sense of wildness or remoteness. Cultural and artistic references may also be described here.</td>
</tr>
<tr>
<td>Landscape resource*</td>
<td>The combination of elements that contribute to landscape context, character, and value.</td>
</tr>
<tr>
<td>Landscape sensitivity</td>
<td>The degree to which a landscape is able to accept change of a particular type and scale without significant detrimental effects on its character and qualities.</td>
</tr>
<tr>
<td>Landscape value*</td>
<td>The relative value or importance attached to a landscape or view; (often as a basis for designation) which expresses national or local consensus, because of its quality, including perceptual aspects such as scenic beauty, cultural associations or other conservation issues.</td>
</tr>
<tr>
<td>Magnitude*</td>
<td>A combination of the scale, extent and duration of an effect also defined as 'degree of change'.</td>
</tr>
<tr>
<td>Mitigation*</td>
<td>Measures including any process, activity, or design to avoid, reduce, remedy or compensate for adverse environmental impact or effects of a development.</td>
</tr>
<tr>
<td>NCA</td>
<td>National Character Areas. Landscape character areas as defined for the whole of England.</td>
</tr>
<tr>
<td>Photomontage</td>
<td>An illustration of a proposed development that has been superimposed or combined onto a photograph from a recorded location</td>
</tr>
<tr>
<td>Receptor*</td>
<td>Physical landscape resource, special interest, or viewer group that will experience an effect.</td>
</tr>
<tr>
<td>Residential Visual Amenity*</td>
<td>A collective term describing the views and general amenity of a residential property, relating to the garden area and main drive, views to and from the house and the relationship of the outdoor garden space to the house.</td>
</tr>
<tr>
<td>Residual effects</td>
<td>Potential environmental effects, remaining after mitigation.</td>
</tr>
<tr>
<td>Scale Indicators*</td>
<td>Landscape elements and features of a known or recognisable scale such as houses, trees and vehicles that may be compared to other objects where the scale of height is less familiar, to indicate their true scale.</td>
</tr>
<tr>
<td><strong>Sense of Place</strong> (genius loci)*</td>
<td>The essential character and spirit of an area: genius loci literally means 'spirit of the place'.</td>
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<td>------------------------</td>
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<tr>
<td><strong>Temporary or permanent effects</strong></td>
<td>Effects may be considered as temporary (limited duration and reversible) or permanent (irreversible). Some development may also be reversible.</td>
</tr>
<tr>
<td><strong>Tranquility</strong></td>
<td>A perceptual description applied to landscape that is perceived to be relatively more natural, peaceful, and quiet when compared to other areas, which may be visually developed or noisy.</td>
</tr>
<tr>
<td><strong>Type or Nature of Effect</strong></td>
<td>Whether an effect is direct or indirect, temporary or permanent, positive (beneficial), neutral or negative (adverse) or cumulative.</td>
</tr>
<tr>
<td><strong>Visual amenity</strong></td>
<td>Value of a particular place in terms of what is seen by visual receptors, taking account of all available views and the total visual experience.</td>
</tr>
<tr>
<td><strong>Visual effect</strong></td>
<td>Changes in views and visual amenity of visual receptors resulting from development.</td>
</tr>
<tr>
<td><strong>Visual Sensitivity</strong></td>
<td>The intrinsic sensitivity of visual receptors, such as residents, to visual change</td>
</tr>
<tr>
<td><strong>Visualisation</strong></td>
<td>Computer visualisation, photomontage, or other technique to illustrate the appearance of the development from a known location.</td>
</tr>
<tr>
<td><strong>WTD</strong></td>
<td>Wind turbine development</td>
</tr>
<tr>
<td><strong>WTLSS</strong></td>
<td>LUC for South Norfolk District Council, South Norfolk District Wind Turbine Landscape Sensitivity Study (2008)</td>
</tr>
<tr>
<td><strong>ZVI – Zone of Visual Influence or ZTV – Zone of Theoretical Visibility</strong></td>
<td>Area or zone of visual influence or theoretical visibility of the wind turbines within the study area for the visual assessment, generated by a computerised model of the development and a digital terrain model of the landscape.</td>
</tr>
</tbody>
</table>

*Note: Descriptions marked with an asterisk are identical to those provided in the Guidelines for Landscape and Visual Impact Assessment glossary or text.*
FIGURES
Evolution 1: seven turbines, each up to 125m in height:

This was the layout put forward in the April 2008 planning application by Entraq and subsequently examined at a planning inquiry. The planning inspector did not approve the scheme and his comments were used to review the design. The main issues raised in the decision notice were the:

- effect of the proposal on the landscape
- effect on the setting of St Margaret's Church and other heritage assets
- effect on local residents in terms of turbine noise and visual amenity
- implications for local bat populations
- implications for local equestrian interests.

Evolution 2: four turbines, each up to 125m in height:

Further visual studies were carried out to assess the changes experienced by residents of properties around the wind farm site and in particular to check the effect on views from and of St Margaret's Church in Hempnall. These found that turbine 2 intrudes into some views from the path leading to the Church porch, and while this was less than the effect of the original seven-turbine scheme, the layout was amended to reduce it further by moving the turbine to the west, out of the main line of sight. Similarly, turbine 3 was moved northwards to reduce visual effects on properties to the south, such as those along Bungay Road and Silver Green. The new 'square' layout has better visual coherence and even better respects the landscape pattern, whilst still comfortably achieving noise limits and completely avoiding all important bat habitat and other wildlife features.
Evolution 1: Seven turbines, each up to 125m in height:

This was the layout put forward in the April 2008 planning application by Enertrag and subsequently examined at a planning inquiry. The planning inspector did not approve the scheme and his comments were used to review the design. The main issues raised in the decision notice were:

- Effect of the proposal on the landscape
- Effect on the setting of St. Margaret’s Church and other heritage assets
- Effect on local residents in terms of turbine noise and visual amenity
- Implications for local bat populations
- Implications for local aquatic interests.

Evolution 2: Four turbines, each up to 125m in height:

Further visual studies were carried out to assess the changes experienced by residents of properties around the wind farm site and in particular to check the detail on views from and off St Margaret’s Church in Hempnall. These found that turbine 2 impacted into some views from the path leading to the Church porch and while this was less than the effect of the original seven turbine scheme, the layout was amended to reduce it further by moving the turbine to the west, out of the main line of sight. Similarly, turbine 3 was moved northwards to reduce visual effects on properties to the south, such as those along Studdy Road and Silver Green. The new ‘square’ layout has better visual coherence and even better respects the landscape pattern, whilst still comfortably achieving noise limits and completely avoiding all important bat habitat and other wildlife features.
Please attach to file, as one document including covering email. These are:

Comments from Council’s Landscape Consultant

thanks

Helen Mellors (Mrs)
Development Manager
Direct number 01508 533789
www.south-norfolk.gov.uk
www.facebook.com/southnorfolkcouncil

South Norfolk Council
Proud to have been awarded the investors in People Gold Standard – one of only 3% of organisations in the country to have achieved this award.

From: Michelle Bolger [mailto:Michelle.Bolger@gillespies.co.uk]
Sent: 04 October 2013 09:06
To: Helen Mellors
Subject: Hempnall

Dear Helen

Thank you for forwarding the email from David Hook regarding the photomontages. I have considered the issue of photomontages in the light of the Planning practice guidance for renewable and low carbon energy and I have added a section on photomontages to the review of the revised submission which I attach as a pdf.

I re-read my previous report and noted that there were a number of typographical errors. Given that my analysis of the landscape impacts is in that report and that it may be required at the committee I have revised it but only to correct the typos. I have put a note to that effect on the inside front cover.

If you have any queries please don’t hesitate to contact me.

Kind regards

Michelle Bolger
Senior Associate
Head of Landscape Planning southern region
GILLESPIES LLP

1 St John’s Square
London EC1M 4DH
T: +44 (0)207 253 2929
2013/0105 Hempnall Wind Farm - Additional Ecology comments.

Thank you for consulting me on this application. The revised layout plans with the removal of turbine T2 has not greatly affected my comments. Whilst I remain very uncomfortable supporting an application for large wind turbines between two SSSI woods, which support populations of several bat species, in planning terms, I do not have grounds to recommend for refusal. The surveys are not ideal but are adequate to make an assessment. However, the ES is incomplete until diagrams and calculations demonstrating that the turbines are a minimum of 50m from blade tip to bat foraging habitat (T4 – Little Wood especially), as per Natural England’s Tin 051 are submitted to South Norfolk Council.

Summary of the ecological situation:
The ecological surveys for bats and birds are adequate to make an assessment. The surveys are not ideal as the turbine layout has changed since the surveys were undertaken, yet they are in the same vicinity and as such the data can still be used to make an assessment of the impacts of the turbines. Having said that, I would insist that the risk to bat species is higher than stated in the ES, due to the proximity to SSSI Woods, and the evidence presented in the ES and the subsequent surveys submitted on behalf of Hempnall PC. As such I would place great importance on adequate post-construction monitoring.

We are beginning to uncover more about Barbastelle ecology after the bat surveys from the Norwich Northern Distributor Road. Barbastelles were recorded commuting along ghost hedgerows, grubbed up many generations before, staying faithful to the old routes and foraging above mature woodland. T4 turbine’s sweep area is in the vicinity of two grubbed up hedgerows shown on 1946 aerial photographs. Due to the level of uncertainty currently about the ecology Barbastelle, a higher conservation status species, including their flying heights, and the proximity of barbastelle roosts in Little Wood, I would insist that the initial two years’ post-construction should include the use of trained dog teams to conduct carcass searches.

As I have mentioned previously, enhancements to the habitats in-between the turbines is not appropriate as it would increase the risk of directing bat foraging into the paths of the turbines. As such the wildflower margin along the boundary of Little Wood is not appropriate.

To conclude:

- Before the application is determined, the appellant will be required to submit documents that clearly display the distance between the blade tip for turbine T4 and the vegetation of Little Wood SSSI, should surpass the minimum of 50m recommended by Natural England.

Continued overleaf...
• A minimum of 10 years post construction monitoring for bats with a review after 5 years, due to the increased risk of both fatality and potential displacement of bats by placing two large turbines between two SSSI woods used by roosting bats. I would also insist that the initial 2 years of post construction monitoring involved carcass searches with trained dog teams. If the results indicate a level of impact on the local bat population then further mitigation will need to be applied such as operational restrictions at night during high risk periods of the year (late summer early autumn when the year’s juveniles are flying). This can be secured through conditions.

• The enhancements such as the wildflower margins to the west of Little Wood must be removed from the application, in favour of an adaptive habitat management plan which can be submitted through a condition.

Nick Bolton, District Ecologist, South Norfolk Council, 16/01/2013.
Thank you for consulting me on the above application. Thank you for consulting me on this application.

Although I would prefer an alternative site for this application as locating these turbines between the SSSI woods places a potential obstruction to wildlife between these two important habitat-patches, especially for bats. Having said that the windfarm is in less of a sensitive area than other areas in South Norfolk, according to RSPBs sensitivity map for the arable birds (see references) In order for me to validate the application, I feel that the applicant should move the turbines 30m further away from the nearest vegetation, especially Turbine 4 from Little Wood SSSI. However, there is scope that enough biodiversity is affected by the turbines to warrant this scheme to be put forward for the Norfolk biodiversity offsetting scheme.

Summary of the ecological situation:
Bats and birds are the most at risk groups of animals for this application.

**Bats:**
A summary of bat surveys from 2009, 2011 and 2012: 62% of the Norfolk’s bat species use the site or the adjoining habitat. There are breeding colonies of barbastelle (section 8.3.15) in Saxlingham Grove. Noctule bats use Saxlingham Grove and there are possible roosts for noctule bats in Little Wood. 12,500 common pipistrelle call registrations were recorded and 1400 soprano pipistrelles at the site: Pipistrelle roosts are believed to be in Little Wood. With 108 myotis bat species calls recorded, it is suspected that there is a roost in Little Wood. Little Wood was deemed to be of high conservation value for bats; Little Wood is classified as ancient woodland and has a large proportion of the trees suitable to hold bat roosts.

**Birds:**
From chapter 9 of the environmental statement: In summary of the bird surveys conducted 2007 and 2011: It is likely the turbines could displace up to 16 territories of Skylarks, species of conservation concern UK BAP Red listed species as they are in decline, and displace foraging Turtle Doves, Swallows and swifts. Contrary to the report there may be disturbance effects to displaying birds, making the area unsuitable for territories. Three pairs of both tawny owls and barn owls are in the area, but were seen flying low-level. It may be a collision risk for pink-footed geese; lapwing 25 birds were recorded flying over at the 'at-risk' height; 145 Golden Plover, 50% of these were flying at the 'at-risk' risk height. These results are likely to be an under-estimate of the total number of birds affected by the turbines due to the under-recording of birds flying 'at risk' height (Section 8.3.140).

Continued overleaf...
2013/0105 Hempnall Windfarm continued...

There I believe that the diagrams represented in Figure 3.4. do not display the measurements needed to make a judgement for possible collision risk for many bat species. In order to comply with best practice guidance (see references) the diagrams should show the measurement from the tip of the turbine blade to the closest vegetation feature. There is a lack of current research of how onshore turbines affect open-country flying species of bats such as noctule bats. Post-construction monitoring is essential to collect data to help inform future sittings of onshore wind turbines. Due to the effects upon the birds and bats this application should be put forward for the Norfolk biodiversity offsetting project.

Recommendations:
Even though the EIA reports there will not be significant effects to bird populations caused by collision deaths as the, however I do believe there will be significant indirect effects such as the local displacement of breeding birds such as Skylarks and bats such as breeding colonies of barbastelle bats. As such I can recommend the following be made conditions, including biodiversity offsetting contribution to improve bird and bat habitats in South Norfolk:

- That turbine 4 should be at least 50m from Little Wood SSSI. An amended plan and diagram displaying the distance from the tip of the turbine blade to the edge of the trees in the wood edge. These documents should be submitted to and signed off by South Norfolk Council.

- Full post-construction biodiversity monitoring programme, for at least 3 years post-construction, the report to be submitted to South Norfolk Council, Natural England, RSPB and the Bat Conservation Trust.

- The applicant should be put forward for the Norfolk Biodiversity offsetting scheme and that this contribution is set up in the section 106 agreement.

- A planting scheme to be submitted and signed off by South Norfolk Council. This should avoid biodiversity mitigation onsite especially not between the turbines, as this would attract bats and birds and possibly increase the risk of collision. Some planting around the northern edge may provide a corridor between the SSSI woods.

These recommendations and offsetting are in line with the Joint Core Strategy Policy 1 and the NPPF.

References:

RSPB conservation targeting project: Arable bird assemblage for the east of England:

Natural England Interim guidance for Bats and Onshore Wind Farms:
http://publications.naturalengland.org.uk/file/490077
Conservation & Design Observations

Ref No: 2013/0105
Site: Busseys Loke Hempnall

CO Name: SB

Proposal Erection of 3 wind turbines, revised application

Listed Building
Affects Setting of LB
In Conservation Area
Article 4 Direction

Conservation & Design Architect Initial Comments:

Site Visit: Previous

General Comments:

The applicants have withdrawn T2 from their proposal to leave 3 turbines located to the east of the village. T2 was the closest to the Church of St Margaret and the Hempnall Conservation Area.

My previous comments raised concerns about the impact of the turbines on both these heritage assets in the light of the Inspector’s decision on the previous appeal and a subsequent High Court case. I felt that the proposal would harm the setting of the Church and conservation area contrary to sections 66 and 72 of the 1990 Act and paragraphs 128, 132, 134 and 137 of the National Planning Policy Framework.

The closest turbine, T1, is now 1.19kms away from the Church and 1.11 kms from the churchyard, compared with 870 metres previously, 320 metres difference.

The applicant still acknowledges that the changes will neither preserve nor enhance the setting of the Church, and that while the wider setting may be harmed, this does not represent substantial harm in the context of paragraph 133 of the NPPF. They state that the church would remain a prominent and significant feature on the approach to the village. (see para.12.6.8 of the new text). They conclude that the magnitude of change to the setting of the church is “small” (para. 12.6.10).

While I feel that the removal of T2 has reduced the impact on these heritage assets, I would still suggest that the remaining three do harm the setting of the Church and the conservation area. The scale of the turbines would challenge the present prominence of the church in the approach to the village from the east, while their viewpoint 04 shows all three would be visible from the church and churchyard.

Conclusion.

The applicants admit that the turbines, even with the reduced number, would not preserve or enhance the setting of the church. In my previous comments I did not class the harm as
being substantial, as in paragraph 133 of the NPPF, but accepted that the harm was "less than substantial" and as such would need to be weighed against the public benefits of the proposal under paragraph 134. I do not feel the loss of T2 has changed that opinion.

**Further negotiations required:** No

**Recommendation:** The turbines would cause harm to the setting of St Margaret's Church Hempnall and be contrary to NPPF paragraph 134. It would also fail to preserve the setting of the church and be contrary to section 66 of the Planning (Listed buildings and Conservation Areas) Act 1990.

**Suggested reasons for refusal/conditions for approval:**

**Officer Initials:** Steve Beckett

**Date:** 31\textsuperscript{st} October 2013
Conservation & Design Observations

Ref No: 2013/0105  Site: Land east of Hempnall and north of the Bungay Road

CO Name: SB

Proposal: Erection of 4 wind turbines

Listed Building
Affects Setting of LB
In Conservation Area
Article 4 Direction

Conservation & Design Architect Initial Comments:

Site Visit: March and April

General Comments:
The application has been amended from the one that was refused consent under 2008/0917. The proposal is now for 4 turbines instead of 7. The 3 most easterly turbines have been deleted, while the positions of 3 of the surviving 4 have been changed slightly. The reduction in the number of turbines and the adjustment of the surviving ones are in response to the appeal decision which followed the refusal, and was dismissed largely due to the impact on wildlife and bats in particular. The most easterly turbines appear to be responsible for most of that concern.

Since that decision, there have been some key developments that have a bearing on this application. The appeal decision relied upon Planning Policy Statement no 5, which has now been replaced by the National Planning Policy Framework; a High Court judgement on a case in East Northants, and an appeal into another wind turbine case at Upper Vance’s farm. I feel these needs to be referred to in my assessment of the application.

Background

The issue of the impact on heritage assets was considered by the Inspector in the light of advice in PPS 5. One of the reasons the Council had objected to the application was the impact of the turbines on setting of the Church of St. Margaret in Hempnall. The Inspector felt that the “setting of the church, in the ways that I have defined it, would neither be preserved nor enhanced” (para.19 of his decision). He also found that while the views where the turbines would be seen were not “character-defining”, he concluded that the setting of the conservation area (Hempnall) would, “at least in part, be neither suitably preserved nor enhanced”. (para.20).

He also came to a similar conclusion in respect of the conservation areas in Fritton and Saxlingham Green. (para. 24 and 25). His final assessment, in para 81, found that “sufficient of the setting or view would remain preserved to enable the building or settlement and its historically important environs to still be appreciated and enjoyed”. He felt the appeal was acceptable in terms of its impact on cultural heritage features.

The conclusion was reached with no specific reference to section 66 of the Planning (Listed building and Conservation Areas) Act 1990, as far as I could see. The comments
concerning preserving and enhancing come from that section. But it is a fundamental assessment especially given the recent High Court case in East Northants, where this was the crucial factor.

Section 66 deals with permissions which affect listed buildings or their setting, and states that the local planning authority “shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.” It is a duty to exercise this function. Section 72 of the same Act makes it a duty that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”. In my understanding, this would be engaged if a development was outside a conservation area but whose impact would affect its character or appearance.

In the judicial case at Barnwell Manor, East Northants, the judge said that considerable importance and weight should be accorded to section 66(1), and that preservation should be a sought-after objective not just an assessment of harm and deserves special weight. The judge said that the Inspector had treated harm to the setting and wider benefits “as if these two factors were of equal importance”. Concerns that the Inspector had emphasised the fact that the public would still be able to distinguish the assets from the turbines is not so far from the Hempnall inspector’s conclusion. (See para 81 of the decision).

In the appeal decision on the Upper Vance’s farm, the inspector felt the turbines would “diminish the status of the building (the church of St.Marys in Rushall), in the landscape, be visually jarring, and compete with the round tower of the church”, and found that they did harm the setting of the building.

Whether this level of consideration was given by the Inspector at the Hempnall appeal is not the issue here. The fact that he found that the turbines would not preserve or enhance should perhaps have led to the conclusion that the scheme did not comply with section 66(1) and perhaps this should have been added this to his reasons for dismissing the appeal. But we do need to take the above comments into account in the assessment of the current application.

Current application

The 4 turbines occupy positions not so far different from the previous application, although T2 is now closer to the Church and Conservation Area (0.87km as opposed to 1km). They have a maximum height of 126.5 metres.

There are many heritage assets within the 3kms radius of the site. In the light of the previous application, I would wish to focus on the Church of St.Margaret, the church of St Catherine’s in Fritton, and the conservation areas of Hempnall, Fritton and Saxingham Green. I do acknowledge, however, that the setting of many other listed buildings would be affected by the presence of the turbines.

The Church of St Margaret’s is listed grade 1, a 13th and 14th century rebuild on a site of pre-conquest origins in flint rubble with ashlar dressings, slate and lead roofs. It has a square 14th century west tower. It is on raised ground, which adds to its presence in the village, with brick and flint walls largely defining its churchyard, except to the north where it has been extended and is defined by trees and hedges. The front faces south. It is also listed for group value in conjunction with other historic buildings to the west and south.

Architecturally and historically the church is of national importance.

Its position in the village also adds to its significance. It occupies a pivotal site on the corner of the street as it turns to the south, and is a key element in views along from the
west and from the south. The church is in a prominent, elevated position and makes a significant contribution to the character and appearance of the conservation area. In terms of its setting in the village, parish churches are almost always the most dominant building, and many are seen at some distance in views from the surrounding landscape. The way Hempnall has grown has reduced the impact of the church when viewed from the west, south and partly to the north, where the modern farm buildings at Manor farm on Busseys Loke have obscured the view. Within the village, as already been mentioned, the church is seen in an “urban” context. From the east, and only from the east, the church can be enjoyed in a “rural” context, and I feel this “duality” adds to its significance. The tower can be seen on approaches from the east set amid the trees, and is only harmed by the modern farm buildings in the wider panorama. The church signals the presence of the village and from an historical/archaeological aspect, this view from the east has probably been altered the least since the church was built.

In reverse, views to the east can be enjoyed from the church and its churchyard which has been extended on this side.

I feel that the setting of the church is affected by the proposal. The sheer scale of the turbines in comparison to the church, currently, the tallest building in the parish, will have an impact on its setting, primarily from the east, but also from the street and within the church and churchyard, which was acknowledged by the inspector previously.

In my comments on 2008/0917, I did not feel the turbines would have an adverse impact on Hempnall, Fritton or Saxlingham Green Conservation Areas. I also did not find harm to the setting of the Church of St. Catherine’s at Fritton.

The Inspector, however, found that that the impact on the three conservation areas would neither preserve nor enhance the setting of these areas. This then would be contrary to section 66(1) and as such fail to meet paragraphs 128,132 and 137 of the NPPF, and either paragraph 133 or 134 depending upon whether the harm is considered to be substantial or not.

The applicant mentions section 66 in their introduction, and quotes the inspector’s comments in their chapter 12, para 12.1.14, about the turbines leaving enough of the asset to be enjoyed, which was part of the issue with the High Court case referred to earlier. The chapter does identify the high significance of the churches and 3 conservation areas. But it concludes that the change to the conservation areas would be negligible to small. In para 12.6.8 they do state that the changes to the Church of St. Margaret “will neither preserve nor enhance the setting of the church.” But then go on to say in 12.6.10, that the effect is not considered to be significant.

The applicants also state in their table 12.1, in respect of the church of St Margaret’s, that while the listed building is “enhanced by its churchyard and the listed buildings surrounding it”, “The land where the turbines would be located does not add to the significance of the church.”

Conclusions and summary.

In the light of the recent High Court case, and looking at the Inspector’s report for the Hempnall application in 2009, there was an acknowledgement that the 7 turbines on the 2008 application would neither preserve or enhance the setting of the Church or the conservation areas at Hempnall, Fritton and Saxlingham Green. I do feel the Inspector’s comment “that sufficient of the setting or view would remain preserved to enable the building or settlement and its historically important environs to still be appreciated and enjoyed” would not have been made had the judicial review taken place before his decision.
In the light of that High Court case, I do not feel the applicants have given the “considerable importance “now implied under section 66, and given special weight to the impact of the proposal on the heritage assets affected.

I feel there would be harm to the setting of the Church of St Margaret’s even with the reduction of the turbines to 4, which are the ones nearest the church, and disagree with the applicants that the “church would remain prominent and significant feature on the approach to the village of Hempnall”, (para 12.6.8). These turbines would overwhelm the eastern approach and harm the rural setting of the church. I feel the situation is not unlike the Upper Vance’s case where the Inspector felt the turbines would “diminish the status of the building in the landscape, be visually jarring and compete with the round tower of the church.” I feel the turbines would compete with the square tower of St. Margaret’s.

From within the village, the impact would be less noticeable, but I would disagree that the view and the experience from the churchyard will not be affected. I feel the sense of place and tranquility one would expect from a church and churchyard is part of its significance as it distinguishes a church from other historic buildings, and this would be disrupted with turbines of this scale and position clearly visible to the east. The EH guide to setting lists attributes that can contribute to significance. It includes views from, towards, through and across the asset; visual dominance, or role as a focal point, intervisibility with other historic and natural features, tranquility, intimacy, privacy and accessibility. All of these would apply to St Margaret’s, and all, to some degree or other, would be affected by the proposals.

Given that the church is closely interlinked with the Conservation Area, I think the proposals would harm the setting of both the church and Hempnall Conservation Area, and feel this would not meet the criteria in section 66(1) or 72 or NPPF policy. The impact on Saxlingham Green and Fritton Conservation area, and the Church of St Catherine’s in Fritton, would, in my view, also not meet section 66 or 72, although I feel the harm caused here is less.

Further negotiations required: No

Recommendation: I feel the applicants have not afforded sufficient weight to the affect on the significance of the heritage assets under section 66 and 72 of the 1990 Act. The effect of the turbines on St Margaret’s Church and Hempnall Conservation Area in particular would not preserve or enhance the setting or character and appearance in those cases. I feel there is less harm to the conservation areas at Saxlingham Green and Fritton, and the church of St Catherine’s. Under the NPPF I feel the application would not comply under paragraphs 128, 132, 134 and 137.

Suggested reasons for refusal/conditions for approval:

Officer Initials: Steve Beckett

Date: 22nd May 2013
Dear Ms Mellors


LAND SURROUNDING BUSSEYS LOKE NORTH OF BUNGAY ROAD, HEMPNALL AND INCLUDING LAND ADJACENT TO THE B1527 AND AT THE JUNCTION OF THE B1527 AND B1332, WOODTON, NORFOLK

Application No 2013/0105 - erection of 3 wind turbines with maximum height of 126.5 metres and associated development for a period of 25 years, including control building, electricity transformers, underground cabling, access tracks, crane hard standing, new vehicular access, culvert and off-site highway works

Thank you for consulting English Heritage on amendments to the above application. The chief affect of these would be to delete turbine no. 2 from the proposed wind farm development of four turbines.

Without photomontage images of the reduced development it is a little difficult to assess precisely what the reduction in visual impact on the historic environment might be. We would be happy to comment on any such images should they be submitted. However, by removing one turbine it is likely there will be a reduction in the extent of visual impact on heritage assets in the vicinity. Furthermore, because the turbine proposed to be removed is the closest to Hempnall church and conservation area it is reasonable to conclude that the particular impact on those heritage assets could be reduced. We would therefore welcome the proposed deletion and accept that impact on the heritage assets will be reduced and that there could consequently be a reduction in harm to their significance.

Having said this, the visual impact of these large rotating structures in this open agricultural landscape is in many ways a collective one, rather than individual turbines having especially pronounced affects by appearing in particular views. The deletion of one turbine might mean individual rotating blades would be less visible in, for example,
glimpses between specific buildings in the village. However, when approaching Hempnall from the east, north and south the landscape will still be dramatically affected by the turbine group, even with the reduction in numbers. Similarly, the height of the remaining turbines means that when looking eastwards from the churchyard the effect (as illustrated in one of the photomontages originally submitted with the application) they will still have a considerable presence in the landscape even if the closest one has been removed.

We therefore remain of the view that there will be harm to the significance of the heritage assets resulting from the development in terms of the NPPF paragraph 134 even with the deletion of turbine no. 2. We would accept that the degree of harm has been reduced by this deletion and the Council will have to consider that set against public benefit resulting from the generation of renewable energy in terms of NPPF paragraph 134.

Yours sincerely

David Eve
Inspector of Historic Buildings and Areas
e-mail: david.eve@english-heritage.org.uk

cc David Edleston
Dear Ms Mellors


LAND SURROUNDING BUSSEYS LOKE NORTH OF BUNGAY ROAD, HEMPNALL AND INCLUDING LAND ADJACENT TO THE B1527 AND AT THE JUNCTION OF THE B1527 AND B1332, WOODTON, NORFOLK
Application No 2013/0105

Thank you for your letter of 1 February 2013 notifying English Heritage of the above application.

Summary
This application proposes the erection of four wind turbines at a maximum height of 126.5 metres in the vicinity of conservation areas and grade I and II* listed buildings. It is a reduced version of a scheme proposed in 2008, but still contains elements harmful to the historic environment.

English Heritage Advice
The current application is in effect a revision of that submitted in 2008, although the turbines have been reduced in number from seven to four and grouped slightly differently. The location has not greatly changed and particularly as regards the impact on the closest historic assets in the village of Hempnall the heritage issues raised are very similar.

Our advice of 2009 was issued after the Council had arrived at a recommendation on the previous scheme and without the luxury for a full assessment of the impact. With the present scheme I have been able to give fuller consideration to the impact on the historic environment. The role of English heritage in the case remains to advise the Council on the impact on the significance of grade I and II* listed buildings and Conservation Areas in the vicinity of the development within the context of policy and guidance.
The turbines will have an impact on the eastern part of Hempnall church's setting and its significance, which is perhaps what the Environmental Statement is referring to when it reports that 'longer views from outside the village' will 'change' (paragraph 12.6.6 and 7). Viewpoint image 4 gives an impression of the scale of the turbines looking eastwards from the area to the east of the church, but viewpoints 7, 10 and 12 all fail to really show how they would combine in views of the church looking west. These images do give an idea of their scale, however. The Statement is less clear about the visibility of the turbines from the village streets and churchyard (in 12.6.4 and 6). It seems the turbines will be visible to some degree but no viewpoint illustrations have been provided to allow assessment of the impact.

The Environmental Statement concludes that the impact of the turbines "will neither preserve of enhance the setting" of St Margaret’s church, Hemptall (paragraph 12, 6, 8). I would agree with this and conclude that the development will result in harm to the building's significance.

Hempnall church and conservation area are inextricably linked, especially at the eastern edge of the settlement and assessment of the development’s impact on these assets raises similar issues. Viewpoints 7, 10 and 12 illustrate the likely size of the turbines in the landscape to the east of the village where its rural setting is best preserved. It seems clear that they will affect a reading of the historic settlement in its agricultural landscape. The Environmental Statement does not address this issue directly by only referring to views “into” the conservation area, rather than the quality and experience of its setting (table 12.6). No viewpoint illustrations have been provided to allow assessment of the impact seen from the village streets, but the turbines may be visible to some degree. The impact on the landscape to the east of the conservation area is clearer and I would conclude that the development will result in harm to the conservation area’s significance.

The Environmental Statement refers to how partial views of the turbines would be mediated variously by trees and buildings around both Saxlingham Green and Fritton conservation areas. I think there is some truth in those observations, but in both cases this downplays the presence the turbines would have in the landscape when leaving or approaching the conservation areas. Even with the significant tree screening on the side of Saxlingham Green towards the application site the conservation area should not be seen as an object isolated from its context. Viewpoint 21 is an image from the north side of Saxlingham Green but it illustrates the kind of presence the turbines will have, as do others looking from the east of Hemptall. I would conclude that the combination of the partial appearance of rotating blades through trees and between buildings referred to in the Environmental Statement and fuller views of the turbines in
The National Planning Policy Framework (NPPF) identifies protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development in the planning system (paragraphs 6, 7 and 14). The NPPF also states that the significance of listed buildings and conservation areas can be harmed or lost by development in their setting (paragraph 132) and that the conservation of heritage assets is a core principle of the planning system (paragraph 17). Furthermore, paragraph 137 states that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of the heritage assets should be treated favourably. We have considered the current proposals in light of this government policy and relevant English Heritage guidance.

Because of their height and motion the proposed turbines will be particularly noticeable and rather alien presences in the landscape seen from some considerable distance. Because of this they have the potential to affect the wider setting of heritage assets also at some distance. The Environmental Statement accompanying the application (chapter 12) has assessed the impact on designated assets over a two kilometer area, with some considered over a four kilometer area. This has given the opportunity to assess the setting of historic parish churches which, because of their characteristic form and historic meaning, are often particularly noticeable landscape features.

The turbines may bring a change to the quality of the setting of heritage assets beyond their immediate vicinity, but in terms of actual harm to significance of the designated assets within the remit of English Heritage I feel the conservation areas at Saxlingham Green, Fritton and Hempnall, along with their respective grade II* and grade I listed parish churches are of most concern.

St Margaret's church, Hempnall is one of the listed buildings closest to the application site and one of the most important in the area. It has an important role in the conservation area and in the landscape beyond, especially to the east. The Environmental Statement says the setting of St Margaret's "encompasses the church yard and paddock to the rear (east) of the building...land where the turbines would be located does not add to the significance of the church" (page 241). This is an incorrect and highly limited understanding of setting and one that appears with some frequency in the document. I would suggest that the whole historic settlement and landscape beyond it constitute the setting of St Margaret's church. The undeveloped agricultural quality of that landscape contributes to an understanding of the building in its historic setting and the views from the east show it to particular advantage in that context.
the landscape beyond the conservation areas will result in a degree of harm to the setting and significance of both Saxlingham Green and Fritton conservation areas and by extension to the church of St John the Baptist, Fritton.

All the heritage assets noted above were considered in detail by the Inspector prior to issuing his decision on the 2009 appeal and he identified harm to their settings in terms of the then-current planning policy. I have considered the current proposals in terms of the new NPPF and find that harm will still be caused to those assets in a similar manner, despite the reduction in the number of turbines. I therefore conclude that the application fails to satisfy paragraphs 132, 134 and 137 of the NPPF. The lack of viewpoint images to illustrate the degree of visual impact in the areas indicated above also leads me to conclude that the application fails to accord with paragraph 128.

Recommendation
While the information accompanying the application is lacking in some areas I have concluded that the development will result in harm to the significance of the grade I listed church of St Margaret, Hempnall and the Hempnall conservation area. To a lesser degree there will also be a harmful impact on the wider setting of the conservation areas at Saxlingham Green and Fritton and the latter's parish church of St John the Baptist. I therefore conclude that the application fails to satisfy paragraphs 128, 132, 134 and 137 of the NPPF and recommend that permission is refused. However, the Council should be mindful of the Inspector’s conclusions regarding the impact on these heritage assets of the previous version of this development in the 2009 appeal decision. Also, the NPPF requires Local Planning Authorities to set any public benefit deriving from renewable energy generation against harm to the historic environment. This is a judgment I must leave to the Council.

Yours sincerely

David Eve
Inspector of Historic Buildings and Areas
E-mail: david.eve@english-heritage.org.uk
Date: 11 June 2013
Our ref: 87218
Your ref: 2013/0105

Gary Hancox
South Norfolk Council
South Norfolk House
Swan Lane
Long Stratton
Norfolk
NR15 2XE

BY EMAIL ONLY

Dear Mr Hancox

Planning consultation: Erection of 4 wind turbines with a maximum height of 126.5m and associated development for a period of 25 years, including control building, electricity transformers, underground cabling, access tracks, crane hard standing, new vehicular access, culvert and off-site highway works

Location: Land Surrounding Busseys Loke North Of Bungay Road, Hempnall And Including Land Adjacent To The B1527 And At The Junction Of The B1527 And B1332, Woodton, Norfolk

Thank you for your consultation dated and received by Natural England on 21 May 2013.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has previously commented on this proposal in our letter dated 27 February 2013. We note the new information supplied on bats and landscape, but have no further comments on these matters. The advice provided in our previous response applies equally to this amendment.

Note that it is not within Natural England’s remit to consider landscape character and visual amenity when not affecting an Area of Outstanding Natural Beauty, National Park or National Trail.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Yours sincerely

Francesca Shapland
Planning & Conservation Adviser

0300 060 1232
francesca.shapland@naturalengland.org.uk
Helen Mellors
South Norfolk House
Swan Lane
Long Stratton
Norfolk
NR15 2XE

BY EMAIL ONLY

Dear Ms Mellors

Planning consultation: Erection of 4 wind turbines with a maximum height of 126.5m and associated development for a period of 25 years, including control building, electricity transformers, underground cabling, access tracks, crane hard standing, new vehicular access, culvert and off-site highway works

Location: Land surrounding Busseys Loke north of Bungay Road, Hempnall and including land adjacent to the B1527 and at the junction of the B1527 and B1332, Woodton, Norfolk

Thank you for your consultation on the above dated 01 February 2013 which was received by Natural England on 04 February 2013.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England believes that wind energy developments, appropriately designed and sited, play an important part in a low carbon, more efficient and sustainable energy system, which is needed to address climate change. However, such developments, together with their ancillary infrastructure, can impact upon the terrestrial environment. The significance of such impacts will vary from place to place depending on the sensitivity of the receiving environment in each location. Wind energy developments should therefore be of an appropriate height, form and scale and should be guided towards locations that avoid unacceptable impacts on the natural environment, with each proposal subject to an evidence based appraisal, considering individual and cumulative impacts on the natural environment, and underpinned by appropriate monitoring to inform better future decision making.

SSSI - No objection
This application is in close proximity to Shotesham-Woodton Hornbeam Woods Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected Landscapes
This application is located approximately 8 km from the Broads National Park. Considering the information provided in the Landscape and Visual Impact Assessment, Natural England has no comments to make on this proposal as we do not believe that this development is likely to impact on the purposes of designation of the Broads National Park.
functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

**Other advice**

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Bronwen Keiller on 0300 060 1945. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Bronwen Keiller
Land Use Operations
Assessment of the heritage impact of a proposed development of four wind turbines and ancillary equipment and works on land surrounding Busseys Loke north of Bungay Road, Hempnall

Planning application ref. 2013/0105

on behalf of

Stop Hempnall's Onshore Wind Turbines (SHOWT)

GLA-111
March 2013
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1.0 Introduction

1.1 This document constitutes an independent assessment of the impact on the historic environment of a proposed development of four wind turbines and ancillary equipment and works on land surrounding Busseys Loke north of Bungay Road, Hempnall. It has been researched and prepared on behalf of Stop Hempnall’s Onshore Wind Turbines (SHOWT) by Roy M Lewis BA (Hons), MA (Arch Cons), MRTP, IHBC and Philip Grover BA (Hons), BTP, Dip Arch. Cons., MRTP, IHBC, of Grover Lewis Associates Limited. All photographs were taken by Roy Lewis.

1.2 The heritage impact assessment has been produced in response to a planning application (ref. 2013/0105) submitted to South Norfolk Council by Mr David Anders of TCI Renewables Ltd on behalf of Streetwood Wind Farm, Norfolk, Ltd. The application was registered on the 21 January 2013.

1.3 The proposal is for four three-bladed wind turbines, with a maximum blade tip height of 126.5 metres. Each turbine would have a hub height of approximately 80 metres and a rotor diameter of approximately 90 metres (subject to final selection of turbine model). The turbines would be sited on open arable farmland to the north-east of Hempnall and would have a total installed electricity generating capacity of between 8MW and 12MW and an operational life of 25 years. The proposed development includes ancillary equipment and off-site highway works on land surrounding.

1.4 Section 2.0 considers the decision-making context and highlights recent changes to heritage policy guidance and recent planning and legal decisions that are relevant to the determination of this case.

1.5 Section 3.0 presents an independent assessment of heritage impact carried out by Grover Lewis Associates and draws conclusions regarding adverse effects on the historic environment and heritage assets that should be taken into account in the determination of the planning application.

1.6 The planning application was accompanied by an Environmental Statement (ES) that presents the findings of an Environmental Impact Assessment (EIA) that has been undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Attention is drawn in Section 3.0 of this report to shortcomings in the assessment presented in Chapter 12 of the ES entitled Effects on Heritage and Other Material Assets.
2.0 Decision-making context

2.1 An application for seven wind turbines of similar scale and in a similar area to the current proposal (ref. 2008/0917/F) was refused by South Norfolk Council in April 2008. A subsequent appeal was dismissed in December 2009.

2.2 The Inspector's decision concluded that the adverse impact of the proposal on the setting of various heritage assets, when combined with other concerns, was sufficient to justify the withholding of permission. The Inspector's concerns related to the harmful impact upon:

- Church of St Margaret, Hempnall
- the approach views towards St Margaret’s Church, Hempnall along Bussey’s Loke and Woodton Road
- Hempnall Conservation Area
- Fritton Conservation Area

2.3 It is noted that on balance when calibrated against the need to address climate change, the Inspector did not consider that the appeal scheme was unacceptable in relation to impact on cultural heritage features, when considered independently. However, he acknowledged that the position regarding cultural heritage was not clear cut.

2.4 Since the appeal decision in December 2009, there have been significant changes in national planning policy and guidance relating to conservation of the historic environment. Additionally, there have also been a number of important planning decisions that provide a relevant guide, together with legal judgments that have clarified legal duties in making planning decisions related to heritage assets. Consequently, the context in which the previous appeal decision was made has changed significantly.

2.5 Furthermore, the current proposal is materially different to that proposed previously.

Changes to national heritage policy

2.6 In March 2010, the Government replaced PPG15, which the Inspector had taken into account, with Planning Policy Statement 5 (PPS5): Planning for the Historic Environment (published March 2010). PPS5 was in turn superseded two years later, when the Government published the National Planning Policy Framework (NPPF) in March 2012, providing a single statement of national
planning policy. PPS5 introduced a radically new heritage policy approach to that contained in the earlier PPG15, which was refined and amended when the Framework was published.

2.7 It is not considered necessary to repeat the policies verbatim as the local planning authority will be familiar with them but it should be noted that the policies revolve around the significance of heritage assets, and that such significance includes the contribution made by setting. The policies in the Framework which seek to avoid harm to the significance of heritage assets, consequently relate both to the assets themselves and to their settings.

2.8 The Framework defines setting as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. A key point to note is that this is a much broader definition than that which was understood at the time of the previous appeal decision.

Guidance

2.9 The now superseded PPS5 was accompanied by a Historic Environment Planning Practice Guide (March 2010) jointly published by Government and English Heritage. This document remains as extant guidance. The practice guide reinforces the wider understanding of the concept of setting.

2.10 In October 2011, English Heritage published detailed guidance on The Setting of Heritage Assets. This restates the definition given in the Practice Guide, which originated from PPS5. With regard to the extent of setting, the English Heritage guidance states that:

setting embraces all of the surroundings (land, sea, structures, features and skyline) from which the heritage asset can be experienced or that can be experienced from or with the asset. Setting does not have a fixed boundary and cannot be definitively and permanently described as a spatially bounded area or as lying within a set distance of a heritage asset. Views on what comprises a heritage asset's setting may change as the asset and its surroundings evolve, or as the asset becomes better understood. Construction of a distant but high building; development generating noise, odour, vibration or dust over a wide area; or new understanding of the relationship between neighbouring heritage assets may all extend what might previously have been understood to comprise setting.
2.11 The English Heritage guidance makes it clear that the setting of any heritage asset is likely to include a variety of views of, across, or including that asset, and views of the surroundings from or through the asset. A long-distance view may intersect with, and incorporate the settings of numerous heritage assets. Views from within extensive heritage assets can also be important contributors to significance, for example, views from the centre of an historic town, through the townscape to its surrounding countryside, or from an historic house, through its designed landscape to the countryside beyond (Section 2.3, page 6).

2.12 With specific regard to designed settings, the English Heritage guidance states many heritage assets have settings that have been designed to enhance their presence and visual interest or to create experiences of drama or surprise. Views and vistas, or their deliberate screening, are key features of these designed settings, providing design axes and establishing their scale, structure, layout and character. These designed settings may also be regarded as heritage assets in their own right, which, themselves, have a wider setting: a park may form the immediate setting for a great house, while having its own setting that includes lines-of-sight to more distant heritage assets or natural features beyond the park boundary (Section 2.5, page 10).

2.13 With specific regard to change over time, the English Heritage guidance states that the likelihood of (the) original setting surviving unchanged tends to decline with age and, where this is the case, it is likely to make an important contribution to the heritage asset’s significance (Section 2.4, page 7).

2.14 The English Heritage guidance provides detailed advice with regard to the assessment of the implications of change affecting setting. A five step process for assessing the implications of development proposals is set out. This includes establishing whether, how, and to what degree the setting makes a contribution to the significance of the heritage asset, and assessment of the effect of the proposed development on the significance of the asset. It should be noted that the English Heritage guidance has been followed in this heritage impact assessment.

2.15 The English Heritage guidance reinforces the wider concept of setting introduced in PPS5 and re-affirmed in the Framework. The guidance makes it clear how the wider concept of setting should be applied in practice. This is a significant change to the understanding of the concept of setting at the time of the previous appeal decision.

2.16 A related point to note is that prior to the publication of PPS5, the Framework, and the English Heritage guidance, it was widely believed that the setting of
listed buildings was a relatively constrained concept. Wind turbine developers frequently argued that their proposals were beyond the setting of many such heritage assets. The English Heritage guidance makes it clear that the concept of setting embraces all of an asset’s surroundings. Consequently, proposed turbines that can be seen in juxtaposition with a listed building or a conservation area have an impact on its setting. The degree of impact and any harm caused are matters of professional judgement. The English Heritage guidance on setting provides practical guidance on how to carry out such assessments. None of this was available to the Inspector at the time of the previous decision in December 2009.

Statutory duties

2.17 The planning decision must take account of the statutory duties relating to the preservation of the setting of a listed building listed buildings and the preservation and enhancement of conservation areas contained respectively in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. These are not restated verbatim in the interests of brevity. In the past, it has been customary in planning and appeal decisions to accept that compliance with the national heritage planning policies relating to proposals that cause harm to such heritage assets implies compliance with these statutory duties.

2.18 The recent High Court judgement in the Barnwell Manor Wind Farm case (East Northants DC, English Heritage and National Trust v. Secretary of State for Communities and Local Government and Barnwell Manor Wind Energy Ltd [2013] EWHC 473 (Admin)) has clarified that the section 66 duty and national heritage planning policy tests are different, and furthermore that the section 66 duty provides a more demanding test than the tests in PPS5 that were extant at the time of the appeal decision. The section 66 duty requires that special regard be had to the desirability of preserving the listed building or its setting. In the Barnwell Manor case, the judge concluded that the word ‘desirability’ in section 66(1) signals that ‘preservation’ of setting is to be treated as a desired or sought-after objective, to which the decision-maker must accord ‘special regard’. This goes beyond mere assessment of harm.

2.19 It should be noted that the Inspector’s decision in December 2009 refers to the development plan and the policies in PPG15 but makes no mention of the statutory duties under section 66 or section 72. It should also be noted that the national heritage planning policies in PPS5 that are referred to in the Barnwell Manor High Court judgment are identical in essence to those currently contained in the Framework.
Local heritage policy

2.20 The relevant development plan policies are contained in the Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011), together with the saved policies of the South Norfolk Local Plan (adopted March 2003). Again these are not re-stated in full in the interests of brevity.

2.21 From the South Norfolk Local Plan, policies IMP 15: Setting of listed buildings and IMP 18: Development in conservation areas are relevant. These local plan policies were taken into account in the previous appeal decision. However, the decision also had regard to policy ENV6 of the regional special strategy, the East of England Plan, which has now been revoked.

2.22 Furthermore, the policies of the Joint Core Strategy for Broadland, Norwich and South Norfolk have been adopted since the appeal decision. Policy 1 addresses climate change and the protection of environmental assets. The policy includes the provision that the built environment, heritage assets, and the wider historic environment will be conserved and enhanced through the protection of buildings and structures which contribute to their surroundings, the protection of their settings, the encouragement of high-quality maintenance and repair and the enhancement of public spaces. This policy was not in place and therefore was not taken into account in the previous appeal decision.

Relevant appeal decisions

2.23 The most relevant local appeal decision is the dismissed proposal for three wind turbines with a maximum blade tip height of 126 metres, at Pulteney Market and Dickeburgh, in the South Norfolk Council administrative area (appeal ref. APP/L2630/A/10/2143349, October 2012). The Inspector concluded that the dominating height and position of the proposed turbines in relation to the grade I listed St Mary’s Church at Rushall would be a particularly harmful element of the proposal. Adverse impact on the setting of other listed buildings and significant harm to the landscape around Rushall also featured in the determination. The Pulteney Market case has clear parallels with the current proposal, especially the impact on the grade I listed parish church at Hempnall.

2.24 Another highly relevant appeal decision is the dismissal of the proposed Bicton Wind Farm, Cambridgeshire (appeal ref. APP/H0520/A/11/2146394, March 2012). In addition to the impact on a number of highly graded listed buildings including Kimbolton Castle, this proposal for four wind turbines with a maximum tip height of 125 metres high located under two kilometres from...
the west entrance to the castle, was held to have an adverse harmful effect on key listed buildings and the Kimbolton and Tilbrook Conservation Areas. The Inspector concluded that despite parts of the Kimbolton Conservation Area being self-screening, the turbines would be difficult to avoid in appreciating the setting of the listed buildings in question and the town of Kimbolton. Two turbines around 1.5 kilometres from the Tilbrook Conservation Area and listed buildings within it, were found to be harmful. The Inspector concluded there would be a major adverse impact on the conservation area. This decision has particular relevance to the issue of harmful impact on conservation areas.

The current proposal

2.25 The current application proposes four rather than seven turbines, as considered previously. The proposed turbines are marginally higher than those previously proposed (126.5 metres of 125 metres to maximum blade tip).

2.26 The three turbines at the eastern end of the array (T5, T6, and T7) have been omitted. Of the other remaining four, proposed turbine T3 is in the same position, T1 is moved marginally northwards, T4 is moved to the south-south-east, and T2 is moved westwards, making it closer to Hempnall.

2.27 The overall effect of this will be that the appearance of the current wind farm when proposal viewed from Hempnall, Fritton and viewpoints to the west of the proposal, would be largely similar to the previous proposal. It should also be noted that turbine T2, which is one of the two closest turbines to Hempnall, is actually closer to the village and its parish church than the corresponding turbine of the previous proposal. It will also be slightly taller.

2.28 Furthermore, it is essential to appreciate that whilst the four turbines closest to Hempnall and Fritton will continue to have a similar visual relationship with these places, the amount of electricity generated will fall by almost half (or to be more precise will be four sevenths of the previous output).
3.0 Assessment of heritage impact

3.1 This section presents the independent findings of the Grover Lewis Associates assessment of the impact of the proposed turbine on the historic environment. The findings are limited to those where the conclusion is that there will be a harmful effect on the setting of a heritage asset.

3.2 The assessment methodology employed is set out at Appendix A. It should be noted that the methodology is fully compliant with the English Heritage guidance on assessment of the effect of development proposals on the setting of heritage assets. It should also be noted that conclusions that the turbines would be visible from particular viewpoints have been made with the assistance of a blimp flown by SHOWT. The conclusions of the applicant's heritage assessment are included for comparison. It should be noted that whilst the applicant's Environmental Statement makes reference to the English Heritage guidance, the heritage assessment included within it at Chapter 12 clearly fails to apply the concept of setting established in the guidance.

Church of St Margaret, Hempnall

3.3 The grade I listed Church of St Margaret, which was rebuilt in the thirteenth and fourteenth centuries, has pre-conquest origins with long-and-short quoins at the north-west angle of the nave. The church is a fine Medieval building, which features an early C14 west tower with diagonal buttresses, a fifteenth-century two-storey south porch and north and south aisles with Perpendicular style windows. The church stands in the centre of the village but has an open aspect to the east from its elevated level churchyard that incorporates some eighteenth-century headstones.

3.4 The paucity of the applicant's understanding of the significance of the church is reflected in the Environmental Statement which fails to recognise that the thirteenth and fourteenth centuries are in the Medieval period.

3.5 In addition to its obvious religious and historical significance, the church provides a landmark feature, both in the village and the wider landscape. St Margaret's Church is a village church with an inextricable link with its surrounding countryside. Consequently, its relationship to the wider landscape is an essential component of its significance. Views towards the church on the approaches to Hempnall on Bussey's Loke and Woodton Road are of a very high order and contribute greatly to the significance of the church as a landmark building. The claim in the Environmental Statement...
Plate 1: View of the grade I listed Church of St Margaret, Hempnall from the west, near the south porch – the turbines would be seen in tandem beyond the churchyard.

Plate 2: View north-eaestwards from the churchyard, at the east end of the grade I listed Church of St Margaret, Hempnall in which the proposed turbines would be highly intrusive.
that the land that the turbines would be located on does not add to the significance of the church (page 240) totally fails to acknowledge this relationship. It also shows a complete failure to follow the English Heritage guidance regarding the understanding of the contribution of setting to significance.

3.6 The proposed 126.5 metre high turbines, which would be enormous structures out of scale with all surrounding features, would draw the eye with their turning motion, and would be highly prominent and intrusive in views out from various points around the church and from a great many points on the approaches towards Hempnall on Bussey's Loke and Woodton Road.

3.7 A particularly unfortunate juxtaposition would appear in views from the south side of the church near the south porch (see Plate 1). The distance from the churchyard to the nearest proposed turbines (T1 and T2) would be around 800 metres. This would result in a major adverse change to the setting from a variety of viewpoints, and in particular from the churchyard to the east of the church (see Plate 2). The fine views on the approach towards the church along Busey's Loke, referred to above, would be seriously degraded (see Plate 3). Under the GLA methodology, the church is highly sensitive to change and reference to the matrix that combines this sensitivity with the magnitude of change results in a major adverse effect, which would be significant in EIA terms. The effect would cause substantial harm in NPPF terms.

3.8 The claim in the Environmental Statement that the magnitude of change is small and that the effect is not considered to be significant is absurd and completely disregards the English Heritage guidance on the contribution of setting to the significance of a heritage asset.
Plate 3: View towards the grade I listed Church of St Margaret, Hempnall from Bussey's Lake – this is one of a series of views on the approach towards Hempnall along this lane in which proposed turbines T1 and T2 would be highly intrusive in the setting of the listed church and the Hempnall Conservation Area

*Kirkstone / Longhouse / Post Office and Lord Nelson Public House*

3.9 The Church of St Margaret groups with the building known as Kirkstone, the Longhouse and the Post Office to the south and the former Lord Nelson Public House to the west. The former is significant as a plastered seventeenth-century timber-framed building. The latter is an early nineteenth-century brick building with Georgian details. It incorporates a two storey bay window and curved sash windows on the corner, designed to give views in the direction of the proposed turbines. The Environmental Statement erroneously describes it as a vernacular building.

3.10 The Environmental Statement states that the setting of these buildings is local and does not extend to the wider countryside. The ES accepts that the turbines would be visible in juxtaposition with the Long House (the viewpoint is illustrated in Plate 4) yet concludes that the change would be negligible to small. This fails to acknowledge the English Heritage guidance that setting embraces all of the surroundings (land, sea, structures, features and skyline) from which the heritage asset can be experienced and provides clear evidence that the Environmental Impact Assessment has not been carried out properly.
3.11 The ES conclusion is that the magnitude of change to both buildings would be negligible to small. The GLA conclusion is that the overall impact would be a moderate/minor adverse effect and that this would cause less than substantial harm to their setting, in NPPF terms.

![Plate 4: View showing the Kirkstone/Longhouse/Post Office listed building to the south of the church. The proposed turbines would intrude into the space between the two. This is also the view out from the former Lord Nelson Public House.](image)

**Hempnall Conservation Area and other listed buildings**

3.12 The proposed turbines will intrude into substantial parts of the Hempnall Conservation Area. The parts of the conservation area that will be affected are The Street, Bussey's Loke, Mill Lane, and Bungay Road. These areas contain a number of listed buildings, which are an integral part of the character of the conservation area.

3.13 The Environmental Statement considers the Conservation Area in its entirety and concludes that the magnitude of change would be negligible to small and that the effect would not be significant. The GLA assessment examines the impact on different parts of the conservation area.
The Street

3.14 The Street has a relatively high degree of enclosure, which prohibits views out. Consequently, from the points where they would come into view, the intrusion of massive rotating turbines would be anachronistic and highly inappropriate. This situation would occur in specific locations, such as the opening midway along on the east side where a school access has been created. The grade II listed Manor Cottages stand within this open space. This red brick range of four cottages, incorporates W.T. 1771 in blue brick on the west gable end. The impact on this part of the conservation area is illustrated in the applicant’s submitted photomontage Viewpoint 20 (ES Figure 13.8.46).

3.15 Pevensey House, a grade II listed C17/18 painted brick gabled house with a steep black glazed pantile roof, enjoys an outlook over this space towards the proposed turbines. Lime Tree Cottage, a short distance to the south, is a grade II listed seventeenth-century or earlier brick-faced timber-framed house, with a thatched roof with half hipped ends. A particular feature is its large off-centre brick chimney stack with arcaded sides.

3.16 The public footpath that runs southwards from the Street provides fine views back towards The Street, into which the proposed turbines would form an alien intrusion, towering above the roofline of the domestic scale buildings (see Plate 5). The two listed buildings, Pevensey House and Lime Tree Cottage, are prominent features of this view.

3.17 The Environmental Statement dismisses the setting of Pevensey House and Lime Tree Cottage as local and fails to identify the key conservation area views from the public footpath. The Environmental Statement concludes that the magnitude of change is negligible. The GLA assessment is that the magnitude of change to the Manor Cottages, which stand in an open area and will be seen in tandem with the turbines, would be moderate resulting in a moderate adverse effect. The magnitude of change to magnitude of change to Pevensey House and Lime Tree Cottage is minor as it is the rear sides of the buildings that are seen in tandem, resulting in a moderate/minor adverse effect. The impact on this part of the conservation area is greater, as the quality of the overall scene would be degraded. Consequently, the GLA assessment identifies a moderate change, giving a moderate adverse effect on this part of the conservation area. These effects all constitute less than substantial harm in NPPF terms.
Plate 5: View from the public footpath that runs south from The Street, Hempnall. The proposed turbines would form an alien intrusion, towering above the roofline of the domestic scale buildings, which include two listed buildings (Peversey House and Lime Tree Cottage).

**Bussey's Loke**

3.18 There are a series of attractive views progressing eastwards along the curved alignment of Bussey's Loke. Two grade II listed buildings on the right hand side, contribute to the streetscene: Manor Farmhouse and the stables north of the Parsonage. The Old Parsonage is also a listed building but is not prominent in the streetscene.

3.19 The proposed turbines would cause a major harmful intrusion into these views, seriously detracting from their townscape quality (see Plates 6 and 7). There are also reverse views on the approach into the Hempnall Conservation Area along Bussey's Loke (as described above with regard to the impact on the approach to the parish church).

3.20 The Environmental Statement concludes that the magnitude of change to the conservation area would be negligible to small. The GLA assessment is that the magnitude of change to this part of the conservation area would be major resulting in a major/moderate adverse effect and substantial harm to this part of the conservation area, in NPPF terms.
3.21 The ES states that the magnitude of change to the two listed buildings would be negligible. The GLA assessment is that the magnitude of change would be medium resulting in a moderate adverse effect. This would constitute less than substantial harm, in NPPF terms.

Plate 6: View north-eastwards along Bussey's Lake towards the proposed turbines – the grade II listed stables north of the Personage are on the right-hand side

Plate 7: View north-eastwards along Bussey's Lake towards the proposed turbines – the grade II listed Manor Farmhouse is on the right-hand side
3.22 The grade II listed brick tower of the former windmill stands in an elevated position towards the west end of Mill Road. Although the mill tower is beyond the conservation area, fine views from this elevated position can be enjoyed towards and over the conservation area, into which the turbines will intrude (see Plate 8).

3.23 Walking towards the centre of the village, the proposed turbines would form an ever-present alien and harmful intrusion into the streetscape. The proposed turbines would be doubly unfortunate where they would intrude into and degrade both the townscape of the conservation area and the setting of the listed buildings. This situation would occur in the vicinity of The Chequers, a grade II listed seventeenth-century timber-framed house, with a steep black glazed pantile roof with gabled ends, and a late nineteenth-century brick gable end facing the street (see Plate 9).

3.24 It would also occur in the vicinity of The Poplars, a grade II listed seventeenth-century timber-framed cottage with an early nineteenth-century red brick wing with a hipped pantile roof at the north end (see Plate 10).

3.25 The Environmental Statement concludes that the magnitude of change to the conservation area would be negligible to small. The GLA assessment is that the magnitude of change would be major to this part of the conservation area resulting in an impact of major/moderate effect and substantial harm to this part of the conservation area, in NPPF terms.

3.26 The ES concludes that the magnitude of change to the setting of The Chequers and The Poplars is negligible. The GLA assessment is that the magnitude of change would be moderate resulting in an impact of moderate effect. This would cause less than substantial harm, in NPPF terms.

3.27 There are views out from the grade II listed Thackeray House, which stands at the junction of Mill Road and Bungay Road, towards the turbines. The ES concludes that the magnitude of change to its setting is negligible to small. As there would be no tandem views with the turbines, the GLA assessment is that the magnitude of change would be minor resulting in a moderate/minor effect and less than substantial harm, in NPPF terms.

3.28 As there would be no tandem views of the listed mill tower with the turbines, the impact is assessed as a minor change to an asset of medium sensitivity resulting in moderate/minor adverse effect and less than substantial harm, in NPPF terms.
Plate 8: View from the grade II listed mill tower across the Hempnall Conservation Area towards the proposed turbines

Plate 9: View eastwards along Mill Road towards the proposed turbines - the grade II listed The Chequers is on the left-hand side
Plate 10: View eastwards along Mill Road towards the proposed turbines – the grade II listed The Poppars is on the right-hand side

**Bungay Road**

3.29 There is a series of attractive views on the eastwards progression along Bungay Road, as it winds out of the village. The proposed turbines would come into and out of view and would become fully exposed to view at the end of the village (see Plates 11-14). In addition to impacting on these townscape views, the proposed turbines will affect the setting of the grade II listed Willow House, located on the northern side of the road, midway along (see Plate 11), and the grade II listed Miss Tye’s Cottage, which marks the end of the village and hence is closest to the proposed turbines (see Plate 13).

3.30 The Environmental Statement concludes that the magnitude of change to the conservation area would be negligible to small. The GLA assessment is that the magnitude of change would be moderate to this part of the conservation area resulting in an impact of moderate effect and less than substantial harm to this part of the conservation area, in NPPF terms.

3.31 The ES concludes that the magnitude of change to the setting of Willow House and Miss Tye’s Cottage is negligible to small. The GLA assessment is that the magnitude of change would be moderate resulting in a moderate adverse effect. This would cause less than substantial harm, in NPPF terms.
Plate 11: View north-eastwards along Bungay Road towards the proposed turbines – the grade II listed Willow House is on the left-hand side.

Plate 12: View north-eastwards along Bungay Road towards the proposed turbines.
Plate 13: View north-eastwards along Bungay Road approaching the eastern end of the Hempnall Conservation Area, with the grade II listed Miss Tye's Cottage on the left-hand side. The proposed turbines would become highly prominent at this point in the streetscape.

Plate 14: View north-eastwards from the eastern edge of the Hempnall Conservation Area - the scale of the proposed turbines from this viewpoint is made apparent by the blimp being flown by SHOWT.
**Fairstead Lane Farmhouse, Fairstead Lane, Hempnall**

3.32 The grade II listed Fairstead Lane Farmhouse stands just outside Hempnall in an elevated position. The location is beyond the conservation area. The well-used Pymar's Lane public bridleway runs immediately alongside. In contrast to the constrained views within the village, there are open views from this location where the rotating blades of the turbines would be seen above the trees in juxtaposition with the listed building (see Plate 15). The turbines would form an anachronistic feature that would intrude into this attractive and appropriate countryside setting of the listed farmhouse.

3.33 The ES concludes that the magnitude of change to the setting of Fairstead Lane Farmhouse is negligible. This is clearly incorrect. The GLA assessment is that the magnitude of change would be moderate resulting in a moderate adverse effect. This would cause less than substantial harm, in NPPF terms.

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**Plate 15:** View from the Pymar's Lane public bridleway past the grade II listed Fairstead Lane Farmhouse, Hempnall – the proposed turbines would be visible above the trees to the left of the listed building.
Hempnall Green / Furze Road

3.34 A loose collection of farms and dwellings are located in the Hempnall Green/Furze Road area, which is outside the main part of Hempnall village, to the immediate south of the proposed turbine site. The area is not covered by the Hempnall Conservation Area. Three grade II listed buildings, located a little over a kilometre from the two nearest proposed turbines would be adversely affected. These are Poacher's Cottage, The Firs, and The Haven.

3.35 There is a picturesque distant view of Poacher's Cottage across open land from the south into which the turbines would have a highly intrusive effect (see Plate 16). This would be mitigated to some extent by the fact that the turbines would be to the left of rather than behind the cottage. However, turbines would be visible directly behind the listed building from closer viewpoints to the immediate south-east of the cottage (see Plate 17).

3.36 The ES claims that the principal view towards this building would remain unchanged and the magnitude of change would be negligible. This is far from the truth. The GLA assessment is that the proposal would result in a major change to an asset of medium sensitivity, resulting in a major/moderate adverse effect. This would cause substantial harm, in NPPF terms.

Plate 16: View of the grade II listed Poacher's Cottage, Furze Road, Hempnall across open land from the south, into which the turbines would have a highly intrusive effect
Plate 17: View of the grade II listed Poacher's Cottage, Furze Road, Hempnall from a point to the immediate south – the proposed turbines would intrude in the background in this view of the listed building

3.37 The impact on The Firs would be a little less severe due to the high hedge that surrounds the building but is nonetheless greater than suggested in the ES, which claims that the magnitude of change would be negligible. There would be clear tandem views of the listed buildings and the turbines from the south-east and the east (see Plates 18 and 19). The turbines would appear as enormous features in relation to the cottage in these views, the closest being a little over a kilometre away. In our view the change and effect would be at the least of moderate adverse proportion. This would constitute less than substantial harm, in NPPF terms.
Plate 18: View of the grade II listed The Fire, Furze Road, Hempnall from the south-east – the proposed turbines would intrude into the background.

Plate 19: View of the grade II listed The Pits from the east, into which the proposed turbines would intrude.
3.38 The impact on The Haven (Wodehouse Farm) is of a different nature. The grade II listed building is set well back on its plot looking directly towards the proposed turbines (see Plate 20). Consequently, it is the view out from the listed building that would be intruded upon by the proposed turbines (see Plate 21).

3.39 The ES once again concludes that the magnitude of change would be negligible. As the impact is restricted to the principal view out from the asset, the GLA assessment is that there would be a minor change to an asset of medium sensitivity giving a moderate/minor adverse effect. This would cause less than substantial harm, in NPPF terms.
3.40 Two grade II listed buildings are located near to the Road Green T-junction on the Bungay Road/Woodton Road. These are Moat Farmhouse (see Plate 22) and Road Green Farmhouse (see Plate 23). Moat Green Farmhouse is less than 900 metres from the nearest proposed turbine. The impact on Moat Green Farmhouse is mitigated by tree planting and Road Green Farmhouse by the disposition of associated farm buildings but the close proximity would result in the proposed turbines having a monumental relative scale from the positions where they would be seen (see Plate 24 which shows the SHOWT blimp).

3.41 The ES states that the magnitude of change would be negligible to small. Even with the mitigation described, the GLA assessment is that the magnitude of change must be at least minor at this close distance, resulting in a moderate/minor adverse effect. This would cause less than substantial harm, in NPPF terms.
Plate 22: View of the grade II listed Moat Farmhouse into which the proposed turbines would intrude

Plate 23: The main west face of the grade II listed Road Green Farmhouse, which looks towards the proposed turbines
Fritton Conservation Area and listed buildings

3.42 The Fritton Conservation Area is located approximately three kilometres to the south-west of the proposed turbines. Much of the conservation area is bordered by planting that encloses a large open narrow triangular-shaped green. The grade I listed Church of St Catherine is located at the north end, on the west side, with the grade II listed Church Farmhouse and its separately listed barn on the east side of the road.

3.43 The impact on the church would be mitigated by existing trees. The ES acknowledges that there may be some glimpses of the turbines but concludes that the magnitude of change to the conservation area and its grade I listed church would be negligible to small. The impact on Church Farmhouse and its barn is not assessed. There are some views out towards the turbines from the conservation area (see Plate 25) and there would be tandem views of the turbines in relation to Church Farmhouse and its separately listed barn (see Plate 26).

3.44 Consequently, the GLA assessment is that the proposal would result in a minor change to a highly sensitive asset in relation to the church and a minor change to a medium sensitive asset in relation to the Church Farm listed buildings and the conservation area. This results in a moderate adverse
effect on the church and moderate/minor adverse effects on the Church Farm listed buildings and the Fritton Conservation Area. This would constitute less than substantial harm, in NPPF terms.

Plate 25: View north-eastwards from Fritton into which the proposed turbines would intrude into the Fritton Conservation Area streetscene

Plate 26: View north-eastwards from the northern end of the Fritton Conservation Area from a point where the proposed turbines would intrude into the setting of the Conservation Area, the grade II listed Church Farm barn (in the foreground) and the grade II listed Church Farmhouse (out of the picture to the right)
Church of St Mary and the remains of the Church of St Martin, Shottesham

3.45 The Church of St Mary is a grade II* listed building located on high ground beyond the village of Shottesham, which is situated at a lower level. There is a direct view towards the proposed turbines, which would be around 3.7 kilometres to the south (see Plate 27). This is a fortuitous view from the south door of St Mary's and looks directly over the ruined St Martin's church. This is a view that has been experienced by people leaving St Mary's Church since it was built. The proposed turbines would appear on the horizon directly behind the ruined St Martin's Church.

3.46 The ES claims that the setting is defined by the visual relationship of the two churches rather than by the distant horizon. There is no justification for this claim which contradicts the English Heritage guidance that setting embraces all of the surroundings (land, sea, structures, features and skyline) from which the heritage asset can be experienced and provides clear evidence that the Environmental Impact Assessment has not been carried out properly. The ES concludes, predictably, that the magnitude of change would be negligible to small.

3.47 The GLA assessment in relation to St Martin's is that there would be a moderate change to an asset of medium sensitivity, and in relation to St Mary's, a minor change to a highly sensitive asset. Both result in moderate adverse effects, which would constitute less than substantial harm, in NPPF terms.
Plate 27: View from the south door of the grade II* listed Church of St Mary, Shotesham directly over the grade II* listed ruined St Martin’s church – the turbines would intrude to the left of the ruined tower

**Church of All Saints, Woodton**

3.48 This grade II* listed church, which incorporates twelfth-century fabric, features a round tower. It stands in an isolated position to the west of the village and has a relatively open churchyard with commanding views over the open farmland to the west in the direction of the proposed turbines. The turbines, which would be around 2.8 kilometres away would be seen in tandem with the church from viewpoints to the north and south of the listed building (see Plates 28 and 29).

3.49 The ES acknowledges the high heritage significance of the church but claims that the turbines will be visible on agricultural land which has no association with the church. This is, once again, completely contrary to the English Heritage guidance on the nature of setting. The ES concludes that the magnitude of change is negligible to small.

3.50 The GLA assessment, which takes full account of the English Heritage guidance, concludes that there would be a minor change to an asset that is highly sensitive to change, giving a moderate adverse effect. This would constitute less than substantial harm, in NPPF terms.
Plate 28: View across the churchyard of the grade II* listed Church of All Saints, Woodton, in which the proposed turbines would intrude on the horizon.

Plate 29: View from within the churchyard of the grade II* listed Church of All Saints, Woodton, in which the proposed turbines would intrude on the horizon.
### Table 1: Comparison of the Environmental Statement and the Grover Lewis Associates assessments of heritage impact

<table>
<thead>
<tr>
<th>Heritage asset</th>
<th>Status</th>
<th>ES conclusion</th>
<th>GLA effect in ES terms</th>
<th>GLA conclusion in NPPF terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Church of St Margaret, Hempnall</td>
<td>Grade I listed building</td>
<td>Not significant</td>
<td>Major adverse</td>
<td>Substantial harm</td>
</tr>
<tr>
<td>Kirkstone, The Long House &amp; Post Office, Hempnall</td>
<td>Grade II listed building</td>
<td>Not significant</td>
<td>Moderate/minor adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Lord Nelson Public House, Hempnall</td>
<td>Grade II listed building</td>
<td>Not significant</td>
<td>Moderate/minor adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Manor Farmhouse, Hempnall</td>
<td>Grade II listed building</td>
<td>Not significant</td>
<td>Moderate adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Stables North of Parsonage, Hempnall</td>
<td>Grade II listed building</td>
<td>Not significant</td>
<td>Moderate adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Lime Tree Cottage, Hempnall</td>
<td>Grade II listed building</td>
<td>Not significant</td>
<td>Moderate/minor adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Pevensey House, Hempnall</td>
<td>Grade II listed building</td>
<td>Not significant</td>
<td>Moderate/minor adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Manor Cottages, 1, 2, 3 and 4, Hempnall</td>
<td>Grade II listed building</td>
<td>Not significant</td>
<td>Moderate adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Disused Windmill, Hempnall</td>
<td>Grade II listed building</td>
<td>Not significant</td>
<td>Moderate adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>The Chequers, Hempnall</td>
<td>Grade II listed building</td>
<td>Not significant</td>
<td>Moderate adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>The Poplars, Hempnall</td>
<td>Grade II listed building</td>
<td>Not significant</td>
<td>Moderate adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Thackeray House, Hempnall</td>
<td>Grade II listed building</td>
<td>Not significant</td>
<td>Moderate/minor adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Willow House, Hempnall</td>
<td>Grade II listed building</td>
<td>Not significant</td>
<td>Moderate adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>House occupied by Miss Tye, Hempnall</td>
<td>Grade II listed building</td>
<td>Not significant</td>
<td>Moderate adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Site Description</td>
<td>Grade</td>
<td>Significance</td>
<td>Adversity</td>
<td>Harm Level</td>
</tr>
<tr>
<td>--------------------------------------</td>
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</tr>
<tr>
<td>Fairstead Lane Farmhouse, Hempnall</td>
<td>II</td>
<td>Not significant</td>
<td>Moderate adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Poacher's Cottage, Furze Road, Hempnall</td>
<td>II</td>
<td>Not significant</td>
<td>Moderate adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>The Fire, Furze Road, Hempnall</td>
<td>II</td>
<td>Not significant</td>
<td>Moderate minor adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>The Haven, Furze Road, Hempnall</td>
<td>II</td>
<td>Not significant</td>
<td>Moderate minor adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Moat Farmhouse, Road Green, Hempnall</td>
<td>II</td>
<td>Not significant</td>
<td>Moderate minor adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Road Green Farmhouse, Road Green, Hempnall</td>
<td>II</td>
<td>Not significant</td>
<td>Moderate minor adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Church of All Saints, Woodton</td>
<td>II*</td>
<td>Not significant</td>
<td>Moderate adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Church of St Mary, Shotesham</td>
<td>II*</td>
<td>Not significant</td>
<td>Moderate adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Remains of Church of St Martin, Shotesham</td>
<td>II</td>
<td>Not significant</td>
<td>Moderate adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Church of St Catherine, Fritton</td>
<td>I</td>
<td>Not significant</td>
<td>Moderate adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Church Farmhouse, Fritton</td>
<td>II</td>
<td>Not significant</td>
<td>Moderate minor adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Barn imm. NW of Church Farmhouse, Fritton</td>
<td>II</td>
<td>Not significant</td>
<td>Moderate minor adverse</td>
<td>Less than substantial harm</td>
</tr>
<tr>
<td>Hempnall Conservation Area</td>
<td></td>
<td>Not significant</td>
<td>Major/moderate adverse</td>
<td>Substantial harm</td>
</tr>
<tr>
<td>Fritton Conservation Area</td>
<td></td>
<td>Not significant</td>
<td>Moderate minor adverse</td>
<td>Less than substantial harm</td>
</tr>
</tbody>
</table>
4.0 Conclusions

4.1 This report seeks to establish considerations that should be taken into account in determining the planning application for four wind turbines to the east of Hempnall. Two clear interlinked themes have emerged:

- that the decision making context has changed markedly from that in which the previous refusal and dismissed appeal for seven wind turbines was considered
- that the assessment of impact on heritage assets presented in the submitted Environmental Statement consistently fails to identify and under-estimates effects on the setting of heritage assets

4.2 The key changes in the decision-making context are that the effect of a proposal on the setting of a listed building is now an issue that should be given greater weight in the planning balance with other material considerations and that the understanding of the concept of setting has been widened. The narrow and outdated interpretation of setting applied in the Environmental Statement is inappropriate and is at the heart of the very low impacts and minimal effects that are claimed throughout Chapter 12: Effects on Heritage and Other Material Assets of the Environmental Statement.

4.3 This report compares the results contained in the Environmental Statement with an independent assessment carried out by ourselves. Grover Lewis Associates are experienced historic environment practitioners and have carried out many assessments of proposals for wind turbines.

4.4 It should be noted that the GLA assessment method employs a lower sensitivity for grade II listed buildings than that adopted in the Environmental Statement. Nevertheless, by adhering to the current English Heritage guidance and applying a correct understanding of the concept of setting, the GLA assessment concludes that there will be considerable adverse effect and harm, to differing degrees, to the setting of a wide range of heritage assets. The Environmental Statement concludes that the effects of the proposal are not significant in every single case. This is wholly unrealistic. The results reflect the complete insensitivity of the assessors to the harmful visual effects of the proposal. The shortcomings of the Environmental Statement are set out in Table 1, which compares the results with the GLA assessment. It is concluded that the results presented in Chapter 12 of the Environmental Statement should be treated with extreme caution.
4.5 An important implication of the wider concept of setting that has been introduced since the previous appeal decision in 2009, is that the proposal will have an impact on a wider range of heritage assets. The appeal decision, for example, makes no reference to the listed buildings to the south of the site of the proposed turbines around Hempnall Green and Road Green. It is now clear that the impact on such buildings should be taken into account. Similarly, the full effect on all parts of the Hempnall Conservation Area must be considered.

4.6 The Grover Lewis Associates assessment concludes that the proposal would result in significant impacts in EIA terms and substantial harm in NPPF terms, to the following heritage assets:

- Church of St Margaret, Hempnall
- Hempnall Conservation Area

4.7 The Grover Lewis Associates assessment concludes that the proposal would result in less than substantial harm in NPPF terms, to the following heritage assets:

- Kirkstone, The Long House & Post Office, Hempnall
- Lord Nelson Public House, Hempnall
- Manor Farmhouse, Hempnall
- Stables North of Parsonage, Hempnall
- Lime Tree Cottage, Hempnall
- Pevensey House, Hempnall
- Manor Cottages, 1, 2, 3 and 4, Hempnall
- Disused Windmill, Hempnall
- The Chequers, Hempnall
- The Poplars, Hempnall
- Thackeray House, Hempnall
- Willow House, Hempnall
- House occupied by Miss Tye, Hempnall
- Fairstead Lane Farmhouse, Hempnall
- Poacher's Cottage, Furze Road, Hempnall
- The Firs, Furze Road, Hempnall
- The Haven, Furze Road, Hempnall
- Moat Farmhouse, Road Green, Hempnall
- Road Green Farmhouse, Road Green, Hempnall
- Church of All Saints, Woodton
- Church of St Mary, Shotesham
- Remains of Church of St Martin, Shotesham
- Church of St Catherine, Fritton
Church Farmhouse, Fritton
Barn imm. NW of Church Farmhouse, Fritton
Fritton Conservation Area

4.8 In determining the planning application, these impacts need to be taken into account with regard to the following statutory duties and planning policies:

- The statutory duty to have special regard to the desirability of preserving the listed building or its setting (section 66 of the Planning (Listed buildings and Conservation Areas) Act 1990)

- The statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area (section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990)

- Paragraphs 131-134 of the Government's National Planning Policy Framework which set out national policy for the determination of applications for proposals that cause substantial or less than substantial harm to heritage assets

- South Norfolk Local Plan, policy IMP 15 (relating to the setting of listed buildings) and policy IMP 18 (regarding development in conservation areas)

- Joint Core Strategy for Broadland, Norwich and South Norfolk Policy 1 relating to climate change and protecting environmental assets

4.9 The planning decision in this case clearly requires the benefits of the proposal, which is essentially the renewable energy that would be produced by the proposed turbines, against the disbenefits. In doing so it must be recognised that the amount of renewable energy produced would be almost halved compared to the earlier proposal, whilst the visual impact on Hemsall Conservation Area and its Grade I listed parish church and other listed buildings will be broadly similar. Indeed one of the turbines is even closer.

4.10 In considering the harmful visual impact, it must also be recognised that the section 66 duty to have special regard to the desirability of preserving the setting of a listed building is now a much stronger and more important consideration than was recognised in the earlier appeal decision. The previous appeal decision made no reference to the section 66 duty whatsoever.
4.11 Finally, it is clear that since the appeal decision on the earlier seven turbine proposal in 2009, there have been significant and material changes to national planning policy and guidance relating to conservation of the historic environment and in particular to the understanding of the concept of setting. Additionally, there have also been a number of important planning decisions that provide a relevant guide and legal judgments that have clarified legal duties in making planning decisions related to the effect of development proposals on the setting of heritage assets. Consequently, conclusions relating to impact on the setting of heritage assets in the 2009 appeal decision should not be given great weight.

Note

4.12 Stop Hempnall's Onshore Wind Turbines (SHOWT) has commissioned photomontages to illustrate the visual impact and harm that the proposal will cause and to supplement the evidence in this report. The photomontages will be submitted as soon as they are available. It should be noted that only one of the visualisations submitted by the applicant as part of the Environmental Statement (Viewpoint 20) properly illustrates the harm to heritage assets that this report identifies, that would be caused by the proposed development.
Appendix A: Assessment Methodology

The Grover Lewis Associates (GLA) built heritage assessment methodology has full regard to the statutory duties relating to development affecting listed buildings and conservation areas, related national and local planning policy, and related practice guidance.

All the effects identified by GLA are visual impacts on the settings of heritage assets. In determining these impacts and the consequent effects on significance, GLA has particular regard to the English Heritage guidance on the setting of heritage assets and its understanding of the concept of setting together with the nature of views when considering impacts on setting.

The potential impacts are in the form of visual intrusions into views towards a heritage asset, where both the heritage asset and the proposed turbine could be seen in tandem, or into views from a heritage asset over its setting. In the case of the former, GLA identifies views from any appropriate, accessible vantage point where a heritage asset could be seen in tandem with the proposed turbine. Consideration of views out from heritage assets towards the proposed turbine, is restricted to views that are considered to be intended by the creators of the asset and long-established views and panoramas that might have been created fortuitously but have an inherent high amenity value (e.g. high quality townscape views in a conservation area or panoramic landscape views from a free-standing house in the open countryside).

Fieldwork is carried out at distances of up to five kilometres from the site of the proposed development to establish key viewpoints. Direction of views is confirmed using compass bearings and a 1:25,000 scale Ordnance Survey map. Where assessment can be assisted by an aid such as a blimp, this is considered useful, provided regard is had to the inherent limitations relating to possible inaccurate flying positions and heights. Blimps are nevertheless found to provide a useful guide. Where anemometer masts or other tall structures exist, visual sighting of such features provides a useful guide, especially where the height of the existing structure can be verified.

Experience has shown that in respect of most large scale developments, the key harmful visual impacts occur within two kilometres of the proposal. Consequently, GLA assessments generally examine all built heritage assets within a two kilometre radius of the proposed turbine site and then work outwards, assessing additional assets that are considered particularly
vulnerable to visual intrusion, due to elevated position and/or open lines of sight due to lack of intervening tree cover or landforms, or because they are more sensitive to change.

The fieldwork enables GLA to identify viewpoints where it is considered there would be an adverse impact on the setting of heritage assets. Photographs are included in reports and proofs of evidence to assist in identifying the heritage assets and the views from the locations identified towards proposed development. The purpose of the photographs is merely illustrative. Photographs are not intended to be definitive. Photographic illustrative material can never replicate the true impact experienced with the human eye in the field.

GLA has adopted the following meanings with regard to the magnitude of change resulting from the presence of proposed development:

<table>
<thead>
<tr>
<th>Terminology</th>
<th>Meaning in GLA assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>major change</td>
<td>the proposed development would be highly prominent in tandem with the heritage asset, in a variety of viewpoints or in any key designed or key fortuitous viewpoints and/or in a variety of relevant views out from the asset</td>
</tr>
<tr>
<td>moderate change</td>
<td>the proposed development would be prominent in tandem with the heritage asset, in one or more viewpoints and/or in relevant views out from the asset</td>
</tr>
<tr>
<td>minor change</td>
<td>the proposed development may be visible but not prominent, in part or whole, in tandem with the heritage asset, in at least one viewpoint or in views out from the asset; the impact of the change may be mitigated by distance</td>
</tr>
</tbody>
</table>

Determination of the sensitivity of a heritage asset to change is a more complex process, as the nature of the setting of the asset has to be taken into account.

The starting point is the classification in the table below. As this relates wholly to the asset itself and has no regard for the nature of its setting, the sensitivity category is moderated by one category up or one category down on the following basis:
- moderate from low to medium or medium to high if the setting makes a substantial contribution to the significance of the asset

- moderate from high to medium or medium to low if the setting makes little or no contribution to or detracts from the significance of the asset

<table>
<thead>
<tr>
<th>Sensitivity to change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Importance</td>
</tr>
</tbody>
</table>
| high | World Heritage Sites
| | Scheduled monuments (SAMs)
| | Archaeological sites of schedulable quality & importance
| | Grade I and II* listed buildings
| | Grade I and II* registered parks and gardens
| medium | Grade II listed buildings
| | Grade II registered parks and gardens
| | Conservation areas
| | Registered battlefields
| low | Locally listed buildings
| | Archaeological sites of demonstrable regional importance

In drawing conclusions, the GLA assessment utilises the following matrix to combine sensitivity to change with the magnitude of change that the proposal would cause, in relation to any particular heritage asset.

<table>
<thead>
<tr>
<th>Sensitivity to change</th>
</tr>
</thead>
<tbody>
<tr>
<td>high</td>
</tr>
<tr>
<td>major</td>
</tr>
<tr>
<td>moderate</td>
</tr>
<tr>
<td>minor</td>
</tr>
</tbody>
</table>
The two highest categories of adverse effect (major effect and major/moderate effect) are considered to constitute significant effects with regard to environmental impact assessment.

In order to translate the effects described in environmental impact assessment terms into the language employed in the National Planning Policy Framework, it is concluded that major and major/moderate adverse effects equate to substantial harm to the setting of a heritage asset and that moderate significance, moderate/minor significance, and minor significance equate to less than substantial harm to the setting of a heritage asset.

Another way of putting this is that of the five possible categories of adverse change to a setting, the two highest categories of adverse effects constitute substantial harm, whilst the three lower categories represent less than substantial harm. Given that there is no definitive guidance on the distinction between substantial and less than substantial harm, errs on the side of caution.

Since the notion of substantial and less than substantial harm to heritage assets and their settings was introduced in March 2010, there has been no definitive guidance on the distinction between the two variants. The following appeals are helpful in this respect. Both involve proposals for wind turbines and both proposals were found to cause substantial harm to the settings of heritage assets. Both appeals were decided in August 2012.

- Truthan Barton Farm, near Truro, Cornwall— proposal for five wind turbines (APP/D0840/A/11/2163691)
- Dawes Lane, Scunthorpe - proposal for a single wind turbine (APP/Y2003/A/12/2169774)
Stop Hempnall’s Onshore Wind Turbines

Objections to TCI Renewables Limited’s
Planning Application, SNC ref 2013/0105

Submission presented to SNC by the SHOWT Steering Team:
Hilary Battye, Chris Laxton, Pat Leate, Carolyn Moulton and Geoff Moulton (Chair)
Preface

The SHOWT (Stop Hempnall's Onshore Wind Turbines) Campaign Group was formed in 2006 specifically to oppose the first application made by Enertrag UK Ltd for a wind turbine development at Busseyl's Loke, Hempnall. This application was refused by South Norfolk Council (SNC), the decision was appealed by Enertrag and their appeal dismissed at Public Inquiry.

It is with dismay that the residents of Hempnall and surrounding parishes and members of SHOWT find themselves once again opposing a planning application for a turbine development at Bussey's Loke, this time by TCI Renewables Limited, who have acquired development rights from Enertrag UK.

There are currently 1,275 SHOWT supporters (and hence objectors to the proposed development), the overwhelming majority of whom are residents from the surrounding villages of Hempnall, Bedingham, Brooke, Fritton, Morningthorpe, Saxlingham, Shotesham, Tasburgh, Topcroft and Woodton. The SHOWT campaign is funded entirely by its supporters.

It is important to note that SHOWT is wholly in favour of renewable energy per se and supports the Mission Statement of the Renewable Energy Foundation (REF) which “encourages the development of renewable energy and energy conservation whilst safeguarding the landscapes of the UK from unsustainable industrialisation.” In pursuit of this goal, REF highlights the need for an overall energy policy that is “balanced, ecologically sensitive and effective”. SHOWT fully endorses this policy.

This document outlines SHOWT's primary objections to application 2013/0105 and also makes reference to the separate report undertaken for SHOWT by Grover Lewis Associates Limited (Heritage Impact Assessment).
Summary of Objections

Heritage Impact and Visual Intrusion

One of the principal reasons SHOWT opposes the proposed turbine installation is that it is totally out of scale with the buildings in the surrounding villages and with the rural landscapes of the area. It will intrude unacceptably on the landscape, conservation areas and on a large number of properties in several villages. The majority of Hempnall residents and those on The Green in Saxlingham would be less than 2km from turbines and many considerably less. It should be noted that 2km is the minimum recommended distance between homes and turbines in Scotland. In addition, many other countries have recommended distances of between 1 and 3 km, including Germany, France, Netherlands, Australia and many states in the USA and Canada. The closest property to this development would only be 600 metres away from a turbine, and many more properties are within 1km.

The designated locations, proximity, scale and enormity of the proposed installation is inappropriate for Tas tributary farmland. SNC’s own “Wind Turbine Sensitivity Study” concludes that the Tas Valley Tributary Farmland landscape “is especially sensitive to large scale developments due to its strong rural and tranquil character”.

It is SHOWT’s belief that the potential threat to Cultural Heritage is so significant that we have employed the expert services of Grover Lewis Associates Limited to present our case to SNC. There are a very significant number of listed properties within the scope of the proposed development, including St Margaret’s Church, Hempnall, a Grade I listed building. St Margaret’s was an important focus at the Enertrag UK Public Inquiry, and yet TCI Renewables Limited’s application proposes a turbine even closer to it than last time resulting in an even greater adverse impact.

Noise and Flicker

SHOWT also considers the threat to residents of unacceptable noise to be a major issue, especially given the close proximity of turbines to homes. We draw attention to the severe problems faced by residents of nearby Kessingland, some 200 having found turbine noise too disruptive to live with. In Kessingland the completed development complies with the ETSU R 97 regulations, but from the many complaints lodged and the Statutory Noise Nuisance witnessed, it is abundantly clear these regulations are not fit for purpose. It is also very disappointing that TCI Renewables Limited have not undertaken any practical noise testing at operational wind turbine sites, preferring to rely entirely on hypothetical predictions, which, as Kessingland demonstrates, cannot be relied upon.

We include a submission on turbine noise from our noise expert Lesley Oldfield BSc.
Another material issue is turbine flicker, especially given the proximity of the turbines to homes (note that this has also been a material issue at Kessingland). The issue of switching off turbines when flicker occurs and the resulting down time is covered below in the section on Cost/Benefit.

Ecology – bats

SHOWT remains extremely concerned about the threat to bats (all protected and some rare and on the Orange Endangered list) crossing the turbine site, travelling to and from the nearby SSSIs. We draw SNC’s attention to the findings of Hempnall Parish Council’s expert consultant on bats and the discovery of rare species nearby. The concerns regarding the potential impact on bats (and also buzzards and other birds) are certainly no less and probably even greater than with the Enertrag proposal. The issue of mitigation and the resulting down time is discussed below in the section on Cost/Benefit.

Health Issues

There are a number of symptoms that have been reported by people living in close proximity to wind turbines including sleep disturbance, migraines, anxiety, lack of concentration and depression. Studies within Scotland and many other countries across the world suggest that there should be a distance of at least 1km and in many cases 2 to 3km between industrial scale wind turbines and residential properties and schools.

We believe this proposal has turbines far too close to dwellings and we are particularly concerned about the proximity of Hempnall First School. We believe that there would be a real risk of adverse health effects occurring in vulnerable local residents and school pupils. We enclose a submission on health risks by Dr Joanne Nolan MB BS MRCGP who also lives adjacent to the site.

Traffic and Access

Villagers in Hempnall, Woodton and Saxlingham in have raised concerns about the negative effects of traffic volumes, especially during the construction phase.

Tranquillity

We draw SNC’s attention to the submission from Campaign to Protect Rural England (CPRE) which outlines very clearly the issue of rural tranquillity. We have many quiet lanes and footpaths within the area, for example around Topcroft Fishing Lakes and Saxlingham Grove.
SHOWT fully endorses and supports the CPRE submission and also shares their deep concern that this application poses an unacceptable threat to the tranquillity of our environment.

Inefficiency of Onshore Wind Energy

We believe the efficacy of turbines is clearly in doubt. Their intermittency means their power is not “on demand” and cannot significantly contribute to our power supplies. The pursuit of wind energy is purely to pay lip service to an EU directive for renewable energy. The huge costs in subsidies cannot be justified. We believe the damage to the environment, i.e. cultural heritage, visual intrusion, ecology, noise etc. far outweighs the minimal and derisory amounts of overpriced and intermittent energy produced. We believe our countryside, villages, residents and wildlife should be protected from this misguided political ambition.

We include a submission from Trevor Shurmer, local resident, providing evidence and data for these assertions and which also shows how the claims of energy companies are misleading to say the least.

Public Rights of Way

One of the finest views of this South Norfolk countryside is appreciated from the wealth of Public Rights of Way within close proximity of the proposed site. From Nobbs’ Loke (which runs from the Bungay Road to Saxlingham Green), there are impressive views of St Margaret’s Church which are taken for granted as a typical part of the South Norfolk skyline, but if the turbines are constructed this view and many others will be ruined for at least 25 years. Please see Section 2 ‘Effects on Landscape’.

Cost / Benefit Analysis

As established above in the Technical Section, wind turbines are not a reliable or productive source of green energy. They typically run at only about 23% efficiency at the best of times.

The previous application by Enertrag UK was for 7 wind turbines, this application is for 4, so the benefit is reduced by close to half whilst the intrusion on cultural heritage, landscape, amenity, is higher than before. This negligible energy benefit is further undermined by potential mitigation for bats and flicker, both of which involve switching off the turbines for sustained periods.

So, the initial low output from 4 turbines would be further reduced by mitigation down time for bat protection and flicker avoidance. Therefore, in summary, the visual intrusion and cultural heritage costs are demonstrably greater than with the previous Enertrag application, but the benefits are greatly reduced.
Localism

As mentioned in the Preface, the vast majority of the 1,275 SHOWT supporters are local residents. There are also many objectors who have written to SNC but who are not signed up with SHOWT, so the scale of local opposition is even greater. The Hempnall Parish Poll shows the residents strength of feeling against this proposal (50.47% turnout, 422 votes against and 100 votes in favour of the proposal). With the recent central government emphasis on public opinion within the scope of the Localism Act, we believe local opinion should be of paramount importance in consideration of this application.

Summary

We believe that all the above points, both individually and collectively, are sound reasons for this planning application to be refused. We trust that SNC will acknowledge the strength of local opposition to this scheme and refuse planning permission.
SHOWT Objection Statement

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where St Mary's Church Shotesham is clearly seen on the valley crest with the BLIMP flying in the position of turbine one to the left. (Grid ref 236008) and photo marked 2 showing behind Shotesham Church where the BLIMP is to the left again flying near to turbine one (Grid ref 235595). This photo demonstrates that the turbines would be clearly visible from Stoke Holy Cross Church, one of the finest views in South Norfolk.

In summary we refer to The Landscape Response prepared by Liz Lake Associates in June 2008 in response to the planning application by Enertrag UK Ltd number 2008/0917. Please note the final sentence in the section quoted below, “they (turbines) would appear out of scale and would result in a significant loss of local landscape character”.

“Wind turbines are most easily accommodated in simple large scale landscapes in which there are few elements and where the existing elements are dwarfed by the length of views and immense skies, where elements on the skyline appear insignificant. This is not the character of the Tas Tributary Farmland LCA. Due to the variety within this landscape, the constant contrasts between open and enclosed views, the turbines would be constantly seen juxtaposed with the small scale elements in the landscape: farms, churches, hedgerows and hedgerow trees. They would appear out of scale and would result in a significant loss of local landscape character.”

1.2 Visual receptors, i.e. People

We find the applicant’s statement that the turbines may provide an interesting diversion odd, perverse and subjective. The WITLSS already referred to above regards this landscape designation as being in the HIGH sensitivity category when referring to “remoteness and tranquillity”. We do not agree that industrial turbines of this size can be regarded as “tranquil” when rotating at up to 200 mph.

We also have serious concerns that the turbines will have a very significant adverse effect on both residents’ and visitors’ enjoyment of the large number of surrounding footpaths including those running to and from the various conservation areas that surround the site and, of course, Boudicca’s Way, a long distance footpath of national significance.

1.3 Effects on residential amenity

If this application were to succeed the majority of people living within Hempnall would see the turbines from The Street, from Mill Road and from Bungay Road (ref TCI photomontage viewpoint 10).
They would see them coming into and out of their village, they would see them when cycling, walking and driving, they would be the dominant feature in their landscape.

Likewise the turbines would dominate the views of those living on The Green in Saxlingham and those living in and around Fritton and Morningthorpe.

We do not agree with the applicant para 13.6.156 page 313 that "none of the dwellings surrounding the site would be affected by views of the turbines to the extent that the turbines would be "overbearing or "oppressive".

This is quite clearly complete nonsense.

In summary, we believe that all of the key Landscape Effects, i.e., Landscape Character, Visual Receptors and Residential Amenity would be adversely affected by this application.
Photo Number 2

View showing behind Shotesham Church where the BLIMP is to the left again flying near to turbine one
(Grid ref 235595)
Section 3

Noise

Author: Lesley Oldfield BSc

This report considers the TNEI, acoustic consultants, noise assessment which forms part of the TCI Renewables Limited Renewables Environmental Statement (ES).

The points below raise questions as to the robustness of the report to adequately address important noise issues. The report repeatedly understates the uncertainties in the noise assessment. It also does not adequately discuss the effects of wind shear or amplitude modulation. Aspects concerning the analysis of background data can be seriously queried as can data supplied for the candidate turbine. The effect of all this is to dilute the impact the 4 proposed turbines at the Streetwood site could have on the local noise environment and particularly for residents closest to the turbines.

The points below are listed in order of discussion in the ES and not in order of significance.

Paragraph 1.2.2 states that data modelling was conducted using manufacturers data from a 2MW turbine, a Vesta V90. The same paragraph states that TCI Renewables Limited may choose turbines up to 3MW installed capacity. A turbine that can potentially generate 50% more electricity, has the potential to be noisier. This is not discussed. In order to offer a worst case scenario, as is generally accepted for such assessments, why was the manufacturers spec for a 3MW turbine not used? The Kessingland ES modelled a 3MW Vesta V90, so the data is available. The difference in maximum power output between the Vesta V90 2MW and Vesta V90 3MW is +2.7dB.

In addition, the Institute of Acoustics (IOA) – Discussion Document on “A good practice guide to the application of ETSU-R-97 for wind turbine noise assessment”, section 4.2.3, recommends +2dB added to single tested sound power data. This ES has only added +1dB, hence it has to be questioned why it has not taken the advice of the IOA.

Paragraph 2.5.17 states that “Application of the ETSU guidance would therefore result in an internal bedroom level of up to 33dBA.” The 43dBA night time noise criterion level was designed around the former World Health Organisation (WHO) noise guideline value of 32dBA
for bedrooms to avoid disturbed sleep. As ETSU has not been revised to accommodate this, the ES could nonetheless recognise the WHO revised guidance of 30dBA and include a tolerance margin in the noise assessment.

Paragraph 3.2.4 quotes the Hayes McKenzie report (May 2006) on infrasound and LFN (low frequency noise);

“LFN was measurable on a few occasions but below the existing permitted Night Time Noise Criterion. Wind turbine noise may result in internal noise levels within a dwelling that is just above the threshold of audibility, however at all sites it was always lower than that of local road traffic:

That the common cause of complaint was not associated with LFN, but the occasional audible modulation of aerodynamic noise especially at night. Data collected showed that the internal noise levels were insufficient to wake up residents at these 5 sites. However once awaken, this noise can result in difficulties in returning sleep”.

In Hempnall there is very little traffic noise at night to mask turbine noise. More importantly, the above acknowledges LFN can be audible inside bedrooms even when turbines conform to ETSU. It can be asked whether this is actually an acceptable consequence of wind turbines and questions why, when we are a number of years on from the Hayes McKenzie report, that AM is not more scientifically assessed in the ES rather than just being dismissed as “Given that there is no available evidence to suggest that there is a higher than remote possibility of OAM (Other Amplitude Modulation) occurring at the proposed site”.

Paragraph 3.3.1 states “Some wind turbines emit a greater level of modulation of the blade noise than others”. As the specific turbine will not be determined until the application is approved, whereupon TCI Renewables Limited will go to competitive tender, is it not unrealistic to assume that the turbines that emit greater AM (amplitude modulation) will not be of greatest priority to a cost conscious developer? In fact these turbines may even be more competitively priced than others. Did Triodos, the developer of the Kessingland wind farm, purchase turbines that emit greater AM? How can South Norfolk District Council (SNDC) be reassured that these turbines would not be purchased for Streetwood?

Paragraph 3.3.16 states that “TNEI feel that an OAM related planning condition is not appropriate for this site”. If OAM is unpredictable, and OAM found to be what is the cause of most noise complaints, then as a precaution, it can be argued that it would be reasonable and relevant to add an OAM planning condition. This is particularly prudent in light of Paragraph 3.3.14 where the Planning Inspector at Wooley Hill’s decision acknowledged the short comings of the statutory nuisance process in dealing with AM. Furthermore, in the summary of conclusions in the Adrian James report “Analysis of Data & Audio Recordings – Noise Complaint, Kessingland Wind Farm”, it states that “listening tests on site at this wind speed
(8m/s) confirmed that amplitude modulation noise was clearly audible outside residences. AM noise was also clearly audible in audio recordings supplied by Hayes McKenzie Partnership during their survey. From this it could be argued that OAM occurs more frequently than developers and their consultants would have us believe.

The report then goes on to state that “Analysis of these recordings show that the noise would not comply with the controversial ‘Den Brook’ condition and hence under that condition the turbines generate greater than expected amplitude modulation”.

Perhaps Waveney District Council would have found itself in a stronger position for dealing with the Kessingland turbine noise problem if it had adopted the ‘Den Brook’ noise condition rather than having to just rely on statutory nuisance legislation and the goodwill of the developer given that the wind farm complies with all planning conditions and ETSU.

4.3.2 If it does not matter what the final choice of turbine will be as it “will be required to comply with noise criteria established for this site”, and the ES goes on to recommend that this should be controlled by a planning condition, the ES should recommend a suitable condition that complies with this noise criteria.

4.4.12 The wind shear results show that Hempnall has a higher than average wind shear environment (the “standard” wind shear exponent is 0.16; Hempnall’s site specific wind shear exponents were 0.32 for quiet day time and 0.43 for night time. High wind shear is considered to be 0.5). Figure 4.2 in the ES clearly shows that as a result of the wind shear conditions at this site, the wind turbines would be noisier than would otherwise be expected at lower wind speeds i.e. maximum turbine noise would be reached at 5m/s wind speed as opposed to 8m/s for normal wind shear. This means that when background noise levels are lower the wind turbines will be more audible and potentially audible for longer. (It has been identified that at the Kessingland site, complaints tend to occur when the turbines are generating maximum noise which is at 8m/s wind speed. For Hempnall this would occur at 5m/s). In addition, the site specific wind shear exponents are averaged over a 2 year period. Clearly absent from the report was details on maximum wind shear or how often high wind shear conditions prevailed.

Current literature demonstrates that sites with high wind shear are more prone to AM. No consideration of this implication was given in the ES, in fact the implications of wind shear at this site was noticeably played down. AM has been identified at Kessingland on noise monitoring data and witnessed by Waveney District Council Environmental Health Officers. Despite these wind turbines being located close to the busy A12 and hence having higher background noise levels than Hempnall and potentially lower site specific wind shear, it has to be asked why such poor consideration has been given to the potential for AM at Streetwood. Can SNDC be confident that the proposed Streetwood wind farm would not be different to Kessingland or potentially even more prone to turbine noise and AM, and especially if the same turbines were to be erected?
5.3.1 Noise monitoring data needs to be filtered to remove atypical or extraneous noise, this includes periods of rainfall. Rain which fell during the monitoring period was only identified from met data and hence it has to be queried how accurate this was? The IOA – Discussion document on “A good practice guide to the application of ETSU-R-97 for wind turbine noise assessment”, section 2.5.1, states that current practice is to use rain measuring equipment at each location, and hence not just met data. Section 2.3.4 of the IOA document goes on to say that seasonal data should also be excluded from the data. Only the exclusion of rain data was discussed in the ES which also does not clarify how the met data was derived.

At every noise monitoring location, the night time background noise levels at very low wind speeds varied by up to 14dB. This suggests that the data may not have been filtered adequately enough and, as rain gauges were not deployed, possibly even rain data may have been inadvertently included. If this were the case then background noise levels, especially for night time noise, could be lower, or substantially lower, than those modelled in the ES and particularly at low wind speeds.

In addition, details on the microphone windshield used for background noise measuring was conspicuous by its absence. The importance of windscreen diameter in attenuating wind induced noise is given in the Rion (manufacturers of wind screens) technical report 202 “Wind screens and their use”, which states that “All evidence indicates that wind screens of typically 200mm diameter or less (from any manufacturer) will be unsuitable for wind farm noise measurement without the addition of a secondary wind screen”. In fact Malcolm Hayes, of HMP, in a blog dated July 2000, “Wind noise in microphone recordings” stated, “When undertaking environmental noise measurements around wind farms we use a double wind shield arrangement, with a B&K UA 0570 type foam shield with a secondary shield of between 300 and 500mm diameter”. Can we conclude that no details on wind shield were submitted because no secondary wind shield was used? In the Cox, Unwin and Sherman document of July 2012 “Wind turbine noise impact assessment. Where ETSU is silent”, they conclude that “The effect of wind induced noise on the microphone is for the measured data to show higher levels of background noise than is actually the case. The data contamination will be limited to measured values that are less than 10dB above the wind induced noise curve for the microphone and wind screen combination. It is therefore likely that contamination will not affect the data at the very lowest wind speeds but the level of contamination will increase gradually with increasing wind speed. The nature of the data contamination is such that its effects are gradual and provide an apparent reinforcement of the correlation between background noise and wind speed whether or not such a correlation actually exists. This artificial raising of the background noise levels is subtle and virtually undetectable by planning decision makers”. Their study goes on to state that in only 4% of wind farm noise assessment cases was it claimed that appropriate wind screens were used and that the effects of wind induced noise may be more that 10dB at quiet rural locations. This could mean that the derived best fit background noise curves are showing background noise levels to be considerably greater than in reality and hence underestimating the impact of turbine noise.

Annex 4 – Photographs of monitoring locations have exceptionally poor clarity thus not allowing site suitability to be properly assessed. Seasonal data would have included noise from boiler flues etc. It is impossible to determine whether any seasonal data could have been included when micro-siting the monitoring locations.
5.3.3 One of the residents at the monitoring locations kept a Log. The ES states that events on the Log “did not affect readings significantly”. It would be interesting to know what is considered “significant” and which property this related to. If any of the noise logged was atypical or was a result of seasonal events, it should have been excluded regardless of significance in terms of noise levels as it could still bias the regression data. The Log could have been submitted regardless.

NML3-4 states that the Central Hempnail noise monitoring location was changed because residents were not in when TNEI called. It was however noted that a house/garage was being constructed in the garden. There is no clarification as to whether such noise could be included in the background data at the revised location. It would have been useful to give residents at all monitoring locations log sheets so any anomalies could be better explained and filtered accordingly if required.

5.3.5 The regression curves appear to fit day time noise levels quite well but for night time, the best fit curve does not appear to fit the densest population of measurement points but instead better satisfies the spread of data. One would expect in a rural location, night time data would be fairly consistent. Such an inaccuracy could potentially lower the background sound pressure level by about 2dB. Although it would not affect the fixed ETSU night time criterion curve, accuracy is important for many reasons and not least the fact that it would better determine the likelihood of turbine noise being audible above background noise.

The mathematical model applied has many inaccuracies but the resulting best fit curve has been treated as the de facto background noise measurement. At minimum, confidence intervals around the best fit curve should be used to express the uncertainty or better still, the worst case example used, especially as background noise measurements were taken in winter and almost certainly would be lower in summer when weather conditions are typically more stable.

6.2.2 states “Whilst it is impossible to specify exact error bands on noise predictions at nearest sensitive receptors, table 5 of ISO 9613-2 suggests, at best, potential error bands of +/−3dB(A)”. As this scale of error is recognised, an error margin could be applied to the data to give best and worst case noise levels at nearest sensitive receptors. If this were applied, and especially in conjunction with all the measurement and methodology inaccuracies, several dwellings that fall within the ETSU acceptability levels may become borderline or even ETSU non-compliant.

6.2.5 explains why a ground absorption value of G=0.5 was applied when calculating the predicted turbine noise at nearest receptors. By contrast the Acoustics Bulletin, March 2009, “Prediction & assessment of wind turbine noise” by Bowdler, Bullmore, Davis, Hayes, Jiggins, Leventhall & McKenzie advises that a ground absorption factor of G=0.5 should only be applied where warranted turbine noise data is available. In other cases the hard absorption factor of G=0
should be used. It is assumed that warranted turbine noise data was not available in this case and in the Cox, Unwin and Sherman document of July 2012 “Wind turbine noise impact assessment. Where ETSU is silent”, they state that “A review of wind farm noise assessments by the authors shows that where headroom (noise limit above predicted noise) was small, developers have assumed a ground absorption factor of G=0.5. In no cases that we reviewed were warranted turbine noise data provided by the turbine manufacturers……. As a result planning permission is being granted for wind farms that will generate higher levels of noise than claimed during the planning application noise assessment”. Again this could have a not insignificant effect on ETSU compliance.

Table 6.3 shows that wind turbine noise is greater at lower wind speeds due to the effect of wind shear in this area. Each set of circumstances are unique and must be judged accordingly. ETSU should be assessed in tandem with potential turbine audibility. When audibility is compounded by the addition of AM, it can result in a statutory nuisance occurring whilst still complying with ETSU. This is painfully apparent at Kessingland where the turbines conform to ETSU but are nonetheless causing great distress to over 200 local residents. ETSU is only a guidance document but appears to have been given the role of policy in this ES. Where there are borderline circumstances, such as with the proposed Streetwood wind farm, the well respected BS4142:1997 assessment may be appropriate as another tool to assess the acceptability of the wind farm by determining the possibility of noise complaints. If a BS4142 assessment was made, and a penalty of +5dB was applied for the presence of noises uncharacteristic of the area or tonal, it is very possible that most of the monitoring locations would fall within the “complaints likely” classification under favourable wind conditions.

6.4.4 This paragraph concludes that it is only at Thetford Farmhouse where turbine noise is predicted to exceed the lower 35dB fixed minimum criterion. However if error margins were applied as discussed above, then it is possible that locations H2, H3, H4 & H5 would also fall in to this category. If this were the case then the rating given in section 6.4.8 may be much lower and hence there could be very strong case for fewer turbines at Streetwood, as discussed in Section 6.4.6.

Paragraph 6.4.7 assesses how important it is, in the whole scheme of things, that Thetford Farmhouse will be disturbed by turbine noise. Part of this judgement analyses how often critical wind speed and direction occurs to create unfavourable circumstances for Thetford Farmhouse. It appears this analysis employed met data for the 3 week period of noise monitoring. It has to be questioned why this was not assessed from the significantly more statistically accurate met data which was averaged over the 2 year period.
6.5.2 This section informs us that tonal data was not available for the modelled turbine so no consideration has been given to the possible effect of audible tones from these turbines. It has to be argued why tonal data was not presented for a comparable turbine and the impact this could have then discussed as opposed to just dismissing the matter because data was not available.

Figures 6.1-6.8, noise assessment plots, show that for the most part, the turbines should not be audible during the daytime with the likely exception of Lyncroft at wind speeds of around 4.5m/s.

Night time data is however very different. Outside dwellings, it appears the wind turbines are likely to be audible at all locations under certain weather conditions. The worst locations are at Lyncroft, Bainard Rise, Thetford Farmhouse, Fylands and Tye Cottage. The plots show that at Lyncroft, Tye Cottage and Fylands it is possible that the turbines could even be audible inside the dwellings at wind speeds of about 3.5-4.5m/s under favourable conditions. This assumption makes a 10dB deduction for an open window as consideration needs to be given to the fact that many houses in Hempnall and surrounding villages are not double glazed. If this was compounded by AM, the situation could be significantly worse. Paragraph 4.5.1 confirms that the turbines will be audible - “Consequently depending on the levels of background noise, the satisfaction of the ETSU derived limits can lead to a situation whereby, at some location, under some wind conditions and for a certain proportion of the time, the wind turbine noise may be audible”.

Paragraph 6.6.1 states that the turbines could be positioned 50m closer to the village. Again this flexibility was not included in the modelled data. This means noise turbine noise levels could be louder than those modelled and audible for longer. The impact this could have should have been discussed or better still, worst case example presented.
The National Academy of Medicine in France – Report 2006

Wind Turbines – Noise and Health - Dr Amanda Harry MB ChB, PG Dip ENT (February 2007)

Noise Radiation from Wind Turbines Installed Near Homes: Effects on Health with an Annotated Review of the Research and Related Issues – Barbara J. Frey and Peter J. Hadden (Feb 2007)


Effects of insufficient sleep on circadian rhythmicity and expression amplitude of the human blood transcriptome. Moller-Levet et al. PNAS February 2013

The Impact of Sleep Deprivation on Hormones and Metabolism. Van Cauter et al. Medscape Neurology 2005

Wind Turbine Sound. NHS Choices (2010)

Shadow Hindrance by Wind Turbines. Verkuilen&Westra. 1984


Wind Turbines, Flicker and Photosensitive Epilepsy: Characterizing the flashing that may precipitate seizures and optimizing guidelines to prevent them. Harding G, Harding A, Wilkins A. Epilepsia (2008)


Noise Annoyance from wind turbines – a review. Pederson et al. 2003

Guidelines for Community Noise 1999 – WHO

Wind Turbine Noise, Sleep and Health – Hanning CD. April 2010
Section 5
Inefficiency of onshore wind energy

Author: Trevor Shurmer

Introduction

Four fundamental questions have to be asked when assessing the effectiveness of wind energy:

1. Can it provide a significant contribution to our energy mix?
2. If it can provide a significant contribution, is the energy available 'on demand' i.e. when needed, to the National Grid?
3. Is the economic cost of wind energy low enough to justify widespread deployment?
4. Are the supposed benefits provided by turbines sufficient to justify the destruction of our countryside and invasion into our lives?

If, as can be easily proven, the answer to each question is 'No', then proposals for onshore turbine sites are questionable.

It is clear that the rush for wind energy is a misguided policy recklessly pursued by the previous Labour administration, and possibly even more so by this coalition administration, to comply with the 2009 EU Renewable Energy Directive, to which the UK was committed by Tony Blair.

By 2020, we are committed to providing 15% of our final energy demand (implying a massive 30 to 40% of electricity consumption) from qualifying renewables.

Due to the relative maturity of wind energy, allied to the symbolic, visual nature of these vast structures, the UK Government has determined, unwisely, that wind energy can form the lion's share of renewable energy going forward.

To facilitate the growth of renewable energy, the Government in 2002 introduced the 'Renewables Obligation' (over 5MW projects), and 'Feed in Tariff' (under 5MW), and this remains the principal instrument, though it is due to be replaced by a system of Feed-in Tariffs with Contracts for Difference in 2017.

The Renewables Obligation has led to an explosion of landowner and big business driven wind turbine proposals, of which Streetwood is one, with the subsidies so vast as to ensure even a poor site will generate massive income from consumer (electricity bill) generated subsidies.

The effectiveness/efficiency of a turbine site is, in effect, ignored by the developer, as it is close to being irrelevant. The fact that Hempnall is in the Tas Valley, decreasing the likely efficiency of the turbines, does not matter to the developer or landowner as so high an income per unit generated is guaranteed that even on very low output they will make a healthy profit.
Appeal Decision

Inquiry held on 22 September 2009
Site visit made on 2 October 2009

by Mr D Lavender MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Appeal Ref: APP/L2630/A/08/2084443
Land around Busseys Loke, Hempnall, Norwich, Norfolk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is by Enertrag UK Ltd against the decision of South Norfolk District Council.
- The application Ref 2008/0917/F, dated 17 April 2008, was refused by notice dated 14 August 2008.
- The development proposed is installation of a seven wind turbine with associated switch house and interconnecting cables.

Decision

I dismiss the appeal

Procedural matters

1. Paragraph 2.4 of the Statement of Common Ground on General Matters (document 4) identifies the plans and other details that form the application before me. It refers, among other things, to an Environmental Statement (ES) dated March 2008.

2. Prior to the Inquiry, the adequacy and content of the ES was questioned and reviewed. In consequence, a Direction was issued by the Secretary of State on 19 February 2009 (amended on 2nd March 2009) under Regulation 19 of the Town and Country Planning (Environmental Impact Assessment (England and Wales) Regulations 1999 requiring further information on the following matters:
   - Archaeological remains within the site.
   - The setting of Scheduled Archaeological Monuments within a 2 km radius of any turbine.
   - The settings of Listed Buildings within 2km radius of any turbine
   - Any potentially significant impact of the proposal on Conservation Areas any part of which fall within a 2 km radius of a proposed turbine.

3. This further information, together with other information in the form of a revised visual and landscape assessment was then provided and subjected to discretionary publicity by the Appellant, in the spirit of Regulation 14 of the 1999 Regulations, before the Inquiry opened. The Environmental Information before me satisfies the requirements of the Regulations and I am content with the consultation and publicity arrangements associated with it, there being nothing that might cause me to take a different view. I have accordingly taken
all of the Environmental Information into account, alongside the original ES, in my consideration of the proposals.

4. The design and access statement accompanying the application refers to a site of 2 km x 1 km and some of the evidence and submissions to the Inquiry suggests that the site is no less extensive than that. However, in answer to my questions, the Appellant advised that the application site boundary was that marked in red on drawing ENUK023/PL/004, effectively covering just the proposed turbine bases and the access tracks themselves. At my request, a further plan was therefore produced showing other land under the ownership or control of the Appellant outlined in blue (document 35). I do not regard this as an additional or revised application plan and take it into account only inasmuch as it informs the suitability, under Circular 11/95, of any planning conditions that might be considered and which could bear upon the blue land. Drawing ENUK023/PL/002 shows the details of a “candidate turbine”, which might not necessarily be the actual turbines that could be used. However, the dimensions marked on it for hub height, blade length and blade tip height are all identified as maxima and I was informed that these would not be exceeded. In particular, the maximum height to blade tip would therefore be 125 metres.

5. Although the application is for full planning permission, paragraph 2.6 of the ES affirms that at the end of the expected working life of the wind farm (25 years), the turbines would be decommissioned and the ground surface reinstated to its former condition. This is a further factor that has potential to bear on the formulation of planning conditions.

6. From the evidence and submissions at the Inquiry, the written representations and from my inspection of the site and its surroundings, I consider that the main issues in this case are:

   1. The effect of the proposal on the local landscape.
   2. The effect on the setting of St Margaret’s Church in Hempnall and on other cultural heritage assets.
   3. The impact on the living conditions of local residents in terms of turbine noise and visual amenity.
   4. The implications for local bat populations.
   5. The implications for local equestrian interests.

I deal with each of these subjects in turn before reviewing, in my overall conclusions, the relevant the policy background. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that applications and appeals be determined in accordance with the statutory development plan unless material considerations indicate otherwise. An understanding of the relevant policies is thus essential to “calibrating” the appropriate balance between the need for renewable energy and protection of local environments, which is the overarching point at issue in this appeal, and leads directly to my decision.
Issue 1: Effect on the local landscape

7. In accordance with advice in PPS7 “Sustainable Development in Rural Areas” (PPS7), the Council’s approach to landscape protection in the South Norfolk Local Plan (LP) policy ENV1 is to be based upon formal and robust assessment of the qualities that lend to local landscape character. A suite of character studies covering the whole of the District have been carried out on the Council’s behalf by Land Use Consultants (LUC) since 2001, the most recent of which (undertaken between April and September 2005) covers the so-called “rural policy area” in which the appeal site lies. It has not been adopted as Supplementary Planning Guidance because it is now intended to be used to inform policy formulation for a replacement Local Development Framework, but it provides useful descriptive material at a finer level than the national JCA’s. Because it was not produced with wind turbines in mind, it can be regarded as neutral in relation to the appeal scheme (submitted after its publication), and its findings are largely undisputed.

8. The study (the “Landscape Assessment”) identifies the site as lying within the “Tas Tributary Farmland” character area. The relevant key characteristics of this area are listed as including an open and gently undulating to flat landscape incised by shallow tributary valleys, large open arable fields, small blocks of deciduous woodland of high ecological and visual quality, scattered remnant hedgerow trees, a network of recreational footpaths and a small number of large villages, with smaller hamlets, scattered farmhouses and agricultural buildings. Also of relevance are neighbouring landscape character types from which the turbines would be seen at greater distance. To the north, east and south these include the Tas River Valley character area, which embraces both the wooded fringe to the valley sides and the green and lush pastoral quality of the valley floor, these being features that are recorded as creating a strong contrast with the more intensive arable land use of much of the District. The relative baldness of the Poringland Settled Plateau Farmland characterises the more distant landscape closer to Norwich.

9. In April 2006, a further study was produced for the Council by LUC to provide guidance on the sensitivity of the local landscape to wind turbine development (the Landscape Sensitivity Study). This is intended to cover turbines in the maximum range of 120-150 m in height. It categorises these into 4 groups based on turbine numbers. In essence, in the Tas Tributary Farmland the guidance suggests that groups of 2-3 turbines would be appropriate rather than 2-5, while there would be high sensitivity to groups of 6+. Broadly similar guidance attaches to the Poringland Settled Plateau Farmland, but without subdivision of the 2-5 category. Conversely, the study suggests that the Tas River Valley landscape would have high sensitivity to any form of wind turbine development. This study was criticised by the Appellant Company for failing to take account of the wider landscape impacts of climate change, such as the position statement of the Landscape Institute and the Countryside Agency Topic Paper 9, but those do not evaluate environmental impacts local to the District. I also note the Appellant’s concern that, if applied too unwaveringly, the Sensitivity Study could be used to exclude developments of more than 6 turbines from some 90% of the District. However, the study advises that where (as here) the numbers fall on the threshold between groups, the guidance for both the higher and lower group size should be
considered. As such, I regard the study as merely indicative of relative sensitivities across the District, and not prescriptive as to actual turbine numbers.

10. In June 2009 the Council adopted and published a guidance note on Assessing the Landscape and Visual Impact of Large Wind Turbine Developments to explain how the Landscape Assessment and the Sensitivity Study would be used together when assessing the potential landscape and visual impact of large wind turbine proposals. The Appellant had commented on the guidance note when consulted (with only some of its concerns resulting in changes). The Council advised that a main consideration in producing the document had been to influence site selection choices made by wind energy developers by providing a positive steer towards the least sensitive landscapes (in other parts of the District), without altogether precluding groups of the size proposed anywhere that the environmental, economic and social impacts could be satisfactorily addressed. Nonetheless, despite having been the subject of publicity and consultation, and deriving from "parent policies" in the Local Plan (UTL13 and ENV1), the Council stated that it does not yet seek to promote the guidance note as either SPG or SPD. I therefore place no reliance on it in my approach to evaluation.

11. Nor, however, do I support the Appellant’s contention that there would be no greater or less impact on the Tas Tributary Farmland landscape from a single group of 7 wind turbines than from several smaller groups of similarly sized turbines. The Sensitivity Study provides cogent reasons based on the analysis of a wide range of local landscape characteristics as to why there should be fewer and more thinly distributed turbines in this part of the District than in other parts. It thus provides both local visual impact and wider distributional reasons for its recommended approach, which disregard for individual wind farm size would fail to recognise.

12. Indeed, from my inspection of the site and its surroundings, it is clear to me that the landscape in this part of the District, in which the proposed turbines would be seen within and across a diverse landscape (within the Tas Tributary Farmland, but also more widely), is neither bland nor lacking interest as the Appellant claims. It certainly lacks the ruggedness and drama of some parts of England, but it is nonetheless a landscape in which man’s influence is everywhere apparent (both in villages and field patterns), lending an inherently attractive “human” scale and quality to the environment. The appeal site itself, for example, amounts to little more than strips of land forming parts of larger arable fields some of which are bordered only with low and patchy remnants of hedgerows. However, at the centre of the proposed turbine fields is a sizeable block of ancient woodland (Little Wood). This forms not only the present focus of views across the turbine fields but also represents the hub of a network of tall and solid hedgerows distributed more widely around it. Especially to the north and east these hedgerows often line both sides of deep ditches with overarchings trees and connect to other similar blocks of woodland. The effect is to not only lend enclosure to the outlook towards the horizon but also to create considerable diversity of views often within very short distances of each other. These range from relatively unobstructed panoramas of “big Norfolk skies”, to more intimate sylvan glimpses of the immediate environs including, for example, scarecrows guarding a winter field of winter barley, a
church tower nestling among trees, or the edge of a small settlement. Occasional exposure of some turbines could, I accept, be absorbed into the most open views and could be said to add either contrast with, or further variety to, others. However, in this case, the proposed turbines would spread over an area of some 2km by 1km and, in such number as proposed, would be seen in front of, behind and to either side of Little Wood from almost every direction, as well as impinging into almost every more intimate view of the local landscape across the turbine fields.

13. Impact on the Tas River Valley Landscape would, from what I saw at my site inspection, be much more limited, both because of increased distance and contours, there being no suggestion that the turbines would be conspicuous from the valley floor other than in the vicinity of the water meadows close to Hempnall. Views of and from the valley sides, notably in and around Shotesham for example, effectively pass over the valleys themselves before melding into the closer views from the Tributary Farmland. For the most part, all or parts of turbines would be seen on the skyline above or among trees. While the silhouette would extend a good way along the horizon, it would represent only a small part of the total arc of view from the higher land and the presence of a single group of turbines even of the size proposed would, I consider, thus on balance be acceptable here. I am also content that there would be no serious impact on the landscape when viewed from the Poringland Settled Plateau Farmland. Nonetheless, I share the judgement of the authors of the sensitivity study that turbines in the number and extent proposed in this case would not be comfortably absorbed into the Tas Tributary Farmland landscape.

**Issue 2: The effect on the setting of cultural heritage assets.**

14. It is common ground between the Council and the Appellant that consideration of this issue should focus on St Margaret's Church, Conservation Areas and Listed Buildings within 2km of the appeal site and specified others beyond 2km. There are 53 Listed Buildings (one Grade I, one Grade II* and 51 Grade II) and two Conservation Areas within 2km of any turbine. No scheduled ancient monuments or registered parks and gardens have been identified within this 2km radius (document 3). There is no suggestion that any asset would be physically affected by the proposed turbines, and argument focuses only on settings and, additionally in the case of Conservation Areas, views in and out.

15. The Appellant indicated that my approach to the subject of setting should be firstly to assess the significance of the cultural heritage asset under consideration, then to define its setting, identify any effect the proposed development might have on the setting and, lastly, determine whether that effect “mattered”. My reasoning broadly follows that approach. However, I do not seek to analyse the relative significance of assets in any greater depth than is apparent from the categorisation of Listed Buildings into three broad grades and the differential statutory and policy regimes that variously apply to settings of Listed Buildings and the settings (and views into and out of) of Conservation Areas. I find no statutory or other basis for doing otherwise.

16. The subject of setting was also debated at some length during the Inquiry, in the light of extant and emerging advice on the subject (documents 7, 36, 37
and 39) and the Further Environmental Information. Having considered the submissions, I see little purpose in engaging in philosophical discussion over whether the setting might extend near or far, or may be regarded as fixed or variable, or whether the separate concept of context is wider or narrower than setting. Rather, I adopt a more pragmatic approach, which begins with consideration of factors that lend particularly (whether now or in the past) to an appreciation of the architectural and historic qualities of the asset including the reasons for designation (relying mainly on paragraphs 3.5 and 4.2-4.5 of PPG15), and the extent to which those factors manifest themselves or are complemented by important visual or physical relationships to the surroundings. I also take account of the extent to which development within the setting of a Listed Building might be disruptive to its use, such use often being of importance to the ongoing preservation and enhancement of the building itself. In my analysis, setting may thus extend as near or as far as proposed development would encroach into any of those relationships, and may thus vary according to the scale and nature of development proposed as much as it might with regard to the inherent characteristics of the asset itself. In the case of Conservation Areas, my consideration is assisted by the detailed draft Conservation Area appraisals that the Council has produced in accordance with PPG15 advice. It follows that my judgement as to whether an effect on setting (or on Conservation Area views) "matters" flows from consideration of the desirability of preserving or enhancing in line with the relevant statutory or policy requirements. I leave "calibration" of that against the desirability of exploiting sources of renewable energy to my overall conclusions.

St Margaret's Church Hempnall

17. The Church is Listed Grade I and I thus place it in the highest category of significance. It has a square early fourteenth century tower at its western end, which includes a belfry and an embattled parapet. The church occupies a prominent focal point within the village, standing on the crown of a bend where it dominates views along the The Street from the west and south. The tower is the tallest feature both within the village and in the countryside for some distance around, as it no doubt has been since construction. Its shape and location are, I am told, unusual in this part of the countryside which has a high proportion of round-towered churches and where many churches are sited well away from the villages that they serve. As a village church (rather than as a town or city church) important features of its setting thus in my estimation include: its visual eminence in views from The Street as seen in the context of the scale and appearance of other development within the village including The Longhouse (Grade II Listed); the outward and upward glimpses of sky and trees seen from The Street through the gaps to either side of the Church (which transmit open and verdant pastoral qualities into the heart of the settlement, including to the surrounds of the Church); the rurality of its graveyard; and, more widely, the shape and dominance of the tower against the silhouette of the village when seen in the approaches from the surrounding countryside.

18. From within the village, the nearest proposed turbine would stand about 1km from the Church, and it is apparent from the photographic material available to me, and from my site inspection, that the combined effects of distance and perspective would maintain the visual eminence of the Church (as the tallest
feature) in views along and across The Street. I also observed that there
would be no significant view of the proposed turbines from within the Church
itself such that the functioning of the Church would be impaired. The proposed
turbines would, however, encroach into the open glimpses of sky to either side
of the Church and especially so from the main entrance path adjacent to The
Longhouse. Those views at present encompass two of the most attractive
elevations of the Church and its detailing, including the tower, together with
tombstones among grass and trees, and little else. These gaps are at present
entirely free from the intrusion of modern built development and the distraction
of moving objects. The presence of turbines here would, I consider, introduce
an incongruous feature which would filter views of the sky between some of the
upstanding turbine towers and of the rotating blades. To that extent, I consider
that they would diminish openness and rurality, leading me to the conclusion
that the setting of the Church within the village would not be preserved. I
come to a different opinion with regard to the rurality of the main part of the
graveyard further to the east and north because that, in itself, forms a part of the
setting of the Church, the relationship between graveyard and countryside
is best appreciated in a visual sense when facing away from the Church or in
an historic sense (of the relationship between graveyard and church) when
facing away from the proposed turbines. The presence of all seven turbines in
the main outward view from the second graveyard extension (the one in most
current use) may be found by some, especially those seeking solace in quiet
contemplation after bereavement, to be unduly disturbing. I have some
sympathy with that view, but with the nearest turbine at some 0.9 km distance
and the others progressively further away, I do not consider their impact to be
so unavoidably pervasive as to warrant a finding that the proposal would be
unacceptable for that reason alone.

19. Moreover, when viewing the church in its rural setting, from outside the village,
I found the church tower not to be a particularly prominent feature in
approaches from the south and west, where it is seldom seen above the
surrounding tree canopy. It is much more conspicuous from the west and
north west in the approaches along Woodton Road and Busseys Loke where (in
historic and present-day senses) it both signals the presence of the village and
is a defining feature of the village silhouette. The proposed turbines would
intervene in (but not completely mask) those views from a distance, but would
not interrupt the same views from closer to, once the turbines have been
passed at about the 1 km distance. It is a fine point as to whether it could
thus be said that the setting would be preserved, or whether just sufficient of
the setting would be preserved to enable the visual eminence of the church still
to be appreciated. To my mind, it is the latter and that it is the desirability of
preservation in its entirety that falls to be considered, but it is both the former
and the latter that fall to be weighed in the balance with the desirability of
producing energy from renewable resources. I return to that balance in my
overall conclusions and record here only my finding that the setting of the
Church, in the ways that I have defined it, would neither be preserved nor
enhanced.

Hempnall Conservation Area

20. Because the Church is a defining feature of a relatively small Conservation Area
in terms of both setting and views into and out of it, my findings on the setting
of the Church also transfer also to the Conservation Area. I do not, however, extend those findings much more widely. This is because although there may be many views from within and outside the Conservation Area where turbines would be seen, these are not in my estimation "character-defining" views or essential to an appreciation of the setting of the Conservation Area as a whole. In many places within the village, the prevalence of buildings, trees and hedgerows would, despite their much lesser stature than the proposed turbines, provide full and effective screening because of their greater proximity to the viewer. In the hedgerow gap along The Street, where the new school entrance is being constructed, for example, the turbines would be seen with the sides of a former quarry, the school playing field and a modern school building in the foreground. From the several well used tracks crossing the water meadows to the south of The Street, one or more turbines would be visible rising well above the roof lines of some of the village houses. Although a few of those houses are Listed Buildings, under my definition (deriving from the reasons for them being Listed or included within the Conservation Area) I consider that their settings relate mainly to their contribution to the character of development along the Street itself to the front, and the rurality lent by the relationship to the water meadows to the rear, rather than to the wider landscape beyond. Neither the settings of those buildings, nor views of them into or out of the Conservation Area would thus be other than preserved. Given that the turbines would, however, by reason of their height and movement intrude into the rural backdrop of the village Conservation Area when seen from the water meadows, it cannot be said that the setting of the Conservation Area (which, as a village, is drawn from visual affinity with the surrounding countryside) would be either unchanged or improved. As with the Church, however, this is a question of degree, because turbines would impinge only upon a segment of a 360° setting, the bulk of which would remain undisturbed. Again, this is a matter that I return to in my reaching my overall conclusions and I record here only my finding that the setting of the Conservation Area would, at least in part, be neither suitably preserved nor enhanced.

Other Listed Buildings

21. Discussion at the Inquiry under this heading focussed mainly upon more distant churches, especially those with the locally distinctive round towers. Their designation as Listed Buildings affirms their national significance, but I could find no evidential substance for claims that they are of international significance. While it was pointed out to me that it is sometimes possible to see two or more churches together (whether round or square towered) variously in line or spread across the landscape, I similarly found no evidence that group value or planned intervisibility had led to such relationships or had been determinative in their listing. It was also put to me that the density of these, other Listed Buildings and historic artefacts in this part of Norfolk warranted recognition as an historic landscape. The fact is, however, that for whatever reason the local landscape has not been designated as such and, although the evidence before me portrays a richness of historic artefacts, it also indicates that there are other parts of the Region where such artefacts can be found in similar or greater density. I do not therefore attach "exceptional" quality to the local landscape in that respect.
22. That said, there would be churches from which turbines would be visible, notably at Stoke Holy Cross (Grade II*, 5.1 km), Shotesham (Grade II*, 3.6 km) and Woodton (Grade II*, 2 km). Nonetheless, at the distances concerned, I am satisfied that there would be ample countryside around them for worshippers and other visitors still to be able to fully absorb their “country church” character without turbines intruding. Views from the wider countryside back towards the churches (at Shotesham and Topcroft, for example) may include turbines in a single panorama but, from the positions to which I have been guided, the turbines would not stand directly in front of, or behind the churches concerned but to one side or the other, where the separation distances across the horizon would be sufficient for both to be regarded as separate entities, leaving the churches to be enjoyed in their undisturbed settings.

23. The only exception that I saw would be the ruined church of St Martin’s at Shotesham (within the Shotesham Conservation Area), where turbines would be visible almost directly behind the formerly ivy-clad tower from the front of the replacement church (St Mary’s). From the high ground of St Mary’s, the contours would place the turbines below the height of the St Martin’s tower in the foreground and they would fall out of view as the ruined tower is more closely approached. The rurality of both churches would remain all-pervasive and to my mind their setting is defined, in any event, by the visual relationship between them rather than by the distant horizon. I do not therefore regard the setting of either or both of these Listed Buildings to be other than preserved in statutory terms. I acknowledge however that the hilly ground on which they stand is a local amenity feature and that some may find the view of turbines from this eminence to be both incongruous and unattractive from a more general landscape impact perspective. Nevertheless, the Council’s draft Conservation Area appraisal does not attach any particular significance to the outlook across the countryside behind the ruined tower, and from what I saw at this location, it seems to me that there would be other more attractive directions of view of the countryside hereabouts, from both the ruined and replacement churches, in which the turbines would either not be prominent or visible.

Other Conservation Areas

24. My attention was drawn specifically to two outlying Conservation Areas, at Saxlingham Green and at Fritton. I found these to have broad similarities inasmuch as both are of profoundly rural character, have secluded sylvan settings, are characterised by relatively thin scatterings of houses around extensive open commons and have remained almost completely free from any trace of incongruous modern development. At Saxlingham Green there would be southward views of some of the turbines at intervals along The Green, mostly near its eastern end, from a distance of about 1.2 km. These views are through gaps in the trees bordering the central common. I see from paragraphs 6.3 and 6.4 of the draft Conservation Area appraisal that it is suggested there would be benefit in closing some of these gaps and reducing the number of overhead wires here while, in later text, reference is made to the superb views opening up to the surrounding countryside to the north. In that context, it seems to me that the sylvan and secluded setting of the Conservation Area might in future be strengthened (which would mask the
turbines as effectively as the existing greenery between the gaps), while the key open views here are in the opposite direction, away from the proposed turbines. As matters currently stand, a view of tall, modern rotating turbines at this end of the village would, in my estimation, neither preserve nor enhance the setting of the Conservation Area, but there is at least some prospect that such a conclusion need not necessarily endure if the Conservation Area Appraisal proposals are put into effect.

25. At Fritton, a defining characteristic of the Conservation Area is, again, the seclusion of the sylvan setting of the village, as referred to in paragraph 3.1 of the Conservation Area appraisal. This seclusion is established primarily by the absence of upstanding features impinging into the sky above the tree line girdling the common. There is every prospect that at least the rotor of one turbine would appear in the northward view from parts of the common, rising just above the tree line. This would be at some 3 km distance and visible in only a small arc of the total 360° view available from the common. While the degree of visual intrusion would be small and pervasive only in one direction, the proposed turbine would, in juxtaposition with such an historically intact settlement, represent an incongruous modern, moving structure. Its presence would not, in my estimation, serve to either preserve or enhance what I regard as an integral part of the key generic outward view (of nothing but sky above the trees) from the heart of the Conservation Area.

Issue 3: Impact on the living conditions of local residents

(a) Turbine noise

26. Paragraph 22 of PPS22 affirms that ETSU-R-97 should be used to assess and rate noise from wind energy development. The introduction on page 83 (together with subsequent more detailed advice in Section 7) refers to the processes to be followed before permission is granted and to ensure that suitable amenity safeguards are put in place. In effect, it promotes a four stage process:

- The first stage is to measure prevailing background noise levels;
- The second is to use those measurements to generate maximum permissible day-and night-time noise levels;
- The third is to predict the likely noise "immissions" from the turbines in order to confirm that they can be operated within the permissible noise levels;
- The fourth is to draft planning conditions (albeit ETSU-R-97 actually advocates a planning Obligation) that provide for enforcement action to be taken if the permissible noise levels are breached.

27. Although the Council is content with the Appellant Company's process and outcomes in these respects, SHOWT is not and raises in addition concerns that not all turbine noise is suitably covered by ETSU-R-97. I accordingly deal with the main points of the criticisms on each these matters sequentially.

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1 Incoming noise measured at the receptor, rather than emitted at the turbine.
Background noise levels

28. Existing background noise levels were measured at 5 nearby properties (Thetford Farmhouse, Dawson's Farm, Road Green House, a holiday home site known as "Private Meadow", and 21 Old Market Way. These locations were agreed with the Council on the basis that they are the most sensitive, or would be representative of prevailing background noise conditions at other dwellings surrounding the wind farm. I note that the Council did not, however, apparently engage with the selection of monitoring points at the dwellings themselves and that two of the closest properties to proposed turbines (Meadow View and Lyncroft on Bungay Road) were not selected for measurement at all. Agreement on precise measuring points is, in my view, desirable in order to avoid any suspicion (unfounded or otherwise) that locations have been selected unilaterally to identify existing relatively noisy locations to benefit wind farm developers. Nevertheless, ETSU-R-97 requires no more than that the measurements be agreed with the Council's Environmental Health Officer (pages 59 and 83). Moreover, both Meadow View and Lyncroft have Bungay Road directly to the front and a working farmyard directly to the rear, so I am content that the proposed use of the measurements for the "Private Meadow" (which is more isolated from such existing noise sources and thus inherently quieter) would not be prejudicial to the occupiers of those two dwellings. My site inspection (visual and aural) also left me content that the general distribution of the other measurement locations and their prevailing noise environments were broadly representative of a selection of suitably quiet local rural locations.

29. The measurements were further criticised by SHOWT on the basis of two shortcomings acknowledged by the Appellant Company's acoustician. The first of these shortcomings was the absence of rainfall measurements at the respective sites and the second was incorrect recording of time by the wind speed data logger (both as a result of malfunctions). The sound of heavy rain can raise background noise measurements and thus needs to be excluded, while accurate recording of time is necessary to identify the correlation between wind speed and measured noise. In the event, records of satellite imaging were consulted in order to identify rainfall patterns during the period of the noise survey and a 30 minute adjustment (derived from the time slip on the wind speed logger at the end of the survey relative to the clock on the sound meter) was made to the timings used. It was put to me that all of these factors have potential to distort outcomes (because satellite imaging is inherently compromised by cloud cover and by not being sufficiently locationally specific, with the inaccuracy of the data logger clock having potentially been variable rather than constant). Further criticisms were made of the standardisation of measurement to 10m height (rather than human ear level) and of the type of microphone windshield used. The 10 m height is, however, set by ETSU-R-97 (pages 85 and 87) and any other pattern of measurement and calculation does not have that, or equivalent, provenance. ETSU-R-97 does not specify any particular type of windshield, and I am not convinced that the type used in this case has such demonstrable shortcomings that I should regard it as unfit for purpose.

30. Those further criticisms aside, measurement of background noise levels is not a precise science because of the range of subjective professional judgements.
that have to be made with regard to the equipment used, its operation and positioning, and at data analysis stage. While neither these nor the two acknowledged malfunctions persuade me to the view that the measurements are untypical of quiet rural locations, the uncertainty around their combined effects does not leave me with sufficient confidence to attest that background noise levels have been established to within, say, just one or two decibels of accuracy.

**Maximum permissible noise limits**

31. For the most part, these noise levels are set simply by adding a tolerance of 5dB(A) to the measured background noise levels. This recognises the need to offer reasonable (but not absolute) protection to both the internal and external environment enjoyed by wind farm neighbours without unduly restricting the development of wind energy and the wider environmental benefits that flow from its exploitation. In particular quiet areas (and when the masking noise of the wind is also low), however, a fixed noise limit of 43dB(A) is applied during night-time hours and a figure between 35-40dB(A) during day-time hours. In effect, both of these fixed night-time and day-time limits, represent the degree of noise exposure that is considered to be acceptable no matter how quiet the existing local environment might be.

32. In selecting the appropriate figure between 35-40dB(A) for the quiet day-time fixed limit, ETSU-R-97 says that four factors should be taken into account. These are the number of dwellings in the neighbourhood, the implications for the amount of electricity that would be generated, the duration and level of exposure and whether any of those affected have a financial involvement with the wind farm. I discount the last, because there is no suggestion of financial involvement among the householders concerned.

33. It is proposed by the Appellant Company that the appropriate figure for the quiet day-time noise limit be 40dB(A), a figure agreed to by the Council. This would be applied to all of the five “measured” properties and, as appropriate surrogates, to a further 16 locations broadly scattered around the wind farm site. Notably, this does not mean that only 21 properties (5+16) would have 40dB as their lower limit, because most of the 21 locations are in turn to be regarded as representative of others around them. At the two quietest locations, for example (21 Old Market Way and Dawson’s Farm), the limit is transferred directly to 14 of the 16 further locations many of which themselves identify with small groups of houses, while 21 Old Market Way is intended to be representative of properties on this edge of Hempnall Village in general. Moreover, at 21 Old Market Way, where actual background noise has been assessed at 27.9dB-32.4dB (L_{10}) for 3-7 metres per second (m/s) wind speeds, the permissible 40dB turbine inmission level would be between 8 and 10 dB higher than background. That would be a plainly audible difference (even though noise levels would still be representative of a relatively quiet rural environment), whereas if the bottom rather than the top of the permissible range (35 dB) was to be chosen instead, the inmission increase allowable would reduce to a less perceptible 3-7 dB. Wind speeds of 3-7 m/s represent a significant proportion of the level at which turbines are likely to be operational, and the properties for which 21 Old Market Way (and similarly for Dawson’s Farm) acts as a surrogate are distributed widely around all points of the wind rose. It thus seems to me that on the basis of the "number of
dwellings in the neighbourhood" and the potential "duration and level of exposure" a fixed limit of less than 40dB(A) would be justifiable under the ETSU-R-97 criteria, although regard must also be paid to the effect of a lower limit upon electricity generation (which in some measure depends upon turbine noise predictions).

Turbine noise predictions

34. It is customary for wind turbine noise predictions to be based on a "worst case scenario" not least because it is in the wind farm operator's interests as much as wind farm neighbours' interests to avoid the risk of noise limits being breached. In this case the predictions have been based on assumptions that the turbines would be operating at the manufacturer's maximum warranted sound power level, would be positioned down wind of the immissions receptor and that both climatic and ground conditions would be adverse. While this gives some comfort that the predictions would prove robust, they are based on a potential "candidate turbine" rather than that which might actually be installed. This is not unusual because final choice is dependent upon factors such as turbine availability at the time required and technological enhancements during the intervening period. As the Appellant Company's acoustician concedes, concern in this respect is often dealt with by a condition requiring revised predictions for the turbine actually selected to be submitted for the Council's prior approval. The Council has not requested such a condition and is content to rely on a condition requiring that the maximum permissible noise levels are not exceeded.

35. That approach is criticised by SHOWT for two main reasons, namely that there may be differences in tonal characteristics and patterns of noise propagation across different octave bands between the candidate and selected turbines which would not then be recognised, and also that the effects of wind shear have also not been fully taken into account. However, ETSU-R-97 recognises potential tonality arising from wind shear by applying a "penalty" in anticipation of it (pages 69-82). As with the measurement of background levels, I find no other advice of equal or greater provenance. Wind shear might, in some atmospheric conditions, disengage the normal relationship between turbine rotation and wind speed (experienced at 10 m or lower height). This is because wind speed might be greater in the upper atmosphere, with two potential effects. Firstly, if the turbines are rotating more quickly than expected, they might make more noise than predicted. Secondly, the masking of turbine noise at ground level by the noise of the wind itself (because higher in the atmosphere and above tree canopy height) might be much diminished. Nonetheless, neither of these effects alter the maximum permissible noise limits. To the extent that such limits might thus be breached (whether through tonal penalty or wind shear), enforcement of the noise limits set through the ETSU-R-97 process would in my estimation provide suitable remedy, albeit on a reactive rather than predictive basis.

Formulation of noise conditions

36. As matters stand, with the background noise levels in the EIA recalculated to address the acknowledged shortcomings relating to rainfall and clock error, the noise predictions indicate that night-time noise limits would not be exceeded at any of the identified receptor locations. During the day time hours, if the fixed
limit is set at 35dB(A), the absolute “worst case” predictions indicate
(document 33 appendix 9) that the limit would be exceeded at Thetford
Farmhouse, Dawson’s Farm, Road Green House and assessment locations H9
(derived from 21 Old Market Way) and H13 (derived from Dawson’s Farm). At
Old Market Way, H1, H7, H8, H10, and H14 the predictions are 1dB or less
below the 35dB limit. If the limit is set at 40dB(A), Thetford Farmhouse would
be the only property where predictions indicate potential risk of excess noise,
the relevant noise curves becoming tangential at a wind speed of 6 m/s. In
order to reach the position advanced by the Appellant Company, that the
proposal would be fully compliant with ETSU-R-97 noise limits, it would thus
variously have to be accepted that more than the 35 dB(A) lower limit should
be applied, and/or that background noise levels have been measured or
assessed and turbine predictions undertaken to within an accuracy of 1dB(A).
Such general assumptions are in my view unwarranted.

37. That said, Thetford Farmhouse is an isolated property and does not act as a
surrogate for others. On the basis of two of the ETSU-R-97 criteria (number of
dwellings in the neighbourhood and duration and level of exposure), it seems
to me that the 40dB limit is the appropriate one to apply here, even though at
wind speeds between about 4 m/s and 6 m/s the predicted increase in noise
would be greater than the normal background+5dB limit. Dawson’s Farm is
similarly isolated, as is H13 which is “paired” with it, so I attach the same
judgement to those two cases. However, given the number of properties for
which 21 Old Market Way is surrogate, and the predicted noise levels
concerned at a range of different windspeeds, I take the view that a 40 dB(A)
limit would allow for an excessive margin of error in measurement and
calculation and thus risk greater noise exposure at the locations concerned
than is either necessary or, in my judgement, appropriate. I have no evidence
before me on the third of the ETSU-R-97 criteria (implications for the amount
of electricity generated) because the effects of operating one or more turbines
at reduced power output in certain wind conditions has not been assessed in
the evidence. Nonetheless, given the Appellant Company’s own confidence in
the accuracy of their acoustician’s predictions, which show that 37.5 dB(A) can
be comfortably adhered to during quiet daytime periods, I take the view that
this is the figure that should be inserted in the relevant parts of any noise
condition (for 21 Old Market Way and the locations for which it is intended to
be surrogate).

Turbine noise not predicted by ETSU-R-97

38. Although unpredicted noise is an acknowledged phenomenon with wind
turbines, it would seem to occur very rarely and further investigation of it has
been discounted by Government following the findings of the Salford Report.

39. Nonetheless, SHOWT’s acoustician produced a suggested draft condition for
discussion at the Inquiry. In essence, it seeks to define the noise to be
controlled by reference to the frequency of its peaks, thus identifying “thumps”,
“thoomphs” and “thoooshes” that might otherwise be overlooked by the
“averaging” of noise levels over a set period in the orthodox ETSU-R-97
methodology based on L_{Aeq}. As such, however, the suggested condition would
still safeguard against only some of the “unpredicted” sounds that turbines
have been claimed to produce. It would also leave considerable scope for
dispute as to whether noise should be measured inside or outside the dwelling
concerned and the process by which a complaint would progress from investigation (who by, and when?) to enforcement (how and to what effect?).

40. Whatever the case may be in those respects, however, the Appellant Company robustly opposed the suggested condition. In essence, the only evidence before me indicates that it would be a very unlikely event that unpredicted noise did occur. If it did, it would be likely to occur only periodically, very infrequently and for short periods of time. The sounds, though audible, might in any event be judged to fall within a threshold of acceptability. In the context of Circular 11/95, evidence of need for such a condition is therefore simply not there. I further conclude on the basis of the information before me that it would be unreasonable to seek to control unpredicted (and unpredictable) noise by planning condition, because to do so would potentially curtail power output from the proposed development unnecessarily.

(b) Visual amenity

41. The planning system exists to regulate the use and development of land in the public interest. While there is a public interest in avoiding the effects of climate change, for the most part the outlook from private property is a private interest, not a public one. There is, however, a public as well as a private interest in protecting the visual amenity of individual homes where, especially in combination with other impacts such as noise and shadow flicker the presence of wind turbines might be widely regarded as making the property concerned an unattractive (but not necessarily uninhabitable) place in which to live. It is in those terms that I have assessed the effects on visual amenity from neighbouring houses.

42. There is no suggestion that overshadowing or “flicker” effects in this case would be significant, the latter being a subject that can be suitably dealt with by planning conditions. Three properties were specifically drawn to my attention as being exposed to over-dominant views of the proposed turbines, these being Thetford Farmhouse, Lyndhurst and Meadow View.

43. Thetford Farmhouse stands about 715 m to the north of turbine T4. I saw that it is positioned end-on to that turbine, its main living rooms originally oriented to face east and west. However, fully glazed patio doors have been inserted in its south facing gable end wall. Nonetheless, although there is a small sitting out area in front of these doors, the garden area immediately beyond is densely vegetated and the wider garden boundary is defined by trees and shrubs which lend a pleasantly secluded quality. There would be glimpses of turbine T4 and more distant other turbines from various points around the garden, but their presence would be neither unavoidable nor overwhelming from within the dwelling nor, it seems to me, damagingly so from its external environs.

44. Lyndhurst and Meadow View are two bungalows sited alongside each other on the south side of Bungay Road, east of Hempnall and about 700 m from the nearest turbine, T2, to the north east. Turbine T1 would stand directly to the front of them but at a distance in excess of 1 km and turbine T3 would be about 750 km distant, further to the east than T2. Both of these dwellings have main entrance doors, bedroom windows and lounge windows to the front (north facing). There is a single east facing bedroom window in the flank of
Meadow View, while Lyndhurst has a conservatory and a well tended garden on its east side. Both properties at present have open outlooks across Bungay Road (in the case of Meadow View above a front hedge) to a pattern of flat, open fields beyond and blocks of woodland (including Little Wood) further off. I saw that both dwellings are functionally associated with the large farmyard directly behind them, sharing interconnected accesses. The only sitting out area at Meadow View is alongside a garage drive across the rear of the property. It may be that many people not engaged in farming would find the close physical, functional and visual relationship between these properties and the farmyard with its sizeable buildings to be representative of less than ideal living conditions, but the contrast with the open outlook to the north and east is very much a compensatory factor. The quality of that outlook could be held to be diminished by turbines extending across about half of the field of view, but the perception of openness would not, in my estimation be significantly reduced given the separation distances involved both from the respective houses and between the turbines themselves. In my estimation, neither property would become an unattractive place in which to live because of the turbines.

45. A further property, known as "The Bungalow" lies further to the west along Bungay Road, on the edge of Hempnall. The gardens of that property are more extensive and much more vegetated, while the separation distance from the turbines is greater. It would remain, as now, an attractive place in which to live.

46. I found no other properties that would have less obstructed or more proximate views of turbines than these four and am content that in all cases the benefit to the public interest in exploiting wind energy in the manner proposed would outweigh the limited harm which the presence of the turbines would cause to the outlook from the properties concerned.

Issue 4: The implications for local bat populations.

47. In dealing with this subject, the difference between "the application site" and "the turbine fields" is significant and I accordingly use each term with care (see paragraph 4 above).

48. Paragraph 98 of Circular 06/05 makes clear that the presence of a protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.

49. There is no dispute that the turbine fields accommodate a range of bat species. These include Common Pipistrelle, Soprano Pipistrelle, Brown Long-eared Bat, Myotis Species, Noctule, Serotine and Barbastelle, all of which are Species of Principal Importance under Section 74 of the Countryside and Rights of Way Act 2000. In addition, there are three blocks of woodland within or bordering the turbine fields that are SITES of Special Scientific Interest. These are Little Wood, Saxlingham Grove (to the north west) and Winter’s Grove (to the east), all of which are ancient woodland. Nobbs Lane is also recognised in the ES as being of significance in contributing to the integrity of the Winter’s Grove SSSI. It is a long green lane, passing on a mainly north-south alignment alongside Winter’s Grove and the part of the turbine fields accommodating Little Wood.
In the context of bats, ancient woodland and species-rich hedgerows (including those bordering Nobbs Lane and other parts of the turbine fields as referred to in paragraph 6.4.2 of the ES), in my estimation fall within the classification under Section 74 of the 2000 Act as Habitats of Principal Importance. The matters that are in dispute focus on the extent to which the presence of the proposed turbines might cause harm to the protected bat species, and the extent to which construction of the proposed access tracks might cause harm to their protected local habitat.

50. On the first of these matters, it is known that bats can be killed by wind turbines. However, while it is an offence under regulation 39 of the Habitats Regulations (subject to certain defences or in the absence of a licence) to deliberately kill, capture or disturb bats, species protection under the 2000 Act is concerned with safeguarding local, regional, national and international populations, rather than each individual bat.

51. In order to establish the nature and size of the local bat population at Hempnall for the purposes of the ES, a pre-survey assessment was undertaken in the form of desk study supported by a visual inspection of the turbine fields to identify the likelihood of roosts being present. A survey programme was then devised in consultation with Natural England involving 6 full night hand-held detector surveys conducted between April and October 2007 (the “transect surveys”). These recorded a total of 361 “bat passes” ranging from 272 Common Pipistrelles to 1 “unidentified large bat”. By way of calculation that the ES recognises to be treated with considerable caution, the conclusion was reached that none of the bat species was present in sufficient number to be considered regionally significant to bat populations. However, for the purposes of the Inquiry, additional survey work was undertaken in 2009 using both hand-held and static bat detectors. It is to be expected that static detectors will record more passes than hand held detectors simply because they are in place for longer, so it is appropriate to consider the two sets of results separately.

52. The 2009 transect survey was carried out over 3 months which is less than the 2007 survey, but comparison of the two sets of results shows the following:

<table>
<thead>
<tr>
<th>Species</th>
<th>2007</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Pipistrelle</td>
<td>108</td>
<td>389</td>
</tr>
<tr>
<td>Soprano Pipistrelle</td>
<td>25</td>
<td>119</td>
</tr>
<tr>
<td>Brown Long-eared</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Myotis Species</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Noctule</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Serotine</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Barbastelle</td>
<td>0</td>
<td>8</td>
</tr>
</tbody>
</table>

53. Five static detectors were in place from April until September 2009. Only the records for the period April-July 2009 were available before the Inquiry. These record 14,868 bat “passes”, mainly Common Pipistrelle (12,478), but also numbers of other species including Barbastelle (over 400), Myotis (108) and
Leisler's (up to 26). Details for the period July-September were subsequently disclosed during the Inquiry. The corresponding figures disclose some significant increases as well as some small decreases, as follows: Common Pipistrelle (19,469), Barbastelle (1,244), Myotis (104) and Leisler's (31). Bat passes cannot be translated directly into bat numbers and it is also necessary to consider how likely it is that collisions of bats with turbines is likely to occur. In this respect, I was advised that different species of bats have different flight patterns, some preferring to forage near to the ground and along hedgerows, while others might fly at higher levels and across more open ground.

54. Technical guidance was produced nationally on the subject by Natural England in February 2009 (CD49). Among other things, this remarks that Pipistrelles emerge early "often in daylight" and can fly in open or cluttered situations hunting for prey "along tree and hedge lines, along woodland edges and around single mature trees." They are regarded as having medium collision risk with turbines. Barbastelles are referred to as being strongly associated with woodlands but have been recorded foraging over a range of habitats and flying at various different heights. The population of these bats in England is small. Their collision risk is also regarded as medium (reflected in CD51). Leisler's are almost twice as populous in England but still small in number compared with Pipistrelles. They are categorised as having a high collision risk with turbines because they fly long distances at altitude, and forage over open spaces as well as along hedge lines. Myotis species are, in comparison with all but Pipistrelles, relatively common in England and regarded as having low collision risk.

55. Assessment of danger to species is hampered to some degree in this case by the absence of bat counts in the turbine fields at the level of the turbine blades, by the misplacement of the recorder intended to be closest to turbine T4 and by there having been no recordings made in the vicinity of turbines T2 and T3. While the latter are well away from typical bat habitats, it is possible that high flying species foraging on open ground (especially "high risk" Leisler's) have been missed. Whatever the case may be in those respects, SHOWT's expert witness on the subject and an adviser to the Appellant Company at the time the ES was compiled both suggest that the local population of bats now recorded is significant. The latter, in particular, advances the proposition that it would not be unreasonable to guess that between one and five Barbastelles might be in collision with the proposed turbines each year, adding "Therefore, an average sized East Anglian Barbastelle breeding colony could potentially be at risk of losing 15% of juveniles or adult females each year. This would be unsustainable losses leading to the extinction of the family group" (document 73). While that is opinion rather than evidence-based fact (and was not open to cross-examination), it is the opinion of a bat expert who, as the ES records, is Chairman of the Norfolk Bat Group, and whom I thus regard as being best placed among the experts to impart local knowledge of the subject.

56. Turning to habitat, the ES indicates that certain areas in and around the turbine fields are used more frequently than others and that Nobb's Lane and the north eastern section of Bussey's Loke represent an obvious flight route. Other "hotspots" are identified, including Little Wood, one of the farms near the Bussey's Loke turning and the footpath west of Saxlingham Grove. Among
these, it is suggested that likely roost locations include Little Wood and the farm buildings, although some uncertainty is expressed about Nobby’s Lane. The ES further states that important foraging areas include Nobby’s Lane, its extension towards Fyland’s Farm and Little Wood and the habitats linking to Winter’s Grove. Since these findings are based principally on the 2007 transect surveys for bat counts, they are open to much the same criticisms as the counts themselves and cannot therefore be regarded as comprehensive. They do nonetheless give at least some indication of the parts of the turbine fields in which bats should be protected from risk of collision with turbines and the parts of the application site where damage to, or removal of, habitat might be harmful to some bat species.

57. Natural England were consulted by the Council on the proposals at application stage and (letter dated 20 May 2008) welcomed that during the formulation of the proposal the layout of the turbines had been adjusted to ensure that they would be as far away as possible from the woodlands, hedges and other linear features considered to be of potential value to bats, that a 50m buffer zone was to be provided between Nobby’s Lane and the proposed access track, and that off-site mitigation on land to the west was to be undertaken. It cautioned that because of changes to the Habitats Regulations, incidental damage to breeding sites or resting places, including mature trees supporting bat roosts on site, would be open to prosecution without defence. Reference was also made to a guidance note stressing the importance of post-installation monitoring of bats involving detection devices and corpse searches, adding “if impacts are found to be significant, options to restrict the operating times of the turbines should be explored to avoid peak bat movements at dawn and dusk”.

58. Following the 2009 re-survey, the Appellant Company’s bat expert re-consulted with Natural England which responded (document 40) “Our advice on the original application has been modified by the new findings concerning Barbastelle bats. Our precautionary conclusions, based on the evidence of the new survey work, are that Little Wood and Saxlingham Grove are important roosts and may be maternity sites and there are foraging routes adjacent to the hedgerows across the site. The landscape is clearly important to Barbastelles in this area, and there is therefore a high degree of risk to the population.....We have no particular concerns with the locations of turbines T2, T3 and T4 but we are concerned that turbines T1, T6 and T7 are close to lots of bat activity. Turbine S...might still be a problematic location.....In terms of our outstanding areas of concern, our senior specialist has asked if it is possible for you to provide maps of static detector results, accurate distances from hedge lines and then do the calculation in our guidance TAN051 and if the turbines are still problematic could you explain why they could not be moved further into the fields (if the fields are arable, this would surely not be impossible?). If the location is inmutably fixed, the mitigation proposed by Peter Shepherd - ie turning off of turbines at night, would represent the best alternative should planning permission be granted”.

59. In consequence of criticism that this consultation had been undertaken on behalf of the Appellant Company “behind the back” of the Council, acknowledgment that the detector for turbine T4 had been positioned incorrectly (leading to a suggestion that different turbines should be turned off
at night) and the fact that Natural England had not been made aware of the last suite of static bat detector counts, I requested that further consultation take place. In doing so, I advised that Natural England is the Government’s main source of technical advice on ecological matters and that my findings on the “bats issue” would be led by its advice.

60. In response to the fresh consultation (as part of which the Appellant Company asserted that no more than a total of three turbines would be switched off), Natural England (document 21) affirmed that it stands by its position that the site (which I take to mean the turbine fields) is clearly of importance for bat populations and, therefore, mitigation for potentially adverse effects on these populations will need to be secured before planning permission is granted. It also referred to TAN051 advice that the most important consideration in avoiding impacts on bats is siting turbines at least 50 m away from linear features such as hedgerows and recorded its understanding that this would be the case (which drawings and calculations provided by the Appellant Company confirm). It further advised that turbines T1, T5 and T7 should be turned off but recommended, in the absence of counts for turbine T4, that construction and operation of that turbine be delayed until survey data has been collected and evaluated.

61. In interpreting this advice I have had regard to Planning Policy Statement 9 (PPS9) “Biodiversity and Geological Conservation”. In particular, on page 2, this sets out the Government’s vision and objectives, including for the promotion of sustainable development, and the Key Principles in paragraph 1. It seems to me that the vision’s headline statement “working with the grain of nature” implies an approach that plans development around nature conservation interests rather than one which designs development proposals and only then seeks to mitigate its effects. This is the thrust of key principle (vi), which says that the aim should be to prevent harm. The key principle then advances three potential courses of action where the grant of permission would result in significant harm. I do not regard these as a menu of equal choices but as a sequential range of choices. It concludes by advising that if significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused. In terms of significant harm, I consider risk to the population of Barbastelles identified by the Chairman of the Norfolk bat group to be significant and I add to that the as yet unidentified level of risk to Leisler’s bats. Risk to habitat in this case, however, arises from the formation of gaps in hedgerows (potentially involving the loss of one or more trees that might contain roosts) to form the proposed access tracks. This is a matter that can in my estimation be suitably dealt with by careful programming of investigation and construction after any grant of permission.

62. With regard to risk to species, however, the first course to be considered is whether I am satisfied that that the development cannot reasonably be located on any alternative sites that would result in less or no harm. I take this to mean development in the form of each individual turbine, rather than the proposed wind farm as a whole, because it would plainly be disproportionate to require the relocation of an entire development if adjustment of the siting of only part of it would overcome any concern (as in the Carlingson case). It is clear from the May 2008 consultation with Natural England that some iteration
of turbine siting took place after the initial bat surveys and before the planning application layout was produced and that Natural England was content with that and the assurance provided by 50 m buffer zone alongside Nobb's Lane. That stance was reached, however, on the basis of the original bat counts.

63. In the light of the additional bat counts to July 2009, Natural England expressed reservations about the siting of Turbines T1, T5, T6 and T7 but would seem to be content if the TAN051 separation distances could be achieved. I note that this conclusion makes no reference to the absence of bat counts at high level or in the vicinity of other turbines, notably T4. It was certainly aware of the latter in its final response to the September 2009 bat counts. In that response, it emphasises (in bold type) both the apparent importance of "the site" to bats and the need for mitigation. It must be assumed that Natural England is fully cognisant of the difference between avoidance (turbine re-siting, or securing adequate separation distances using the 50m criterion) and mitigation (delaying construction of turbines and/or turning potentially harmfully sited turbines off), so it follows that the advice to me from Natural England is that I should not be satisfied with avoidance on the basis of 50 m separation alone and should also look towards the inclusion of suitable mitigation. That mitigation refers to four turbines not three, and to five turbines if its previous response (document 40) is taken into account without the Appellant Company's imposed limitation to consider only three. On this point, I share the Appellant Company's view that preventing the construction of turbine T4 pending further survey work would be excessive because, whatever the outcome, it would only be necessary to turn T4 off when bats are active. Conversely, however, I do not accept the Appellant Company's argument that the need to address climate change overrides any requirement to turn more than three of the turbines off at such times. From the PPS9 biodiversity conservation perspective, there would be little point in addressing climate change if the effect of doing so in itself damages biodiversity - in medical parlance, the cure would be no more beneficial to that particular interest than the illness. To my mind, the requisite level of mitigation, in line with PPS9 and Natural England advice, would be to turn at least four of the turbines off during bat "risk" periods, and preferably five, at least until further investigation and monitoring of bat activity and mortality has been systematically undertaken.

64. No specific reference is made to the third course, "compensation", by Natural England. I remark only that the proposed bat flight route would represent a useful addition to the local habitat for bats and other species but does not, in my estimation, represent a suitable or sufficient alternative to either "avoidance" or full and effective mitigation.

65. To conclude on this issue, I draw upon paragraph 6.13 of the Appellant Company's closing submissions (whether the derogation tests under Regulation 3(4) of the 1994 Regulations applies or not). Firstly, I am not content that the proposed mitigation is either adequate or is "as supported by" Natural England. Secondly, nor am I convinced that a favourable conservation status of the species (Barbastelles in particular, but in the absence of surveys at altitude and in appropriate locations, other species too) would in consequence be maintained at local or regional level (although turning three turbines off might be more effective in this respect than turning none off).

21
Issue 5: Equestrian interests

66. People pass through a diverse variety of environments when going about their daily lives, whether by car, on horseback, or when using the local rights of way network. Beyond my foregoing findings on specific landscape, cultural heritage and residential amenity impacts, I find nothing generally objectionable in turbines being part of that broad visual experience. The position with regard to equestrian interests is not, however, entirely a visual one, because matters of public safety and business interests also arise. Such matters were raised in a number of representations to the Inquiry and I therefore deal with them separately here.

67. The companion guide to PPS22 records that the British Horse Society, following internal consultations, has suggested that 200 m exclusion zones be safeguarded around bridle paths to avoid wind turbines frightening horses. It adds that while this could be deemed desirable, it is not a statutory requirement, and some negotiation should be undertaken if it is difficult to achieve. To my mind the Companion Guide must logically extend to any route used by horses where riders and their mounts might be endangered by the presence of turbines, so I include the local roads (such as Busseys Loke itself) in this as well as “permissive routes” made available by private land owners and which riders and the public in general are thus able to use.

68. The Companion Guide amounts to only a brief summary of the BHS advice, which actually states that BHS current policy is, as a starting point, to seek a separation distance of four times the overall height of the proposed turbines for National Trails and Ride UK routes as these are likely to be used by equestrians unfamiliar with turbines, and a distance of three times overall from all other routes “with the 200 m recommended in the Technical Guidance to PPS22 being seen as the minimum, where it is shown in a particular case that this would be acceptable”.

69. None of the parts of any equestrian routes near the turbines are, however, National Trails or Ride UK routes, and none are included in the Norfolk County Council’s recommended Bridle and Cycle Routes (document 55). As such, I regard their main usage to fall within the “local rider” category. The BHS policy highlights the principal equestrian concerns as being blade shadows, blades starting to turn, noise levels from turbines and snow and ice throw, to which is added, generically, the construction phase.

70. The casting of shadows depends on the strength and height of the sun, its position in the sky relative to the turbine blades and to the rider, and the masking effect of shading from other sources such as hedgerows bordering Nobb’s Lane. The sun does not shine every day and I doubt that it would be a great inconvenience for local riders to avoid passing close to the turbines, on relatively open ground, at times when the sun is sufficiently low in the sky to cast long shadows through the rotors. The risk of a turbine suddenly starting to turn just as a horse passes by is small but, to the extent that it is a risk, it has to be put in the context of the risks associated with riding in general — horse-riding is an inherently hazardous pastime and horses are likely to be startled by a great many things ranging, for example, from a wind blown plastic carrier bag to the sudden sound of a nearby bird-scarer. Good horsemanship requires riders to be alert to potential dangers and, when
choosing where to ride, to recognise their own abilities and the sensitivities of their mounts, and it is in my view unrealistic for riders to expect all risks to be excluded from anywhere that they may choose to ride. The latter would effectively exclude turbines from most of rural England. Ice throw can be avoided by fitting sensors to the turbines, as the PPS22 guide advises, and (as BHS recognises) disturbance during the construction phase can be minimised by planning conditions and endures only for a period of time in any event. That said, the rotors of turbines T2, T4, T6 and T7 would all fall within the 200 m distance of what I would regard to be local equestrian routes and, in the absence of evidence on electricity generation that moving the turbines to achieve the recommended minimum distance would have (and thereby minimising inconvenience to riders or unnecessarily creating additional safety hazards), it is not possible for me to assert that the proposal represents a sensitive exploitation of renewable energy sources in accordance with PPS22 policies and clause 16(iv) of PPS7.

71. A more particular concern was raised by the occupier of a nearby farm, now used in large part for an equestrian business based upon the treatment of injured racehorses associated mainly with Newmarket racing industry. These, I was told, can be highly strung and often valuable animals. Letters from the broker acting for the insurance of this business indicate that cover for injury or death to animals in the care of the business arising from the turbines cannot be secured. However, the farm is an extensive one, and the nearest turbine (T6) would be about 800 m or more from the end of the training gallop. That is almost double the separation distance from turbines recommended by BHS even for riders unfamiliar with the area, and the riders in this case are likely to well-experienced jockeys, who would be on private land unexposed to the risk of passing traffic. One of the tracks used for exercising the horses passes within only about 50 m of turbine T6, but there is a wide range of alternatives available, so I regard the presence of the proposed turbine as an inconvenience rather than an unavoidable safety hazard. As with the recreational riding routes, however, without evidence on the effect on electricity generation of securing a greater separation distance (of, say 200 m from T6), it is not possible for me to assert that the proposal represents a sensitive exploitation of renewable energy sources.

The balance of energy supply and environmental considerations, including consideration of the relevant policies

72. There is no dispute over the national need to address climate change and the importance attached by the Government to the role of exploiting sources of renewable energy in doing so. This is manifest from a range of publications including, for example, the Renewable Energy Strategy 2009, the Energy Act 2008 and the Climate Change Act 2008. In these and other policy documents, energy targets are expressed in a number of different ways, whether for energy in general or electricity alone, from all sources or from particular technologies, as power generated, supplied, consumed, or as aspirations or binding requirements. This complexity of expression provides the general context for the formulation of spatial planning policies and development proposals intended to respond, in land use terms, to meeting the nation's energy requirements. However, paragraph 3 of PPS22 stipulates that Regional spatial planning targets should be expressed primarily as the minimum amount
of installed capacity for renewable energy. Such targets are intended to inform the formulation of criteria based policies at District level, as advised by paragraph 6 of PPS22, but at neither Regional nor District level are they required to meet any prescribed proportion of the Nation’s, Region’s or District’s energy needs. Rather, as paragraph 2 of PPS22 makes clear, the Regional targets are to be derived from an assessment that has regard to the particular Region’s renewable energy resource potential taking into account the Regional environmental, economic and social impacts that may result from exploiting that potential.

73. The Appellant drew particular attention to paragraph 40 of the Climate Change Supplement to Planning Policy Statement 1 “Planning and Climate Change” (PPS1S), pointing out that this introduces an expectation of “expeditious and sympathetic handling” of the planning application. However, the primacy given to the development plan established in paragraphs 7 and 8 of PPS1 “Delivering Sustainable Development” is re-affirmed in paragraph 38 of PPS1S. In that respect, paragraph 39 of PPS1S acknowledges that some development plans may be in need of up-dating and, where this is found to be so, advises that consideration should be given to how proposals could be amended to make them acceptable, adding that where this is not practicable, to consider whether permission should be refused. In this case the Appellant Company made clear to me that no amendments were to be tabled. I do not regard that stance as exceptional, given that amendments at appeal stage may compromise the sufficiency of the Environmental Information before me. It does, however, leave me with only two options – to permit or refuse the scheme as submitted.

74. To my mind, the policy balance in this case depends, in accordance with paragraphs 38 and 39 of PPS1S, on the extent to which the extant development plan is consistent with PPS1S Key Planning Objectives and the extent to which the proposal is, in itself, consistent with whichever of the development plan policies and/or the Key Planning Objectives that are applicable. The expectation of “expeditious and sympathetic handling of the application”, as required by paragraph 40 of PPS1S (inasmuch as this might be taken to mean more than administrative processing) follows only after such considerations because it applies to proposals “that will contribute to the delivery of the Key Planning Objectives”.

75. The development plan in this case includes Regional Spatial Strategy (RSS) in the form of the East of England Plan (May 2008), together with a range of “saved” policies in the South Norfolk Local Plan (2003). I am aware of the recent judgment by Mr Justice Mitting in relation to the challenge to policies HA1, LA1(2), LA2, LA3 and SS7 of the RSS. However, I do not consider that those policies are of direct relevance to the appeal proposal, so I do not consider that the judgment prevents me from giving full weight to those policies in the RSS which are relevant to this appeal. It is common ground that the relevant policies are ENG1, ENG2, ENV2, ENV3 and ENV6.

76. RSS policy ENG1 urges Local Planning Authorities, among other things, to encourage the supply of energy from decentralised, renewable and low carbon energy sources. By referring to “energy”, its scope is not limited either to electricity or to on-shore wind, these being topics that are addressed more precisely by policy ENG2. That policy sets the target that by 2010 10% of the
region’s energy, and by 2020 17% of the region’s energy should come from renewable sources, excluding off-shore wind. The Appellant Company acknowledged that these targets are expressed as “generation” targets, and they are converted in paragraph 9.6 of RSS into installed capacity targets for electricity, as 820 MW by 2010 and 1620MW by 2020. In amplification of paragraph 9.6, I was told that the policy ENG2 targets had emerged from studies undertaken during the period from 1999 to 2007 and deliberations of the “East of England Sustainable Development Round Table” but were largely based on consideration of resource potential, national landscape designations and a desire or aspiration to reflect the Region’s energy consumption rather than on a full assessment of environmental, economic and social impacts. It might thus be said that policy ENG2, by setting “challenging” generation targets and transiting those into installed capacity targets before regional environmental, economic and social impacts have been evaluated, represents a reversal of the approach that paragraphs 2 and 3 of PPS22 intend.

77. In line with paragraph 9.8 of RSS, work on the targets has since been taken forward in a study commissioned by the Regional Assembly from Ove Arup, titled “Placing Renewables in the East of England”. This study is intended to inform a future review of RSS to include sub-regional targets based on an assessment of potential together with locational criteria. In the event, the Ove Arup Study (CD14) has indicated that it would be feasible to meet 20% of the Region’s expected electricity consumption by 2020 (Scenario 2) from a range of technologies including wind. Even though this anticipates half the resource from on-shore wind compared with the “theoretical maximum” (Scenario 1), caution is expressed about the consequential environmental implications of turbines being located “all over” the unconstrained and variably constrained areas (paragraph 6.7.3). It suggests identification of an “area of likely concentration” for wind turbines. This would not include the appeal site, but equally would not exclude turbines here or anywhere else (paragraph 8.4). Significantly, the study includes a theoretical calculation of potential input into the capacity target from each of the former Countryside Agency’s Joint Character Areas (JCAs) in the Region. In essence, this suggests that the JCA in which the appeal site lies (which covers a large swathe of Norfolk and Suffolk) could contribute 60-100MW of installed capacity amounting to between 24 and 40 turbines of the size proposed in the appeal scheme (table, page D12).

78. None of this can be translated directly into development control policy or be applied to individual schemes, as the Ove Arup study is at pains to repeatedly stress (page D11), but it is indicative of the assumptions underlying the study’s finding that it would indeed seem possible to generate 17% of the region’s electricity from onshore renewable sources (not just wind) by 2020. Those assumptions have yet to be tested through consultation, publicity and examination processes, leaving the targets (in the form intended by PPS22) susceptible to adjustment or to raising or lowering the threshold of environmental acceptability, or to some combination of them all.

79. The Statement of Common Ground avers that of the Region’s present 820MW target for 2010, onshore wind projects are expected to contribute 647MW, while the installed capacity to date amounts only to 127MW. It is already clear that the RSS 2010 target will, as a matter of fact, thus be missed by “a Norfolk country mile”. However, given all of the foregoing circumstances, little
significance can, in itself, be attached to this. The most that can be said is that
the 2020 target is a cumulative one, including 2010 and, in the light of LP
policy UTL13 (which adopts a welcoming stance to renewable energy projects
in general, provided the energy benefits outweigh the environmental harm) the
sooner renewable electricity is produced the greater the benefit will be in
delivering the Government’s Climate Change Programme and energy policies in
line with the first of the key principles in the Climate Change Supplement to
PPS1.

80. On the other side of the balance lies the quantification of environmental harm.
In that respect, I am aware that the Council’s use of its Landscape Assessment
Study, and the Sensitivity Study in itself, both approach the subject of wind
farm development only from a landscape impact perspective, ignoring other
matters that are relevant to the capacity for, and distribution of, such
development (including, for example, wind resource and grid capacity, as well
as social and economic factors). However, neither study places an overall cap
on wind energy development in the District, and landscape sensitivity has not
been set at such a level that the capacity envisioned in the Ove Arup advice to
the Regional Assembly could not be met or exceeded across the wider JCA. To
that extent there is no demonstrable inconsistency with extant or emerging
RSS at District or wider sub-regional level. Given also that the Council’s ability
to guide the location of turbine development is exercised primarily through
policy formulation and/or the grant or refusal of planning permission, with the
process of site selection being initiated by developers, I see no reason to
seriously question the relative distributional pattern of wind energy
development that the sensitivity study seeks to facilitate. Given my findings on
the first main issue, it follows that landscape capacity and, more specifically,
the landscape impact of such an extensive wind farm, count against the
proposal and lead to conflict with RSS policy ENV2 (bullet points one and two)
and saved LP policy ENV1.

81. The position regarding cultural heritage is less clear cut. Plainly it is desirable
to preserve (or enhance) the settings of the Listed Buildings and Conservation
Areas, and views into and out of the latter, to which I have referred in the
second main issue. Paragraph 1.3 of PPG15, however, cautions that the
historic environment of England is all pervasive and cannot, in practice, be
preserved unchanged. Moreover, RSS policy ENV6 (sixth bullet point) takes
the form of guidance to Local Planning Authorities rather than detailed
development control policy, and LP policy IMP15 is not determinative since it
requires only that special attention be given to certain factors when considering
development affecting the settings of Listed Buildings. Policy IMP18 takes a
more stringent stance with regard to the settings of Conservation Areas,
although protection of views in and out (notably at Saxlingham Green and
Fritton) flows from paragraph 4.14 of PPG15 rather than from statute. In each
case where I have identified harm to setting and/or views it is apparent that
sufficient of the setting or view would remain preserved to enable the building
or settlement and its historically important environs to still be appreciated and
enjoyed. On balance, when calibrated against the need to address climate
change, I consider the appeal scheme to be acceptable in terms of its impact
on cultural heritage features.
82. I am also content that noise can be adequately dealt with by planning conditions, although some adjustment of the permitted quiet day-time noise limits suggested would in my judgement be desirable to ensure increases in ambient noise levels are minimised in line with paragraph 41 of the PPS22 Companion Guide. Subject to that, I find the proposal compatible with LP policy IMP 10 and, given my findings on issue 3, with policy IMP 9 (clauses (ii) (iii) and (iv)).

83. However, under issue 4, I find that the proposal would impart serious risk to at least one local bat population of regional significance. To have certainty that mitigation would be sufficiently effective (as a second-best alternative to avoidance) would require a greater number of turbines to be turned off while bats are active than the Appellant Company is willing to concede. Paragraph 16 of PPS9 makes clear that permission should be refused where harm to protected species would result, unless the need for and benefits of the development clearly outweigh that harm. RSS policy ENV3 (sixth bullet point) adds that regard should be paid to the need for habitats and species to adapt to climate change, a sentiment that is mirrored in the fifth Key Planning Objective of PPS15. These caveats do not mean that species protection should invariably be subordinated to the generation of electricity from the wind. Indeed, I regard the two as twin objectives that ought to be pursued together. That is certainly not possible, however, while information on bat usage of the turbine fields is incomplete and when the nature and extent of mitigation is unilaterally held up by the Appellant Company to be immutable. This does not, in my judgement, represent the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22.

84. I make no further comment on equestrian interests, other than to remark that the proximity of turbines to riding routes without quantification of the economic effect of greater separation might also be regarded as insensitive, albeit riders are not a protected species and not subject to a similar regime of policy protection as bats.

Other matters and overall conclusions

85. The development plan must be read as a whole and compliance with it judged accordingly. In that broader context, the main relevant policy thrusts are to promote sustainable development including renewable energy generation while safeguarding the quality of the local environment. I do not find this inconsistent with the policy approach in PPS15, although drawing upon the approach in paragraph 39 I note that the second Key Planning Principle advises "in providing for...infrastructure needed by communities...secure the highest viable resource and energy efficiency and reduction in emissions". Viability in this sense could be interpreted in many different ways, but I regard it as a concept that embraces consideration of environmental, social and economic capacity and not just maximisation of output. The latter would imply that the maximisation of renewable energy generation would override all other considerations, and that is a position that was not adopted at the Inquiry even by the Appellant Company. I have no doubt that there is capacity for wind energy development at Hempnall, but turbine siting and mitigation should follow rather than precede further investigation of bat activity within the turbine fields and the overall extent of the proposed wind farm should be more responsive to the identified sensitivities of the local landscape. It is my
conclusion that the appeal scheme, in the fixed form that it comes before me (whether because of Environmental Assessment Regulations implications, or the Appellant Company's own stipulations), exceeds the highest viable resource compatible with environmental and biodiversity safeguards. As such, I find that it does not comply with the development plan or with PPS15 objectives. While unconvincing in themselves, my conclusions on issues 2 (paragraphs 18, 19, 20, 25 and 81), 3 (paragraphs 37 and 82) and 5 (paragraphs 70 and 84) further reinforce my view that the combined impacts of this particular proposal would exceed the highest viable resource compatible with environmental safeguards. I have considered all other matters raised in the representations but find nothing to outweigh that conclusion or to warrant a decision other than in accordance with the statutory development plan as I interpret it. The appeal therefore fails.

D Lavender

Inspector
APPEARANCES

For The Appellant:

Mr David Harvey
LLB(Hons), BCL(Hons)(Oxon)
He called
Mr D Stewart
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MRTPi
Mr C Goodrum
BSc(Hons), DipLA, CMLI
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IHBC
Dr P Shepherd
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Mr M Hayes
BSc, MIOA

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Principal, David Stewart Associates
Partner, LDA Design
Director, CgMs Ltd
Partner, Baker, Shepherd, Gillespie
Partner, The Hayes McKenzie Partnership

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BA(Eng), BA (Larch),
Dip LA, CMLI
Mr D Edlestone
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RIBA, IHBC
Mr P Witham
DipTP, MRTPi

Queen’s Counsel, instructed by
Mr S L Shortman, Solicitor to the Council
Chartered Landscape Architect
LizLake Associates
Council’s Conservation and Design Architect
Council’s Development Control Services Manager

For Hempnall Parish Council, Saxlingham Parish Council and SHOWT
(“Stop Hempnall’s Onshore Wind Turbines”):

Ms T Douglass
She called:
Mr M Haslam MRTPi
Mr M Stigwood
EHO, DipANCE,
MIA,FRSH
Mr G Peck
Ms B Penn
Mr A Woodward
Ms V Jupp
Mr E Howard
Mr A Hodge

Of Counsel, instructed by Mr Michael Haslam
Planning policy and general matters
MAS Environmental - noise
CPRE
Local resident
Local resident
Equine routes
Equine leisure interests
Equine business interests
Mr D Hook  Public rights of way

For Countess Attlee:

Mr Gerald Gouriet  Queen's Counsel, instructed by Countess Attlee

He called

Mr Philip Richardson  Professional Bat Consultant

MA, Hon Fellow of BNA

Interested Persons:
(All opposing)

Mr Moulton  Local resident
Mr Pointer  Local resident
Dr Nolan  Local resident
Mr Willis  CPRE
Mr M Jones  Local resident
Mr Richard Bacon MP  Local Member of Parliament
Cllr Windridge  District Council Member
Mr Wright  Local resident
Mr F Bright  Representing Shotesham Parish Council and Tas Valley Amenity Group

DOCUMENTS

General

Document  1  Core documents, as follows:
1. East of England Plan
2. Saved policies of the South Norfolk Local Plan
4. PPS1
5. PPS7
6. PPS9
7. PPG15
8. PPG16
9. PPS22
10. PPG24
11. Various Wind Farm Appeal and Application Decisions, including (but not limited to):

(a)  Knabs Ridge, Harrogate (APP/E2/34/A/04/1161332)
(b)  Darracott, Torridge (APP/W1145/A/03/1119641)
(c)  Bradwell (APP/X1545/A/06/2023805)
(d)  Shooters Bottom (APP/Q3305/A/05/1181087)
(e)  Fullabrook Down (GDBC/003/00024C)
(f)  Crimp (APP/C0820/A/07/2047583)
(g) Kiln Pit Hill (APP/R2928/A/08/2075/105)
(h) Hellrigg, Silloth (APP/G0908/A/08/2073524/NWF)
(i) Bradworthy, Torridge (APP/W1145/A/02/1105474)
(j) Carsington (APP/P1045/A/07/2054080)
(k) North Dover, Little Pineham Farm
   (APP/X2220/A/08/2071880)
(l) Den Brook (APP/Q1153/A/08/2017162)
(m) Carsington [20091 EWHC 1729 (Admin)]
(o) Thackson’s Well (APP/E2530/A/08/2073384)
(p) Keadby (GDBC/003/00025C/1 and GDBC/003/00025C/2)
(q) Mynydd y Betws (APP/M6825/V/08/2064826;
   APP/M6825/X/515052 and APP/M6825/X/515053)
(r) Poplar Lane (APP/L3245/A/08/2088742)
(s) Withernwick (APP/E2001/A/08/2088796/NWF)
(t) Wern Ddu (APP/R6830/A/05/1185359)
(u) Dewlay Cheese (APP/U2370/A/09/2092990)
(v) Aston Grange Farm (APP/L0635/A/07/2047477)
(w) Agricultural land to the east of Grove, Retford
   (APP/A3010/A/06/2017850)
(x) Longbrook Farm, Thurning, Peterborough
   (APP/G2815/A/08/2084345/NWF)
(y) Boxworth and Conington (APP/W0530/A/05/1190473)
(z) Laughton (APP/N2535/A/04/1166685)
(aa) Penpell Farm, Par, St Austell (APP/Q0830/A/05/1189328)
(bb) Inner Farm, Edithmead, Burnham-on-Sea
   (APP/V3310/A/06/2031158)
(cc) Near Wood Farm, Shipdham, Norfolk
   (APP/F2605/A/08/2069810 (ex 1174295)
(dd) Tivetshall Met Mast (APP/L2630/A/08/2076890)
(ee) Ellands Farm, Hemington (APP/G2815/A/06/2019989)
(ff) Guestwick (APP/K2601/A/05/1180685)
(gg) Beech Tree Farm, North of Goveton, Kingsbridge
   (APP/K1128/A/08/2072150)

14. EERA: Placing Renewables in the East of England
15. The Stern Review (October 2006)
19. Responding to the impacts of climate change on the natural environment: The Broads, Natural England (March 2009)
27. Countryside Agency "Countryside Character Volume 6: East of England" (extracts)
28. South Norfolk Landscape Assessment - Landscape Character Areas of the Norwich Policy Area, A1 and B1
29. South Norfolk Landscape Assessment - Landscape Character Areas of the Rural Policy Area, prepared by Land Use Consultants (April 2006)
30. South Norfolk District Wind Turbine Landscape Sensitivity Study, prepared for South Norfolk District Council by Land Use
31. Scottish Natural Heritage, Cumulative Effect of Wind Farms (version 2, April 2005)


34. Landscape architecture and the challenge of climate change, Landscape Institute (October 2008)


38. English Heritage, "Climate Change and the Historic Environment" (2008)


39A. The Countryside Agency and Scottish Natural Heritage, Landscape Character Assessment Guidance for England and Scotland: Topic Paper 5, Understanding Historic Landscape Character

39B. The Parish Churches of the Hempnall Group - booklet by The Hempnall Team Council


40. ETSU-R-97: The assessment and Rating of Noise from Wind Turbines (September 1996)


45. Department of Business, Enterprise and Regulatory Reform: "Research into aerodynamic modulation of wind turbine noise", report by the University of Salford (July 2007) (Extracts)

46. Government Statement regarding the Findings of the Salford University Report into Aerodynamic Modulation of Wind Turbine Noise Ref: URN 07/1276 (July 2007)

47. Low Frequency Noise and Vibrations Measurement at a Modern Wind Farm, ETSU W/13/00392/REP, 1997 (Executive Summary)


49. Bats and Onshore wind turbines, Natural England Technical Information Note TIN051

50. Bat Surveys - Good Practice Guidelines, Bat Conservation Trust


52. Officer’s Report to the South West area Planning Committee (June 2006)

53. Decision Notice of South Norfolk Council

54. Inspector’s Pre-Inquiry Briefing Note (January 2009)

**Council Documents**


Document 10. Ms Bolger’s Appendices.

Document 11. Mr Witham’s Proof and Appendices.

Document 12. Mr Edleston’s Proof and Appendices.

Document 13. Plan MB Figure 10 showing landscape character areas and topography.

Document 15 Note submitted at Inspector’s request on status of the South Norfolk Landscape Assessment and Guidance note on Assessing the Landscape and Visual Impact of Large Wind Turbine Developments, June 2009.

Document 16 Plan showing areas of proposed hedge removal.


Document 18 Plan showing Tas River Valley Landscape Character Area superimposed on viewpoints.


Document 22 Council’s closing statement.

Appellant Documents

Document 23 Mr Hardy’s Opening Statement.

Document 24 Mr Stewart’s Proof.

Document 25 Mr Stewart’s Appendices.

Document 26 Dr Edis’s Proof, revised versions submitted with covering letter on 1 September 2009.

Document 27 Dr Edis’s Appendices.

Document 28 Dr Edis’s Summary Proof.

Document 29 Mr Goodrum’s Proof and Appendices.

Document 30 Mr Goodrum’s first rebuttal Proof.

Document 31 Mr Goodrum’s second rebuttal Proof.

Document 32 Mr Hayes’s Proof.

Document 33 Mr Hayes’s Appendices.

Document 34 Dr Shepherd’s Proof and Appendix.

Document 35 Plan showing application site outlined in red and land under control of Appellant outlined in blue (submitted at the Inspector’s request).


Document 37 Plan showing turbines, and calculations for separation distances from hedgerows in accordance with English Nature’s formula.

Document 38 Summary of bat static recording data for the period 7 July 2009 to 8 September 2009 to demonstrate relative merits of turning various combinations of turbines off during hours from dusk until dawn.

Document 39 Calculation sheet for changes in potential impacts on barbastelle and other bat species arising from the change in turbines proposed to be switched off.

Document 40 E-mail from Natural England to Appellant Company concerning bats, dated 23 September 2009.

Document 41 Wind rose diagram for Hempnall.

Document 42 Additional photo, wire frame and montage, submitted at Inspector’s request, showing turbines relative to the entrance.
path to St Margaret’s Church, Hempnall.

Document 43 Plan showing requisite separation distances of turbines from hedgerows.

Document 44 Mr Hardy’s Closing Statement.

**Parish Councils’ and SHOWT’s Documents**

Document 45 Parish Councils’ and SHOWT’s opening statement.
Document 46 Mr Haslam’s Proof.
Document 47 Mr Stigwood’s Proof and Appendices.
Document 48 Mr Stigwood’s Appendix E.
Document 49 Mr Hook’s Proof.
Document 50 Mr Peck’s Proof
Document 51 Assemblage of individual proofs and written statements.
Document 52 File of Appendices.
Document 53 Blimp photographs.
Document 54 Letter from Lycetts to Mr Hodge, dated 9 June 2008 on liability cover relating to horses and wind turbines.
Document 57 Photograph sheet from a Hayes Mackenzie Partnership report showing positioning of rain gauge adjacent to microphone.
Document 58 Appeal decision for Longbrook Farm, Thurning, Peterbrough, dealing with relationship to horses and bats, together with specification sheet for the turbine proposed in that case.
Document 60 Comparison sheets of predicted turbine noise and measured noise at existing wind turbine sites, dated 1 October 2009.
Document 61 OS Map extract showing areas of Common Access Land and the location of the gallop and exercise areas used by Mr Hodge for horses.
Document 63 Mr Stigwood’s draft noise condition and covering e-mail, dated 26 October 2009
Document 64 Mr Stigwood’s rationale for draft noise condition
Document 65 Mr Stigwood’s draft excess AM condition
Document 66 Mr Stigwood’s rationale for draft excess AM condition
Document 67 Letter dated 5 October 2009 from Lycetts Insurance Brokers to Mr Hodge
Document 68 Ms Douglass’s closing statement.

**Countess Attlee’s Documents**

Document 69 Mr Gouriet’s opening statement.
Document 70 Mr Richardson’s first Proof.
Document 71 Mr Richardson’s second Proof.
Document 72 Mr Richardson’s Summary.
Document 73 Statement from Mr J Goldsmith as a response to various questions posed relating to bats at this site.
**Third Party Documents**

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<td>82</td>
<td>Bundle of third party representations received in response to SEI (circulated to the parties by the Inspector at the Inquiry).</td>
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<td>83</td>
<td>Transcript of Mr Moulton’s statement to the Inquiry.</td>
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<td>Letter from Mr Krumins, objecting to the proposal.</td>
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<td>Letter from Mr Freemantle, Regional Welfare Officer for the British Horse Society.</td>
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<td>Letter from Norfolk County Council dated 24 September 2009 withdrawing highway objection to the proposal subject to suitable conditions.</td>
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<td>90</td>
<td>Letter from Mr and Mrs Taylor objecting to the proposal.</td>
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<td>Statement to the Inquiry by Richard Bacon MP.</td>
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<td>Transcript of Cllr Windridge’s statement to the Inquiry, with attachments.</td>
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<td>94</td>
<td>Letter from Mr M Battye FRSA objecting to the proposal.</td>
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<td>Transcript of Mr Willis’s statement to the Inquiry on behalf of CPRE.</td>
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<td>96</td>
<td>Note from Mr Pilgrim and Ms Turner outlining the methodology for visitor counts at local churches.</td>
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<td>97</td>
<td>Letter from the Stamp family, dated 28 September 2009, objecting to the proposal.</td>
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<td>98</td>
<td>Letter withdrawing objection from Norwich International Airport.</td>
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1 Introduction

1.1 This is a non-technical summary of an environmental statement that has been prepared by TCI Renewables Limited on behalf of Streetwood Wind Farm Norfolk Ltd (a wholly owned subsidiary of TCI Renewables Limited) to accompany a planning application to South Norfolk Council for the development of the Streetwood Wind Farm, at Hempnall in 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 full environmental statement 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 TCI Renewables Limited 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 environmental statement 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 South Norfolk Council 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 TCI Renewables 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 Streetwood Wind Farm at the international, national, regional and local level has been tested 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 environmental statement are acceptable in the context of these benefits and the planning policy framework.

3 The site

3.1 The proposed site for the wind farm is in the parish of Hempnall in South Norfolk. Hempnall village is nearby, while the villages of Woodton, Topcroft, Saxlingham Green and Shotesham are a little further away. The nearest city is Norwich, approximately 13 kilometres to the north. The location and context are shown on Figure 1.

3.2 The land is currently used to produce various types of agricultural crops. The main area of the wind farm site is generally open in character, with gentle, south-facing slopes and large fields enclosed by ditches and hedgerows. The countryside beyond the site boundary has generally smaller fields and scattered small woodlands. Little Wood is adjacent to the east, and Saxlingham Grove lies immediately to the northwest.

3.3 The site forms part of a larger area that comprised the former Hempnall Wind Farm proposal, a seven-turbine project promoted by a company called Enertrag. The planning application for this was unsuccessful, as was a later planning appeal. The planning inspector at the inquiry nevertheless suggested that the site was capable of accommodating a wind development, and, having reviewed the proposals in the light of his comments and on-going environmental studies, TCI Renewables decided that the site could acceptably accommodate four turbines.

4 The proposals

4.1 The proposed wind farm consists of four wind turbines, together with new access tracks, crane pads, a control building, underground cabling and a temporary construction compound. 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 up to 80 metres in height, and three rotor blades each up to 46.5 metres long: the maximum height to blade tip when in the upright position would therefore be 126.5 metres. The final selection of turbine model will be made after planning to allow for on-going technical and efficiency advances.

4.3 The generated electricity would be supplied to the local grid. With four 2.5 megawatt wind turbines, and based on five-year average figures from the Department of Energy and Climate Change, the Streetwood Wind Farm could generate nearly 23 million units of electricity per year, which could meet the average needs of 5,260 homes.

4.4 The site access will be from the B1527, approximately 750 metres to the east of Hempnnall. From here, 2.3 kilometres of new access track will run north to cross Hempnnall Brook and on to the turbines, which will be located either side of a minor road from Hempnnall, known as Buser's Loke. 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. 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 near to the base of each turbine.

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

4.8 The control building will be a small, single-storey building, approximately 20 metres by 10 metres, and 6 metres to ridge height, in materials to match the local style. It houses switch gear, cable connections, meters and control equipment, and will be located on an existing concreted farm storage area alongside Bussey's Loke.

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. It is thought likely that the connection will be made via underground cable to the existing substation at Alpington rear Poringland.

4.10 A contractors' compound will also be required near to the new site entrance, but this will be temporary and reinstated to agricultural use following the completion of construction, which is likely to take 6 to 12 months.

4.11 The permanent (25 year) land take will be 2.2 hectares for the new access tracks, turbine bases, crane pads, and control building. This is less than 1 per cent of Manor Farm and 0.5 per cent 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. Routine maintenance visits are typically made every two to four weeks.

Figure 3: Main parts of a typical modern wind turbine

STREETWOOD WIND FARM
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 Air and climate

5.1 No local air quality issues were raised by the planning authority or consultees during the scoping of topics for the assessment, and no significant local effects are likely during any stage of the wind farm’s life.

5.2 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, and that these are contributing to the increasing rate of climate change. Wind turbines generate electricity without releasing measurable amounts of carbon dioxide.

5.3 Wind-generated power can displace electricity otherwise produced by burning fossil fuels, and at the assumed level of output, Streetwood Wind Farm could displace the emission of some 9,861 tonnes of carbon dioxide into the atmosphere annually (calculated using a methodology agreed between the wind industry and the Advertising Standards Authority).

5.4 Even taking into account the carbon dioxide released while obtaining raw materials, and in the manufacturing, transport, servicing and disposal of the turbines, they 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.

5.5 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 nature of the climate and climate change, this positive effect is generally considered at a global rather than local scale.

6 Noise

6.1 A noise assessment was carried out to determine the likely effects of the wind farm on the local noise environment during the construction and operational phases.

6.2 During the construction period, some of the activities may be audible at surrounding residential properties, depending on the strength and direction of the wind. Even using worst-case assumptions, this temporary increase in noise levels is, however, within acceptable levels set by standard guidance and as such is not considered significant.

6.3 Contractors will be bound by an agreement to take reasonable measures to minimise noise during all construction activities.

6.4 A comparison was made between the noise levels that are predicted to be emitted during the operation of the wind turbines and the measured background noise levels.

6.5 This assessment indicates that for nearby noise-sensitive properties, the noise from the wind turbines may occasionally be audible but will meet the day-time and night-time noise criteria set out in Government guidance. The effect of turbine noise is therefore not considered to be significant at any residential or other properties.
7 Traffic and highways

7.1 Assessments have been made of the effects of bringing the abnormal loads to the site along the highway network, and also of the disruption that traffic could cause to road users and communities around the site.

7.2 The origin of the turbines has not yet been established, but it has been assumed that the components will be brought to the site from Great Yarmouth docks. From here, the route would follow the A47, join the A146 south of Norwich for a short distance, and then run southwards along the B1332 to Woodton; here, the route would turn west along the B1527 to the site access just to the east of Hempnall village.

7.3 With a Traffic Management Plan in place to control the times and routes of delivery vehicles, and to prescribe the use of escort vehicles and other measures, the assessment shows that the delivery of large, abnormal loads will not cause any significant effects on the route to the site.

7.4 The Traffic Management Plan will also control the most appropriate times and routes for general construction traffic and detail specific measures to be taken to reduce any impacts. Construction contractors will be required to sign up to the Plan, which will include a ban on HGV traffic arriving from the west through Hempnall village.

7.5 Construction vehicles will cause moderate but temporary disruption to users of the B1527 between the wind farm site and Woodton during the first four months of construction. Further afield, and from month five at all locations, the disruption is not likely to be significant with a Traffic Management Plan in place. No significant effects on road safety are likely.

7.6 The small numbers of maintenance vehicles associated with the operational period will not cause any significant effects on local roads or communities.

8 Bats

8.1 The effects of the proposals on habitats and wildlife were extensively studied. As so much information and analysis was generated for bats, the assessment is described separately, though the ecology of the site was considered as a whole throughout the process.

8.2 Previous surveys from 2007 through to 2011 were available for the assessment of likely effects on bats. Given recent changes in guidance on carrying out surveys at proposed wind farm sites, a further comprehensive series of surveys was carried out in 2012. These included inspections of roosts, the use of hand-held bat detectors on walked transects around the site, and leaving automatic bat detectors on site for extended periods both at ground level and at-height on balloons.

8.3 During the course of all of these surveys, at least seven species and two further species complexes of bats were recorded across the survey area. The community comprises 62 per cent of the known bat species of Norfolk and 47 per cent of the national bat assemblage, including one rare species - barbastelle - and Nathusius' pipistrelle, which is considered uncommon.

8.4 Hedgerows and woodland edges were found to be the most important foraging and commuting routes, with 96 per cent of bat call registrations made in sheltered woodland edges or along linear features such as hedgerows. Less than 4 per cent of registrations were made over open fields, where the turbines are located.

8.5 A large proportion of bat activity was associated with Little Wood. Nathusius' pipistrelle, noctule, barbastelle, long-eared bat and *Myotis* bat species are all thought to roost within this woodland in small numbers; common and soprano pipistrelles occur in larger numbers and are likely to form maternity colonies in Little Wood.
8.6 Other surveys suggest that barbastelle roost within Saxlingham Grove, another key area for foraging and commuting bats, though none of the interior and only a small part of the boundary of this wood was available for survey due to access restrictions.

8.7 An assessment was made of the potential for effects on the bat populations during the construction and operation of the wind farm. These could be associated with disturbance, displacement or injury through collision with rotating blades. Bats may also be vulnerable to a phenomenon known as barotrauma, which can cause death through lung damage when they fly very close to, but do not necessarily collide with, a rotating blade.

8.8 Significant numbers of bat casualties have been recorded at some operational wind farms in the United States and in continental Europe, but many of these are thought likely to be migrating bats, and casualties are considered less likely in the UK where migration is thought to be much less common. Nevertheless a precautionary assessment of effects was made in the light of the uncertainties still associated with bat survey and the results of the surveys on the site.

8.9 No significant effects are predicted during the construction phase. During operation, the likely effects are considered to be not significant to slight for Leisler’s bat, noctule, barbastelle and Narthusiuss’ common and soprano pipistrelles as a result of possible collision with moving blades or associated barotrauma. No likely significant effects are predicted for serotine, Myotis species bats or long-eared bats.

8.10 The Streetwood Wind Farm proposals are likely to be too far from other proposals for cumulative effects to be relevant to the bat populations, though taking into account the possible migratory habits of Narthusiuss’ pipistrelle, a precautionary not significant to slight cumulative effect has been suggested for this species.

9 Habitats, birds and other wildlife

9.1 An extensive programme of other ecological desk-top and field surveys was undertaken in addition to the bat surveys, guided by the scoping response from Natural England. These included habitat, bird, badger and great crested newt surveys. Birds were surveyed throughout the year, including vantage point surveys that plotted the paths and heights of flights of key bird species across the wind farm area so that theoretical collision risks could be modelled.

9.2 The site comprises predominantly arable farmland habitats of relatively low inherent nature conservation value, with higher value fragments of ancient woodland and mature, species-rich hedgerows beyond the site boundary. Little Wood and Saxlingham Grove are part of a site of special scientific interest notified as ancient woodland with a rich flora. Neither they nor any other habitat of significant nature conservation value will be affected.

9.3 No protected species such as great crested newt, water vole or badger were found during the site surveys.

9.4 The farmland and woodlands support a good range of common birds, and the survey results show that a wide variety of birds use or pass through the site. Territories of barn owl, little owl, tawny owl and kestrel include the wind farm site, but all nest beyond its boundary. A pair of buzzards, an uncommon but increasing breeding species in Norfolk, nests on the edge of the wind farm site and includes the wind farm site as a part of its territory.

9.5 The layout of the wind farm was designed to avoid valuable habitats and the areas used by important species of wildlife, and only one significant effect is anticipated. This will be a short term, slight impact on the local common buzzard population as a result of possible collisions with moving turbine blades.
10 Soil and water

10.1 The scoping opinion noted two main soil- and water-related issues for examination in the environmental impact assessment. These were the possibility of increasing flood risk, and the potential for pollution from any existing contaminated ground, or oils, fuels and other materials used during the construction and operation of the wind farm.

10.2 Desk and field studies were carried out into the geology, hydrology and hydrogeology of the site and its surrounds, the likelihood of existing contamination in the soils and waters, and any potential for releasing pollution.

10.3 The existing soil, geology and water environment at and around the site was found generally to be of low to negligible sensitivity to the activities proposed during the construction and operation of the wind farm. No evidence of existing soil contamination was found.

10.4 The soils are relatively impermeable clays, which protect more vulnerable aquifers deeper below the ground, well out of reach of the construction activities. The nature of the clay soils and the gentle slopes on the site mean that soil erosion is unlikely.

10.5 The drainage patterns across the site were mapped and focus on a network of field-edge ditches that are mostly dry except after wetter weather. These feed into Hempnall Brook, which runs westwards to the River Tas at Tasburgh. A new culvert will be needed to carry the access track over Hempnall Brook, and this can be designed to ensure that there is no increase in risk of flooding on- or off-site. Two other new ditch crossings will also be necessary, and these too can be achieved without changing the site drainage characteristics. A flood risk assessment was carried out, and with the drainage strategy in place, there would be no increased flood risk on the site or elsewhere.

10.6 The contractor will be required to produce a Site Environmental Management Plan that incorporates sustainable drainage systems and the standard protection measures recommended by the Environment Agency, and these will reduce any possibility of uncontrolled run-off, flooding, spillages or contamination of soils and water, such that there are no predicted significant effects.

10.7 No significant residual impacts on the soil and water environment are anticipated from the proposed wind farm during the construction, operational or decommissioning phases, provided that the straightforward Site Environmental Management Plan is adopted.

11 Cultural heritage and other material assets

11.1 Norfolk has a rich archaeological and built heritage, and during the scoping of issues South Norfolk Council and English Heritage highlighted the need to consider these resources. Desk-based and field surveys informed the assessment, which looked at possible direct impacts on historic and archaeological remains, the potential for affecting unknown buried archaeology, and potential visual changes to the settings of listed and protected assets such as listed buildings, registered parks and gardens, scheduled monuments, and conservation areas.

11.2 The Norfolk Historic Environment Record and other documents and maps were consulted for relevant information about archaeological sites, historic landscapes, historic buildings, and other heritage assets.

11.3 Information about archaeology located on or within 1.5 kilometres of the centre of the site was collated. The area of search for built heritage assets was guided by discussions during the previous application and planning inquiry. During scoping, English Heritage agreed that the focus of the assessment should be on the assets noted in the inspector's decision letter as being likely to experience effects as a result of the turbines. Taking account of new guidance, the changed number and
distribution of turbines by comparison with the previous scheme, and the consequent changes in the area where turbines are likely to be visible, the assessment therefore considered all protected assets within 2 kilometres of the turbines, plus grade I listed buildings between 2 kilometres and 4 kilometres, and other assets within 4 kilometres raised specifically by the inspector at the planning inquiry or within his decision letter.

11.4 No features of archaeological value were noted during a site walkover. The desk study found historic records including finds of burnt flints, the possible remains of a barrow in the form of crop-marks visible on aerial photographs, a possible Roman road, the site of a World War II decoy airfield, and, outside the site, the possible site of Roman cemetery. Most are unaffected. The access track was re-routed to avoid the possible barrow, and the area here and around turbine 2 will be subject to archaeological investigation before groundworks if necessary. No significant archaeological effects are predicted.

11.5 There are no scheduled monuments or registered park and gardens within 5 kilometres of the wind farm site, though several lie just beyond this distance. No significant effects on these are likely.

11.6 The characteristics and sensitivity of more than 50 listed buildings (including one at grade 1 and one at grade II*) and five conservation areas within 2 kilometres of the proposed turbines was evaluated and their settings assessed for possible visual effects. Churches associated with local villages are of particular importance, with St Mary’s Church in Hempnall being the closest, and the wind farm layout was amended to minimise any visual intrusion in relation to its setting. Other grade I and grade II* buildings between 2 kilometres and 4 kilometres away that had been highlighted by the inspector were also assessed.

11.7 No significant effects on the settings of any of the studied listed buildings or conservation areas is predicted during the construction, operation or decommissioning of the wind farm.

12 Landscape

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

12.2 The wind farm site sits in a pocket of open arable farmland comprising generally large, straight-edged fields with little enclosure, with some isolated blocks of mature woodland. This is in contrast to the surrounding countryside which is more vegetated with hedgerows and trees and has a more enclosed character.

12.3 Extensive, long-ranging views are available from some parts of the site across farmland which is largely under beet or cereal production. To the west and north are tributaries of the River Tas which run in valleys at a lower elevation and sit in a more enclosed, pastoral landscape. To the north, the land rises to a local high point at Poringland, where tall communication masts serve as local landmarks, and from where long, open views of the plateau, Norwich, and the Tas Valley landscape are available. The shelving landform associated with the Brome Beck to the east, combined with the additional landscape elements of parkland and woodland blocks, restricts views to and from the landscape to the west, including the site. To the south of the site lies an area of undulating arable farmland scattered with small settlements that descends gently towards the Waveney valley and the Broads.

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

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

12.6 A map was drawn up using a computer programme to indicate the zone of theoretical visibility of the turbines within the 25 kilometre 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.

12.7 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 overlaid on baseline photographs to show what the proposed development would look like from the agreed viewpoints.

12.8 The assessment concluded that there would be no significant effects on protected landscapes such as The Broads, and that only two local landscape character areas would experience significant changes. Effects on the first area, the 'Tas Tributary Farmland', would be moderate up to 1 kilometre from the turbines, moderate to slight up to 3 kilometres, and decreasing to not significant beyond 3 kilometres. The turbines would be screened from the majority of the second area, the 'Tas Rural River Valley', but small parts would have views that may show the turbines contrasting with the small scale of this landscape. Locally, these limited parts would experience moderate significant effects up to 3 kilometres from the turbines.

12.9 In terms of changes to views, the assessment predicts that where these are available, there will be substantial effects within 1.5 kilometres of the turbines, decreasing to moderate between 1.5 kilometres and 3.5 kilometres, and reducing further with distance. At 5 kilometres to 7 kilometres, some of the more sensitive receptors would experience effects of slight significance, but in general effects would tend towards being not significant. Beyond 7 kilometres, all visual effects are not significant.

12.10 The assessment concluded that none of the local settlements will be visually dominated by the turbines. The density of buildings and trees in Hempnall is such that the turbines will be screened from most of the village, though there will be glimpses from parts of the southeastern end, and some areas - such as the churchyard, recreation ground and near the school - would have more open views. Other local settlements tend to be partially screened by vegetation or oriented such that they are 'end-on' to the site, so views will largely be restricted to one end of the village.

12.11 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.

12.12 This residential assessment concluded that none of the dwellings around the site will be affected by views of the turbines to the extent that they will be 'overbearing' or 'oppressive'. Those most affected will be the three dwellings on the southern side of Bungay Road with views towards the site; for these properties, the distance to the nearest turbine and the predicted effects are similar to those judged to be acceptable by the inspector at the previous planning inquiry - though the number and spread of turbines across views will be less.

12.13 The possibility that the landscape and visual changes created by the Streetwood Wind Farm might act in combination with those of other proposed wind farms in the area was also assessed. The study found that no significant cumulative effects on landscape or views will arise as
13 Other community and land use issues

Public rights of way

13.1 The only public right of way within 200 metres of a turbine is a public footpath that runs southwards from Bussey’s Loke to the B1527 near its junction with Alburgh Road.

13.2 There are no bridleways nearby, though horse riders occasionally use Bussey’s Loke. Considerable buffer distances are achieved between the turbines and the road, and in all cases the approaching horse and rider would see the turbines coming into view from at least 700 metres away across open fields, so neither will be surprised by a sudden appearance.

Illumination

13.3 The construction works will be lit during normal working hours (likely to be 7am to 7pm, Monday to Saturday) if this is necessary for safety. On some occasions the erection of the wind turbines may have to continue into the night, and local lighting will therefore be required, but again, only where it is necessary for the safety of the works. Construction lighting will be kept to a minimum, and will be inward and down lighting to prevent spread beyond the construction compound and immediate construction areas.

13.4 Visible lighting during operation will be limited to small lights above turbine and control building doors. These will only be used in the unusual event of a maintenance visit being needed outside daylight hours.

13.5 The turbines will not need to be fitted with warning lights during operation. Wind turbines like those proposed for Streetwood may be fitted with infra-red aviation obstruction lights, if requested, but such light would not be visible to the human eye.

Shadow flicker

13.6 Turbine blades cast moving shadows whilst rotating in sunlight. If the moving shadow is cast onto a building, and viewed through a narrow opening such as a window or doorway, an effect known as shadow flicker can occur, though Government studies have shown that actual nuisance is extremely rare.

13.7 Because of the nature of shadows, only properties within 930 metres of the turbines are vulnerable to significant shadow flicker effects (ten times the rotor diameter). Within this distance, any predicted shadow flicker that is less than 30 minutes per day and 30 hours per year is considered to be insignificant under current guidance.

13.8 A computer model was run for the Streetwood turbines, and this identified 14 properties that could potentially be affected to some degree by shadow flicker. However, with a correction for average sunshine hours, none of the properties would be affected for more than 30 minutes per day or 30 hours per year, and no significant effects are considered likely.

Socio-economics

13.9 The wind farm offers local economic benefits through farm diversification, employment and local business opportunities, especially during construction.

13.10 In addition, the Government is proposing to provide the business rates from wind farms directly to the local authority. At Streetwood, this could equate to some £72,000 per year, or £1.8 million over the life of the project.
13.11 TCI Renewables would also set up a community fund to support local causes. This fund would benefit from £4,000 per turbine per year for the 25 year life of the project. This would equate to some £16,000 per year, or £400,000 over the life of the project.

**Television and communication links**

13.12 Wind turbines have the potential to cause interference with television signals and telecommunications such as microwave fixed links.

13.13 Links operated by BT, Anglian Water Services and the National Grid Gas Network cross the area close to the wind farm, and the turbines have been positioned so as to avoid significant interference. No other telecommunications links pass close to the turbines.

13.14 The turbines are not likely to affect television reception quality locally as the Tacolneston group of transmitters that serves the potentially affected area of Norfolk and north Suffolk will have switched from analogue to digital TV before the wind farm could be built. Tests have shown that digital signals are less likely to be affected by turning wind turbines.

**Aviation**

13.15 The potential for the turbines at Streetwood Wind Farm to interfere with aviation or radar was raised during scoping, and an expert assessment was carried out. The following potential issues were considered:

- radar at Norwich Airport (19 kilometres)
- National Air Traffic Services radar at Cromer (45 kilometres)
- radar at RAF Trimingham (43 kilometres)
- radar at RAF Honington (40 kilometres)
- proposed Met Office radar at Old Buckenham (16 kilometres)

- civil airfields and airfields within 10 kilometres of the site (Seething airfield, Long Stratton helipad and Hardwick airstrip)
- military low flying.

13.16 The turbines would be visible on the Norwich Airport, National Air Traffic Services Cromer and RAF Trimingham radars. Should the rainfall radar be developed by the Met Office at Old Buckenham be developed, the turbines would similarly be visible. The RAF Honington radar has no line of sight to the Streetwood turbines so no effect is anticipated.

13.17 The radar at Norwich Airport was also affected by the Hempnall Wind Farm proposal, and an agreement was made to fund satisfactory technical mitigation measures. A similar arrangement can be agreed for the Streetwood Wind Farm proposal.

13.18 For Cromer, National Air Traffic Services advised during scoping that the proposals would have a negligible effect on the radar infrastructure and that no objection was anticipated.

13.19 Neither the Ministry of Defence nor National Air Traffic Services had any objection to the Hempnall Wind Farm, and the radar at Trimingham has since been upgraded to a system that can filter out radar returns from wind turbines while retaining the tracks of aircraft flying overhead. At present, no application has been made for a rainfall radar system at Old Buckenham, though it remains a future aspiration.

13.20 The proposals will have no effect on flying from Seething airfield, Long Stratton helipad or Hardwick airstrip: these unlicensed facilities are all outside the consultation zones for wind farm developments recommended by the Civil Aviation Authority, and their runway alignments and circuit patterns are well away from the site.
13.21 Given the nature of the low fly zone, the development will not pose a hazard and no objection is anticipated from the Ministry of Defence in this regard. Visible warning lighting is unlikely to be required.

14 Summary of residual effects

14.1 In summary, the environmental statement predicts that the following significant effects will remain once all mitigation measures have been implemented.

- At times, there will be moderate disruption to traffic on the B1527 between the site entrance and Woodton, but only in the first four months of construction.

- There will be a small but significant injection of money into the local economy throughout the 25-year life of the wind farm.

- There is a chance of some species of bat colliding with the moving turbine blades, causing a slight to not significant effect on local populations.

- There is likely to be a short term and slight effect on the local buzzard population through collisions with turbine blades, though with the increasing numbers of this bird in the area, this will become not significant in the longer term.

- The proposals will have the benefit of reducing carbon dioxide emissions from the generation of electricity by 246,500 tonnes over 25 years.

- Two local landscape character areas will be slightly to moderately affected by the wind farm. In terms of changes to views, there will be substantial effects within 1.5 kilometres of the turbines, moderate effects between 1.5 kilometres and 3.5 kilometres, and reducing further with distance. At 5 kilometres to 7 kilometres, some more sensitive receptors would experience effects of slight significance, but in general effects would tend towards being not significant. Beyond 7 kilometres, all changes to views are not significant.
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APPENDIX II

AMENDMENTS TO ENVIRONMENTAL STATEMENT

1 Introduction

A planning application for the four-turbine Streetwood Wind Farm was submitted to South Norfolk Council in January 2013, accompanied by an environmental statement.

Following advice from its landscape consultants, South Norfolk Council suggested that turbine 2 created some particular landscape and visual impacts, and that the scheme would be more acceptable without it. On behalf of the applicant, Streetwood Wind Farm (Norfolk) Limited, TCI Renewables took further advice on the planning, landscape, visual, heritage and other environmental implications of the removal of turbine 2, and taking all of these factors into account, has decided to amend the scheme.

Consequently, turbine 2 and its accompanying crane pad have been deleted from the planning application, though the red line boundary and all other elements of the proposals remain the same. For simplicity, the remaining turbines retain their numbering (so the revised scheme comprises turbines 1, 3 and 4).

As the amendment makes some difference to some parts of the environmental impact assessment that was reported in the environmental statement, this has been re-visited and the following sections note where there are material changes to the description of the proposals and the predictions of effect, though there are no changes to likely significant effects. Where the change to the effect is not material, marginal or where the existing prediction can be considered to remain as reasonable ‘worst case’, no changes are made.

All references below are to the chapter and paragraph numbers in the January 2013 Streetwood Wind Farm environmental statement, and this supplementary document should be read in conjunction with that environmental statement.

2 The amendments to the environmental statement

The right hand column sets out the text as it appears in the environmental statement, and the left hand column the revised text that now replaces it.
Overview of the proposals

Paragraph 1.1.3 is revised to read as follows:

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

Paragraphs 1.1.5 and 1.16 are amended as follows:

1.1.5 Electricity generated by the project would be supplied to the local distribution network and most likely would largely be consumed locally. Based on a five year average UK capacity factor of 26.2% (Department of Energy and Climate Change Digest of UK Energy Statistics, 2012) and a representative 2.5MW wind turbine, Streetwood Wind Farm could generate nearly 23 million units of electricity per year, meeting the average needs of approximately 3,945 homes. This represents an excess of 8% of the households in South Norfolk District (2001 Census data) (energy calculations and the Census data are set out in Appendices 1.1 and 1.2). If load factors were to increase and a more powerful 3MW turbine were to be installed, then the development could generate more than 21 million units of electricity per year, equivalent to some 5,000 homes, or more than 10% of all the households in South Norfolk District (2001 Census data).

1.1.6 Generation from renewable sources such as wind can be used to displace electricity produced by burning fossil fuels. With three 2.5MW turbines, Streetwood Wind Farm would displace the emission of some 7,396 tonnes of the greenhouse gas carbon dioxide (CO₂) into the atmosphere annually.

See Chapter 11 of the environmental statement for details of how this calculation is undertaken.

1.1.5 Electricity generated by the project would be supplied to the local distribution network and most likely would largely be consumed locally. Based on a five year average UK capacity factor of 26.2% (Department of Energy and Climate Change Digest of UK Energy Statistics, 2012) and a representative 2.5MW wind turbine, Streetwood Wind Farm could generate nearly 23 million units of electricity per year, meeting the average needs of 5,260 homes. This represents an excess of 11% of the households in South Norfolk District (2001 Census data), or more than all of the 4,352 households in the local parishes of Hempnall, Woodton, Morningthorpe, Topcroft, Shelton & Hardwick, Saxlingham Nethergate, Tasburgh, Shotesham, Long Stratton, Alburgh, Denton and Brooke (energy calculations and the Census data are set out in Appendices 1.1 and 1.2). If load factors were to increase and a more powerful 3MW turbine were to be installed, then the development could generate more than 29 million units of electricity per year, equivalent to some 6,750 homes, or more than 14% of all the households in South Norfolk District (2001 Census data).

1.1.6 Generation from renewable sources such as wind can be used to displace electricity produced by burning fossil fuels. With four 2.5MW turbines, Streetwood Wind Farm would displace the emission of some 9,860 tonnes of the greenhouse gas carbon dioxide (CO₂) into the atmosphere annually (see Chapter 11 for details).
NEW TEXT

Site description

Paragraphs 1.2.2 and 1.2.3 have been revised as follows:

1.2.2 The proposed wind farm site lies north of the B1527 and is situated on arable agricultural land in the parish of Hempnall in the district of South Norfolk (at national grid reference TM253950). The edge of Hempnall village lies approximately 1km from the nearest wind turbines (T1 and T3). In addition to Hempnall village, there are other small villages, settlements and clusters of residential properties nearby within the parish. The nearest city is Norwich, approximately 13km to the north.

Figures 4.1 and 4.2 of the environmental statement show the site location.

1.2.3 A minor road known as Bussey's Loke crosses the site from northeast to southwest and The Green, also a minor road, lies to the north. The only other public right of way on the site is a footpath that joins Bussey's Loke to the B1527 approximately 700m east of Hempnall village. The proposed access track from the B1527 to one of the turbines will cross Bussey's Loke, which separates the site of turbine 1 from those of turbines 3 and 4.

A revised Figure 4.3 showing the site layout is set out at Appendix 1 to this document.

Screening and Scoping

The project remains EIA-development, and the scope of the assessment does not change as a result of the amendment.

Project Evolution

The amendment adds a further step into the evolution of the project (Chapter 3). The following is inserted after paragraph 3.4.6:

Having looked again at the visual effect of turbine 2 in conjunction with turbine 1, some of the closer residential receptors, the Hempnall Conservation Area, and St Margaret's Church, Hempnall, it was decided to delete turbine 2 from the scheme.

and paragraph 3.4.8i is amended to:

i. Three turbines up to 126.5 metres in height from base to tip.

Former Text

1.2.2 The proposed wind farm site lies north of the B1527 and is situated on arable agricultural land in the parish of Hempnall in the district of South Norfolk (at national grid reference TM253950). The edge of Hempnall village lies approximately 680m from the nearest wind turbine. In addition to Hempnall village, there are other small villages, settlements and clusters of residential properties nearby within the parish. The nearest city is Norwich, approximately 13km to the north. Figures 4.1 and 4.2 show the site location.

1.2.3 A minor road known as Bussey's Loke crosses the site from northeast to southwest and The Green, also a minor road, lies to the north. The only other public right of way on the site is a footpath that joins Bussey's Loke to the B1527 approximately 700m east of Hempnall village. The proposed access track from the B1527 to two of the turbines will cross Bussey's Loke, which separates the sites of turbines 1 and 2 from those of turbines 3 and 4 (Figure 4.3).
Description of the development

Paragraph 4.1.1 is amended to read:

4.1.1 TCI Renewables is seeking planning permission to erect and operate three wind turbines, each with a maximum tip height of up to 126.5m and a rating of 2MW to 3MW, together with the creation of associated infrastructure comprising a new site access from the public highway, site access tracks, crane pads, a control building, underground cabling and a temporary construction compound.

In relation to distances, paragraph 4.2.1 now reads:

4.2.1 The proposed site for the wind farm is located within the parish of Hempnall in the district of South Norfolk at national grid reference TM253950. The nearest part of Hempnall village lies approximately 1.06km from the nearest wind turbine, while the villages of Woodton, Topcroft, Saxlingham Green and Shotesham are located approximately 3.3km to the east, 1.6km to the southeast, 1.3km to the northwest and 3.9km to the north of the nearest turbine respectively. The larger villages of Long Stratton and Brooke are located some 5.0km to the southwest and 3.9km to the northeast respectively. The nearest city is Norwich, approximately 13km to the north.

The location and context are shown on Figure 4.1, and the proposals in the context of the wind farm search area on Figure 4.2, both in the environmental statement.

Similarly, paragraph 4.2.6 is amended as follows:

4.2.6 A minor road from Hempnall, known as Bussey's Loke, crosses the site from the southwest to the northeast, and joins another minor road, The Green, to the north of the site. These two minor roads form part of a network connecting to settlements to the north, including Saxlingham Green, Saxlingham Nethergate and Shotesham. At its nearest, Bussey's Loke is 471m, 154m and 268m from turbines 1, 3 and 4 respectively.
Development areas

The red line boundary remains the same, and the removal of one turbine foundation and one crane pad reduces the permanent land take (25 years) from 2.2ha to 2.1ha. The corresponding area for total land use including temporary uses is 2.26ha.

Paragraphs 4.6.3, 4.6.33 and 4.6.35 are amended as follows:

4.6.3 The access track splits into two arms at turbine 3. The western arm continues west to the sharp bend in Bussey’s Loke through an existing field entrance. The access track will then cross Bussey’s Loke and continue over a new culvert across the roadside ditch. The track will then turn north to turbine 1, crossing a field boundary (hedge and dry ditch) through a new 7m wide gap and culvert.

4.6.33 The hardstandings have a similar visual appearance to the access tracks, and will be constructed to a similar specification. The crane pads at turbines 1 and 4 will each be approximately 1782m² (incorporating turning areas) and the pad at turbine 3 will be approximately 820m².

A typical crane pad is shown on Figure 4.7 of the environmental statement.

4.6.35 The turbines will be connected together in a single circuit with high voltage export cables, low voltage power supply cables, earthing cables, and communications / control connections. The cables will be bundled and buried in trenches running together to the control building. It is proposed, insofar as possible, to install non-invasive cable runs using special housing within the access tracks to connect the individual wind turbines with the control building to minimise the footprint of the site. If site-specific conditions do not permit this, the cable will be run immediately alongside the turbine access tracks in back-filled trenches. A small excavator would create 50cm wide trenches to a depth of at least 1.5m; subsoil and topsoil would be stored separately beside the trench, and carefully replaced in the correct order following cable installation, on top of a 20cm layer of sand around the cable to protect it, and a buried warning tape. In addition to those along the access tracks, an additional buried cable run will connect the control building to the turbine cabling at the junction of Bussey’s Loke and the access track between turbines 1 and 3. This will run parallel to, and west of Bussey’s Loke along the field edges. The total cable run will be approximately 1950m.
Nature and quantity of raw materials required, and vehicle movements

The environmental statement sets out estimates of the aggregates and concrete required during construction. In the context of the estimation, the removal of a single turbine foundation and crane pad is quite small, so the estimates have not been amended, and remain as a ‘worst case’ estimate. Similarly, the environmental statement projects the likely number of delivery vehicle movements: there will be a 25% reduction in abnormal load deliveries, and also a reduction in concrete and aggregate deliveries (there will be only three turbine foundation ‘pour-days’ rather than four), but the estimated numbers have been retained as ‘worst-case’ estimates as the likely environmental effects will remain similar overall.

A similar approach has been taken to operational / maintenance vehicle movements which will reduce, but are not likely to be significant in any case.

Noise

TCIR’s noise consultant, TNEI, has reviewed its construction and operational noise assessments in the light of the deletion of turbine 2. TNEI’s report is included as Appendix 2 to this document.

In May 2013, the Institute of Acoustics issued ‘A Good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise’ (the ‘IOA GPG’). The guidance document was endorsed by the Secretary of State for Energy and Climate Change. In addition, the Department for Communities and Local Government (DCLG) published ‘Planning practice guidance for renewable and low carbon energy’ (July 2013) which states:

‘ETSU-R-97 should be used by local planning authorities when assessing and rating noise from wind energy developments. Good practice guidance on noise assessments of wind farms has been prepared by the Institute Of Acoustics. The Department of Energy and Climate Change accept that it represents current industry good practice and endorses it as a supplement to ETSU-R-97.’

As the noise assessment set out in the environmental statement was undertaken prior to the publication of the IOA GPG and the new guidance from the DCLG, a review of the noise assessment has been undertaken, and this is also set out in Appendix 2. This finds that the noise assessment conforms to current good practice.

TCI RENEWABLES
STREETWOOD WIND FARM

AMENDMENTS TO ENVIRONMENTAL STATEMENT

NEW TEXT

The following additional noise information and Appendix 2 should be read in conjunction with paragraphs 5.2.12 to 5.2.19 of the environmental statement.

In summary, Appendix 2 to this document finds that:

- the noise receptor locations for both construction and operational noise assessments remain unchanged;
- the threshold of 65dB for construction noise is unchanged for all assessed properties;
- the operational ETSU-R-97 noise limits established for each of the receptors remain unchanged.

The removal of turbine 2 would reduce the previously reported predicted levels of operational and construction noise at receptors. The environmental statement demonstrated that predicted noise levels (operational and construction) for the four turbine scheme were below the relevant noise criteria. With one less turbine, the predicted noise levels will still be below the noise criteria and, in fact, predictions will be lower than those shown in the original report for the four turbine scheme, therefore the noise limits would be met with greater margins and the likely effects remain not significant.

Public rights of way

Paragraph 7.3.13 is changed to:

7.3.13 The network of public rights of way across and around the site is shown on Figure 7.1. Bussey’s Loke, a minor road, runs from Hempnall village through the wind farm to The Green, and at its closest is approximately 154m from turbine 3 (measured to the tower). The only other public right of way within 200m of a turbine is a public footpath that runs southwards from the right-angled bend in Bussey’s Loke to Bungay Road (B1527) near its junction with Alburgh Road; this path is some 168m from turbine 3 at its closest.

Paragraphs 7.3.15 and 7.3.16 are also amended:

7.3.15 There are no statutory minimum separation distances between turbines and public rights of way on which horse riders ride. Given the importance of other constraining factors such as wildlife and views, it was not possible to achieve a full 200m buffer from Bussey’s Loke for turbine 3 while designing a three-turbine scheme.

7.3.13 The network of public rights of way across and around the site is shown on Figure 7.1. Bussey’s Loke, a minor road, runs from Hempnall village through the wind farm to The Green, and at its closest is approximately 185m from turbine 2 and 154m from turbine 3 (measured to the tower in each case). The only other public right of way within 200m of a turbine is a public footpath that runs southwards from the right-angled bend in Bussey’s Loke to Bungay Road (B1527) near its junction with Alburgh Road; this path is some 168m from turbine 3 at its closest.

7.3.15 There are no statutory minimum separation distances between turbines and public rights of way on which horse riders ride. Given the importance of other constraining factors such as wildlife and views, it was not possible to achieve a full 200m buffer from Bussey’s Loke for turbines 2 and 3 while designing a four-turbine
and its associated renewable energy benefits. Considerable buffer distances have nevertheless been achieved, and it is notable that at other planning appeals, wind turbines sited well within 200m of a bridgeway and other routes used by horse riders have been allowed, with examples of approximately half this distance deemed acceptable.

7.3.16 It is also generally accepted by planning inspectors that a horse is more likely to be spooked if the turbines suddenly come into the horse's view at close quarters, for example from behind a hedge row; this would not be the case at Streetwood Wind Farm, where both horse and rider would see turbine 3 from at least 700m away across open fields when approaching along Bussey's Loke from either direction, and on approach from the north in particular, turbine 4 will also have come into view.

Shadow flicker

The deletion of turbine 2 will further reduce the number of potential receptors within ten rotor-diameters of the turbines and hence the possibility of shadow flicker. No significant effects were predicted with four turbines and the assessment has been left to stand as a 'worst case' estimate.

Socioeconomics

Paragraph 7.3.68 is revised as follows:

7.3.68 The Government is expected to provide the business rates from a wind farm directly to the local authority. Based on wind farm rating figures from RenewableUK of £7,200/MW of installed capacity per annum and a turbine size of 2.5MW, this would equate to some £54,000 per annum that would be available to be spent within South Norfolk district, or £1.35 million over the life of the project.

Paragraph 7.3.70 is changed to:

7.3.70 TCI Renewables has agreed to provide payments to a community fund of £4,000 per turbine per annum for the 25-year life of the project. This would equate to some £12,000 per annum, or £300,000 over the life of the project.
STREETWOOD WIND FARM

AMENDMENTS TO ENVIRONMENTAL STATEMENT

NEW TEXT

Ecology

The removal of turbine 2 has very little effect on the assessment set out in the environmental statement, though it will proportionately reduce the possibility of flying species (bats and birds) from colliding with turbine blades. With the exception of the bird collision risk, all of the assessment results are retained as likely worst case effects. Because of the theoretical mathematical nature of collision risk assessment, the removal of one turbine from four has a material effect on the output, and the predictions for buzzard, golden plover, lapwing and skylark are revised as follows.

Buzzard

9.4.23 The operation of the turbines presents a potential risk of collision for common buzzards flying within the area of the wind farm. Collision risk modelling has been undertaken based on flight data collected during the 2010/2011 vantage point surveys. Birds were regularly observed hunting, soaring and over-flying the site, with many flights or parts of flights at risk height. Assuming 98% avoidance, the modelling predicts 1.38 collisions per year, or 35 over the lifetime of the wind farm.

9.4.24 While common buzzard is not a species of conservation concern, and numbers have been increasing in East Anglia, it is nevertheless considered to be of medium value for the purposes of this assessment. The collision risk model suggests that mortality could give rise to a small to medium change and a significant effect on the common buzzard population at the local level in the short term. With the continued expansion of range and population size, the local population changes as a result of collisions are predicted to reduce to negligible to small, and the associated effects are expected to become not significant.

Golden plover

9.4.31 Any disturbance effects during operation of the turbines would also be localised and would not be significant in the context of the habitat availability in the wider area. Twenty-four flights were recorded in the vantage point surveys, and more than half of these involved some time at risk height (Appendix 9.3a). Separate collision risk assessments were carried out for winter and summer records. At 98% avoidance, the output predicted 0.38 collisions per summer and 0.74 collisions per winter, an annual total of 1.12 collisions or 28 over the lifetime of the wind farm. Given the minor importance of the site to a species with a large population regionally, and a background annual mortality of some 27% (source: BTO website), this is a small change to a species of medium value, and is not considered to be significant.

FORMER TEXT

9.4.23 The operation of the turbines presents a potential risk of collision for common buzzards flying within the area of the wind farm. Collision risk modelling has been undertaken based on flight data collected during the 2010/2011 vantage point surveys. Birds were regularly observed hunting, soaring and over-flying the site, with many flights or parts of flights at risk height. Assuming 98% avoidance, the modelling predicts 1.84 collisions per year, or 46 over the lifetime of the wind farm.

9.4.24 While common buzzard is not a species of conservation concern, and numbers have been increasing in East Anglia, it is nevertheless considered to be of medium value for the purposes of this assessment. The collision risk model suggests that mortality could give rise to a small to medium change and a significant effect on the common buzzard population at the local level in the short term. With the continued expansion of range and population size, the local population changes as a result of collisions are predicted to reduce to negligible to small, and the associated effects are expected to become not significant.

9.4.31 Any disturbance effects during operation of the turbines would also be localised and would not be significant in the context of the habitat availability in the wider area. Twenty-four flights were recorded in the vantage point surveys, and more than half of these involved some time at risk height (Appendix 9.3a). Separate collision risk assessments were carried out for winter and summer records (Appendix 9.3b). At 98% avoidance, the output predicted 0.5 collisions per summer and 0.98 collisions per winter, an annual total of 1.48 collisions or 37 over the lifetime of the wind farm. Given the minor importance of the site to a species with a large population regionally, and a background annual mortality of some 27% (source: BTO website), this is a small change to a species of medium value, and is not considered to be significant.
9.4.43 The operation of the turbines presents a potential risk of collision, with 25 recorded flight events through the wind farm area (Appendix 9.3a). Collision risk modelling was undertaken for the summer and winter seasons, with a 98% avoidance prediction of 0.09 and 1.14 birds respectively, or an annual rate of 1.23 birds and 31 over the lifetime of the wind farm. The annual background mortality rate for lapwing is 30% (source: BTO website). Based on these findings, the negligible to small change associated with the predicted levels of collision mortality is not likely to give rise to significant effects on the local lapwing population.

9.4.63 Poulsen et al (1998) found that an average skylark territory in autumn sown cereals in southern England was 4.5ha (compared with 2.5ha in spring crops and grass, and 1.7ha in set-aside). Each turbine would over-sail a circle on the ground of some 0.64ha, approximately 14% of an average skylark territory. Each turbine is therefore likely to affect only one territory (or be peripheral to more than one), and would occupy only a small part of the territory. At any one time, the risk area associated with the vertical flight of the skylark would be limited to the plan cross-sectional area of the rotor (a rectangle 90m x approximately 2m (rotor diameter x depth)), its exact orientation depending on the wind direction; this represents less than 0.5% of an average territory in this habitat. Overall, this collision risk is therefore small, and must be set in a context of a high background mortality rate for skylark (Dellius 1965) found a background mortality rate of 33%, while the annual adult survival rate determined by Wolfenden and Peach (2001) was 51%). So while collisions between displaying male skylarks and the three turbines cannot be ruled out, they are likely to be extremely infrequent and this is not likely to cause a significant effect on the population on the site (or at any other geographical level).

Flood risk assessment

The removal of the foundation and crane pad associated with turbine 2 reduces the hard surface area slightly in the context of the whole scheme, and the assessment has been retained as a likely ‘worst case’ prediction. The mitigation will continue to ensure all run-off interception requirements are met.
Climatic factors

Paragraph 11.3.3 is amended as follows:

11.3.3 Using this approach, and three candidate 2.5MW turbines, the annual average CO₂ displacement (tonnes) as a result of the operation of the three turbines at the Streetwood Wind Farm can be calculated as:

\[
\text{CO}_2 \text{ offset} = \text{annual average electricity produced (kWh)} \times \text{static offset} \\
\text{CO}_2 \text{ offset} = 17,220,500 \times 430 \div 1,000,000 \\
\text{CO}_2 \text{ offset} = 7,396 \text{ tonnes per annum.}
\]

And paragraph 11.4.1 as follows:

11.4.1 The only significant residual air and climatic factor effect is the positive benefit of displacing an estimated 7,396 tonnes of CO₂ from the electricity generation mix, equivalent to some 184,900 tonnes of CO₂ over the lifetime of the project.

Heritage

In terms of archaeology and construction-related effects, the environmental statement suggests post-consent investigation as a result of crop marks and possible features in the region of the former turbine 2. Such mitigation will no longer be necessary, though a watching brief would be undertaken during preparations for installing the new track through this area.

Some of the distances from receptor to the nearest turbine in Tables 12.1, 12.2 and 12.5 change as a result of the deletion of turbine 2. The distances obviously increase in each case, but the assessment results have not materially changed from those in the environmental statement. The new distances are as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Distance to T1</th>
<th>Distance to T2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Church of St Margaret, Hempnall (Grade I)</td>
<td>1.15km southwest of T1</td>
<td>0.87km west southwest of T2</td>
</tr>
<tr>
<td>Church of St Catherine, Morningthorpe and Fritton (Grade I)</td>
<td>2.99km southwest of T1</td>
<td>2.66km southwest of T2</td>
</tr>
<tr>
<td>Church of St John The Baptist, Morningthorpe and Fritton (Grade I)</td>
<td>4.15km southwest of T1</td>
<td>3.82km southwest of T2</td>
</tr>
<tr>
<td>Location</td>
<td>NEW TEXT</td>
<td>FORMER TEXT</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-------------------------------</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td>Tye Cottage</td>
<td>1.05km – 1.30km southwest of T1 / T3</td>
<td>0.85km - 0.94km west southwest of T2</td>
</tr>
<tr>
<td>Willow House</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Willows</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thackery House</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Bungay Road, Hempnail)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Former Lord Nelson Public House</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kirkstone, The Long House &amp; Post Office</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Church Plain, Hempnail)</td>
<td></td>
<td></td>
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<tr>
<td>Stables North of Parsonage</td>
<td></td>
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<tr>
<td>Smilth Cottage</td>
<td></td>
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<tr>
<td>Manor Farmhouse</td>
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<tr>
<td>Manor Farm Cottage</td>
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<tr>
<td>Connaught House</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forge Cottage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1, 2, 3 and 4 Manor Cottages</td>
<td></td>
<td></td>
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<tr>
<td>Lime Tree Cottage</td>
<td></td>
<td></td>
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<tr>
<td>Pevensey House</td>
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<tr>
<td>The Hollies</td>
<td></td>
<td></td>
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<tr>
<td>(The Street, Hempnail)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Poplears</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rose Villa</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Chequers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sunny View (Coleson)</td>
<td>1.31km – 1.48km southwest of T1</td>
<td>0.97km - 1.12km west southwest of T2</td>
</tr>
<tr>
<td>(Mill Road, Hempnail)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Thatched House</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Krons Manor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fairstead Lane Farmhouse</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Fairstead Lane, Hempnail)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disused Windmill</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Mill Road, Hempnail)</td>
<td>1.44km – 1.49km west southwest of T1</td>
<td>1.37km west southwest of T2</td>
</tr>
<tr>
<td>Hempnail Conservation Area</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>1.62km southwest of T1</td>
<td>1.30km west southwest of T2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1km – 1.6km to west of wind farm</td>
<td>0.8km - 1.6km to west of wind farm</td>
</tr>
</tbody>
</table>
NEW TEXT

The change affects paragraphs 12.6.3 to 12.6.10, which now read:

Church of St Margaret, Hempnall (grade I)

12.6.3 The Church of St Margaret is located approximately 1.19km to the southwest of the nearest turbine (turbine 1). The minimum distance from the churchyard to turbine 1 is approximately 1.11km. The principal views of the building within its immediate setting and context are obtained from The Street from the south and west, from where it is seen in conjunction with other historic buildings and trees. These views will be unaffected by the presence of turbines beyond, on land not associated with the Church. The Church, together with buildings and vegetation on either side, will either totally screen or heavily filter views of the turbines from The Street and the principal views of the Church will be preserved. The immediate setting of the Church will thus not be affected by the turbines, nor will it affect the village context or group value of the surrounding grade II listed buildings (Long House and former Lord Nelson's Public House). Views from the Church and churchyard looking back into the village will also remain unaffected by the turbines, as they will be behind the viewer.

12.6.4 Views from within the Church looking outwards to the east will not be affected by the turbines. Due to the distance of the turbines from the Church, their presence would not adversely affect the interior significance and experience of the building, nor impair the function of it. Other views looking outward include the view from the porch, looking south, and from the footpath leading to the gate of the churchyard, looking west down The Street. Both of these views from the building will remain unaffected.

12.6.5 The relationship between the Church and its churchyard setting will also be preserved. When standing within the churchyard on the eastern side, looking back towards the building, the turbines are behind the viewer. The relationship and significance of the building in its churchyard is therefore unaffected.

12.6.6 Views from outside the building looking towards the countryside to the east will change as a result of the introduction of the turbines. They will appear in views from outside the eastern end of the building and from the eastern part of the churchyard looking eastwards out towards the countryside, though such views are away from the Church and its local setting (Figure 13.8.5 of the environmental statement). Towards the end of the walk up the path from the Long House to the Church porch there is likely to be a brief glimpse of the most distant turbine, turbine 4, between the Church and the trees in the churchyard, though the focus of the viewer will be on the porch and the Church itself rather than at an angle away to the right.

12.6.3 The Church of St Margaret is located approximately 870m to the west southwest of the nearest turbine (turbine 2). The distance from the churchyard to turbine 2 is a little over 800m. The principal views of the building within its immediate setting and context are obtained from The Street from the south and west, from where it is seen in conjunction with other historic buildings and trees. These views will be unaffected by the presence of turbines beyond, on land not associated with the Church. The Church, together with buildings and vegetation on either side, will either totally screen or heavily filter views of the turbines from The Street and the principal views of the Church will be preserved. The immediate setting of the Church will thus not be affected by the turbines, nor will it affect the village context or group value of the surrounding grade II listed buildings (Long House and former Lord Nelson's Public House). Views from the Church and churchyard looking back into the village will also remain unaffected by the turbines, as they will be behind the viewer.

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12.6.6 Views from outside the building looking towards the countryside to the east will change as a result of the introduction of the turbines. They will appear in views from outside the eastern end of the building and from the eastern part of the churchyard looking eastwards out towards the countryside, though such views are away from the Church and its local setting (Figure 13.8.5 of the environmental statement). Towards the end of the walk up the path from the Long House to the Church porch there will be a brief glimpse of turbine 2 between the Church and the trees in the churchyard, though the focus of the viewer will be on the porch and the Church itself rather than at an angle away to the right. The presence of turbines within these less significant views is not
NEW TEXT

The presence of turbines within these less significant views is not considered to materially affect any key characteristics of the significance of the building or its setting.

12.6.7 Longer views of the Church from outside the village from the northwest, west and east will also change as a result of turbines. In particular, there will be changes to views of the Church when approaching Hempnall from the east, especially from Bungay Road from around Road Green westwards, though the turbines will be seen away to the right whereas the Church tower is straight ahead of the viewer. Closer to the village, the turbines will have passed out of the view towards the Church altogether. From this direction, the Church is clearly part of the village and its cluster of mature trees, and the complex of mostly modern buildings at Manor Farm provides some visual separation from the wider rural setting to the northeast. Similar considerations apply to views of the Church on the approach to Hempnall from Bussey's Loke.

12.6.8 These predicted changes relating to the wider area will neither preserve nor enhance the setting of the Church. While the wider setting may be harmed, this does not represent 'substantial harm' in the context of paragraph 133 of the NPPF. The Church would remain a prominent and significant feature on approach to the village of Hempnall.

12.6.9 As stated by the Inspector at the appeal into the more extensive Hempnall Wind Farm proposal, even from the worst case approaches along Woodton Road and Bussey's Loke, "...just sufficient of the setting would be preserved to enable the visual eminence of the church still to be appreciated..." were the turbines to be installed (paragraph 19 of his decision letter).

12.6.10 Overall, the magnitude of change to the setting of this high sensitivity asset is small and the effect is not considered to be significant.

Landscape and visual impact assessment

The zone of theoretical visibility will remain essentially the same and is not re-plotted. However, the photomontages from key viewpoints will change materially in most cases, and a new set is provided as Appendix 3 to this document.

The following paragraphs change as a result of increased distances between receptors and the nearest turbine.

FORMER TEXT

considered to materially affect any key characteristics of the significance of the building or its setting.

12.6.7 Longer views of the Church from outside the village from the northwest, west and east will also change as a result of turbines. In particular, there will be changes to views of the Church when approaching Hempnall from the east, especially from Bungay Road from around Road Green westwards, though the turbines will be seen away to the right whereas the Church tower is straight ahead of the viewer. Closer to the village, the turbines will have passed out of the view towards the Church altogether. From this direction, the Church is clearly part of the village and its cluster of mature trees, and the complex of mostly modern buildings at Manor Farm provides some visual separation from the wider rural setting to the northeast. Similar considerations apply to views of the Church on the approach to Hempnall from Bussey's Loke, and in the more distant parts of this journey, turbine 2 will be seen in front of the Church.

12.6.8 These predicted changes relating to the wider area will neither preserve nor enhance the setting of the Church. While the wider setting may be harmed, this does not represent 'substantial harm' in the context of paragraph 133 of the NPPF. The Church would remain a prominent and significant feature on approach to the village of Hempnall.

12.6.9 As stated by the Inspector at the appeal into the more extensive Hempnall Wind Farm proposal, even from the worst case approaches along Woodton Road and Bussey's Loke, "...just sufficient of the setting would be preserved to enable the visual eminence of the church still to be appreciated..." were the turbines to be installed (paragraph 19 of his decision letter).

12.6.10 Overall, the magnitude of change to the setting of this high sensitivity asset is small and the effect is not considered to be significant.
13.1.4 Figure 13.1 illustrates the proposed development within its immediate context. The proposal is for three wind turbines located on an area of arable farmland bisected by Bussey's Loke, a local country lane. The proposed turbines would have a maximum hub height of 80m above ground level and have a maximum rotor diameter of 93m and a maximum blade tip height of 126.5m. Chapter 4 sets out in more detail the full extent of the development and the various elements included within the proposals, including access tracks and a control building.

Settlements

13.3.22 The site lies within an area in which there are settlements of various sizes from hamlets to larger villages. There are a number of settlements which surround the site within approximately 5km, as follows (measured to nearest likely visual receptor):

- Hempnall (1.2km, southwest)
- Hempnall Green and Silver Green (1.1km, south)
- Saxlingham Green (1.3km, north)
- Topcroft (1.5km, south)
- Saxlingham Nethergate (2.4km, northwest)
- Lundy Green (2.5km, southwest)
- Topcroft Street (2.9km, south)
- Fritton (3.1km, southwest)
- Woodton (3.3km, southeast)
- Shotesham (3.5km, north)
- Brooke (4km, northeast)
- Kirstead Green (4.1km, northeast)
- Tasburgh (4.2km, west)
- Newton Flotman and Saxlingham Thorpe (4.3km, northwest)
- Long Stratton (5km, southwest).

Residential amenity

13.3.27 There are 9 dwellings within 1km of the proposed turbines. The dwellings are assessed individually, or in groups as appropriate, according to the list below (distances for the purposes of this section are given to the nearest 25m):

- Hempnall (0.8km, southwest)
- Hempnall Green and Silver Green (1.1km, south)
- Saxlingham Green (1.3km, north)
- Topcroft (1.5km, south)
- Saxlingham Nethergate (2.4km, northwest)
- Lundy Green (2.5km, southwest)
- Topcroft Street (2.9km, south)
- Fritton (2.8km, southwest)
- Woodton (3.3km, southeast)
- Shotesham (3.5km, north)
- Brooke (4km, northeast)
- Kirstead Green (4.1km, northeast)
- Tasburgh (4.2km, west)
- Newton Flotman and Saxlingham Thorpe (4.3km, northwest)
- Long Stratton (5km, southwest).

13.3.27 There are 84 dwellings within 1km of the proposed turbines, and most of these are within the main settlement of Hempnall. Figure 13.9 shows the location of each of the dwellings included within the assessment. The dwellings are assessed individually, or in groups as appropriate, according to the list below (distances for the purposes of this section are given to the nearest 25m):
STREETWOOD WIND FARM

AMENDMENTS TO ENVIRONMENTAL STATEMENT

NEW TEXT

Properties in Hempnall:

- Lyncroft (825m, southwest) & Meadow View (850m, west southwest)

Other properties:

- Thetford Farmhouse (775m, north)
- Roadgreen House (875m, southeast)
- Little Fylands Farm (900m, north)
- Road Green (4 dwellings) (900m - 1km, southeast).

Figure 13.9 of the environmental statement shows the location of each of the dwellings included within the assessment.

Landscape designations baseline

13.3.30 There are designated river valleys within South Norfolk, which are broadly linear following the main river valleys. Within the 10km local study area these are limited to the Waveney Valley, which lies approximately 6.4km from the site at its closest point to the southeast, and the Tas Valley and its tributaries which lie to the west (approximately 1.3km from the nearest turbine) and north (approximately 2km from the nearest turbine).

Design evolution and landscape effects

13.4.2 The proposal consists of three turbines with a maximum hub height of 80m and a maximum blade tip height of 126.5m in the layout shown on Figure 4.3. An underground cable will link the turbines to a control building located just to the west of Bussey's Loke. This will be a single-storey building (3.1m to eaves with a 2.5m high pitched roof), with a 15m by 9m footprint which will house all of the necessary switch gear. It will be constructed from locally appropriate materials and will thus have the appearance of a small farm outbuilding. The location takes advantage of existing screening vegetation which will be supplemented with additional planting where there are gaps, and is thus only likely to be visible through a field entrance from Bussey's Loke. The underground grid connection would form a separate planning application.

FORMER TEXT

Properties in Hempnall:

- Lyncroft (650m, southwest) & Meadow View (650m, southwest)
- The Bungalow (725m, southwest)
- Home Farm (725m, southwest)
- Tye Cottage, Cilam, Claydon House, Becketts Cottage, White Cottage, Beckford House, The Retreat (north side of Bungay Road, 700m - 775m, southwest)
- 64 properties in the centre of Hempnall, (Bungay Road / The Street / Mill Road / Roland Drive, 800m - 1km, southwest)
- 11-12 Bainard Rise (1km, west).

Other properties:

- Thetford Farmhouse (775m, north)
- Roadgreen House (875m, southeast)
- Little Fylands Farm (900m, north)
- Road Green (4 dwellings) (900m - 1km, southeast).

13.3.30 There are designated river valleys within South Norfolk, which are broadly linear following the main river valleys. Within the 10km local study area these are limited to the Waveney Valley, which lies approximately 6.4km from the site at its closest point to the southeast, and the Tas Valley and its tributaries which lie to the west (1km from the nearest turbine) and north (approximately 2km from the nearest turbine).

13.4.2 The proposal consists of four turbines with a maximum hub height of 80m and a maximum blade tip height of 126.5m in the layout shown on Figure 4.3. An underground cable will link the turbines to a control building located just to the west of Bussey's Loke. This will be a single-storey building (3.1m to eaves with a 2.5m high pitched roof), with a 15m by 9m footprint which will house all of the necessary switch gear. It will be constructed from locally appropriate materials and will thus have the appearance of a small farm outbuilding. The location takes advantage of existing screening vegetation which will be supplemented with additional planting where there are gaps, and is thus only likely to be visible through a field entrance from Bussey's Loke. The underground grid connection would form a separate planning application.
13.4.4 The main mitigation included in the scheme is the revised turbine layout, reduced from seven to four turbines based on the previously submitted scheme. The new layout has withdrawn from the eastern side of the site, which increases the distance to the nearest residential receptors to the eastern side of the site, as well as withdrawing from the smaller, more enclosed landscape of the eastern half of the site. It also falls into the range of two to six turbines identified as being more appropriate to this landscape type in the wind turbine sensitivity study, in line with the findings of the inspector at the appeal regarding the previous application on this site. The final design change from four to three turbines was in recognition of "stacking" in views from properties to the south of the wind farm along Bungay Road, and to increase the receptor – turbine distance between sensitive receptors in Hempnall and its Conservation Area. The change also brings the proposal in line with the South Norfolk Wind Turbine Landscape Sensitivity Study, which judges that the Tributary Farmland landscape type, and hence this character area, has a moderate (equivalent to medium in this assessment) sensitivity to small groups of two to six turbines and recommends that smaller groups of two to three turbines may be appropriate.

The Tas Rural River Valley (A1)

13.6.23 The Tas Rural River Valley lies to the west and north of the site. The main River Tas valley runs from Fornsett St Peter in the south to the Norwich Southern Bypass in the north, with two tributaries protruding in an easterly direction into character area Tas Tributary Farmland, towards the site. The heads of the two tributary valleys are the closest points to the proposed turbines. The southern tributary extends to approximately 1.3km west of the proposed wind turbines, and the northern tributary to 2km north of the turbines. The boundaries are generally defined topographically in relation to the top of the valley sides, with transitional arable slopes, but in some cases the boundaries are drawn along physical features (eg the southern tributary valley is defined by roads). In reality, the southern arm demonstrates a greater contrast with the surrounding Tas Tributary Farmland than the northern arm which is less distinctive and arguably extends only as far as Stubb Green to the south of Shotesham, when examined in relation to scale and vegetation patterns. This difference in character is recognised by the East of England Regional Landscape Framework, which identifies the two branches of the Tas Valley as being of different landscape types.
Visual effects from key viewpoints

The deletion of turbine 2 changes the description of many of the key viewpoint photomontages, as follows. Viewpoints not referred to remain as in the environmental statement.

Viewpoint 2 – Broaden Lane, Hempnall

13.6.61 As shown on the wireframe and photomontage, all three turbines would be visible; they would be large new elements in the view, of a much larger scale than the existing trees and woodland. The turning blades would introduce movement into this still scene. The effects would be of large magnitude and moderate significance.

Viewpoint 4 – St Margaret Churchyard, Hempnall

13.6.67 As shown on the wireframe and photomontage, all three turbines would be visible. They would be dominant elements in the view within the open farmland. Effects would be of large magnitude and substantial significance.

Viewpoint 5 – The Street, Fritton

13.6.69 The visual receptors represented by this viewpoint are users of the road and they are of medium sensitivity. As shown on the wireframe and photomontage, all three turbines would be visible, as features above the tree line. The blades and hubs would be visible above the trees, but parts of the towers would be screened. The effect would be of large-medium magnitude leading to an effect of moderate significance.

Viewpoint 6 – Hugmore Pond, Lundy Green

13.6.72 As shown on the wireframe, all three turbines would be visible. They would be seen as prominent features on the arable farmland in the distance, and would be of substantially larger scale than existing masts in the distance. The blades, hubs and most of the towers would be visible. Effects would be of large-medium magnitude and moderate significance.
NEW TEXT

13.6.75 As shown on the wireframe and photomontage all three turbines would be visible, as large features beyond the foreground woodland. The turbines would be partially screened by foreground trees and woodland such that only the hub and blades of the most distant turbine would be visible, whilst the remaining two would have only the bases of the towers screened. The effects would be of high-medium magnitude and moderate significance.

Viewpoint 9 – Shotesham Road, Woodton

13.6.80 The visual receptors represented by this viewpoint are users of the road and they are of medium sensitivity. As shown on the wireframe, all three turbines would be clearly visible as a cluster on the skyline, set within a relatively simple landscape. They would be large new elements seen above the treed horizon. The effects would be of large-medium magnitude and moderate significance.

Viewpoint 10 – Alburgh Road, Hempnall

13.6.83 The turbines would be prominent elements within the view. As shown on the wireframe and photomontage all three turbines would be visible. The base of the two more distant turbine towers would be screened by woodland, but the closer turbine to the right of the view would be completely visible. The effects would be large magnitude and substantial significance.

Viewpoint 11 – Upgate Green Farm, Shotesham

13.6.86 As shown on the wireframe and photomontage all three turbines would be visible on the horizon lying beyond intervening woodland and trees. The magnitude of effect would be large-medium leading to an effect of moderate significance.

Viewpoint 12 – Wash Lane, Shotesham

13.6.88 The visual receptors represented by this viewpoint are users of the road and they are of medium sensitivity. As shown on the wireframe and photomontage, all three turbines would be visible with only the bases of the towers screened by hedgerows. The hedgerows and trees would allow the large size of the turbines to be fully appreciated; at present the trees are the largest feature within this view and the

FORMER TEXT

13.6.75 As shown on the wireframe and photomontage all four turbines would be visible, as large features beyond the foreground woodland. The turbines would be partially screened by foreground trees and woodland such that only the hub and blades of the most distant turbine would be visible, whilst the remaining three would have only the bases of the towers screened. The effects would be of high-medium magnitude and moderate significance.

Viewpoint 9 – Shotesham Road, Woodton

13.6.80 The visual receptors represented by this viewpoint are users of the road and they are of medium sensitivity. As shown on the wireframe, all four turbines would be clearly visible as a cluster on the skyline, set within a relatively simple landscape. They would be large new elements seen above the treed horizon. The effects would be of large-medium magnitude and moderate significance.

Viewpoint 10 – Alburgh Road, Hempnall

13.6.83 The turbines would be prominent elements within the view. As shown on the wireframe and photomontage all four turbines would be visible as two matching pairs. The base of one of the turbine towers would be screened by woodland, but the closer turbines to the left of the view would be completely visible. The effects would be large magnitude and substantial significance.

Viewpoint 11 – Upgate Green Farm, Shotesham

13.6.86 As shown on the wireframe and photomontage all four turbines would be visible on the horizon lying beyond intervening woodland and trees. The magnitude of effect would be large-medium leading to an effect of moderate significance.

Viewpoint 12 – Wash Lane, Shotesham

13.6.88 The visual receptors represented by this viewpoint are users of the road and they are of medium sensitivity. As shown on the wireframe and photomontage, one turbine would be mostly behind woodland with just the blades showing, whilst three turbines would be more fully visible with only the bases of the towers screened by hedgerows. The hedgerows and trees would allow the large size of the turbines to be
turbines would dominate them in terms of scale.

**Viewpoint 13 – Rear of Woodton Village Hall, Woodton**

13.6.92 As shown on the wireframe and photomontage, the turbines would be seen beyond woodland and trees on the horizon. There would be contrasts in scale between the turbines and these existing elements. The effects would be of medium magnitude and moderate significance.

**Viewpoint 21 – Saxlingham Green**

13.6.115 As shown by the wireframe and photowire, the turbines would only be visible in the winter due to screening by the roadside hedge. In winter the most distant turbine would remain entirely screened. The remaining two would be seen as moving blades through the branches of the nearby trees, with the turbine towers screened by the woodland which can be made out between the trees. In summer, effects would be of negligible magnitude and not significant. In winter, effects would be of low magnitude and slight significance.

**Viewpoint 22 – Fritton**

13.6.118 As shown by the wireframe and photowire, the turbines would be entirely screened by buildings and dense vegetation. In both summer and winter, effects would be of negligible magnitude and not significant.

**Visual effects on settlements and properties**

The following paragraph has been amended to take into account the change in turbine number and receptor (residential properties themselves) to turbine distances. Other turbine to receptor distances have been set out above (paragraphs 13.3.22 and 13.3.27).

**Hempnall (1.2km, southwest)**

13.6.122 The main part of the village has a well vegetated eastern edge, and any views towards the site would generally be filtered through nearby trees. A notable

**Hempnall (0.6km, southwest)**

13.6.122 The main part of the village has a well vegetated eastern edge, and any views towards the site would generally be filtered through nearby trees. A notable
exception to this is from the newer housing towards the northeastern end of the village where turbines would be visible from bungalows on Bainard Rise and Old Market Way with some low hedgerows in the foreground and occasional trees. Visibility from public areas of the village is likely to be limited to open views from the rear of the churchyard (see viewpoint 4, figures 13.8.5 and 13.8.38), and the outer edges of the village, particularly from Bungay Road and footpaths to the north and east of the village, from where all three turbines are likely to be visible. Turbines would also be visible from the short section of The Street adjacent to the school (see viewpoint 20, figures 13.8.21 and 13.8.46). A new hedge has been planted to enclose this open gap and depending on how high it is allowed to grow could screen views of the turbines within approximately 5 years, though views will remain from the gap made by the driveway and from the school playing fields. The turbines would also be visible above houses and vegetation from the recreation ground to the south of the village hall. Towards the eastern edge of the village there may also be fragmented views of part of the scheme - eg one or two turbines through a gap between trees and buildings, or the blades of nearer turbines seen above vegetation. Elsewhere, views from the central core of the village and most of the streets will be screened by buildings and vegetation.

Lyncroft and Meadow View (825m and 850m respectively, southwest)

13.6.146 These bungalows lie on the south side of Bungay Road with their fronts facing directly towards the site. The turbines would be seen from windows facing northwards, occupying the centre to right-hand half of such views. As the two dwellings have a number of large farm buildings to the south, the north-facing views are likely to be more valued for their open outlook. At a distance of 825m or more, and only occupying the right hand part of the view, the turbines would be dominant features, but would not prevent views of the countryside beyond and the residential amenity of these dwellings would not be unacceptably affected.

Paragraphs 13.6.147 to 13.6.151 of the environmental statement relate to properties that are now more than 1km from the nearest turbine and are thus deleted from the residential visual amenity assessment.
residential amenity of this dwelling would not be unacceptably affected.

Home Farm (725m, southwest)

13.6.148 A high hedgerow along the roadside boundary of this dwelling prevents outward views in the direction of the site. The house is located directly behind this vegetation and is likely to have no views of the turbines, except for the possibility of heavily filtered views in winter.

Tye Cottage, Cilan, Claydon House, Becketts Cottage, White Cottage, Beckford House, The Retreat (north side of Bungay Road, 700m - 775m, southwest)

13.6.149 This group of seven houses lies to the east of a footpath to Manor Farm and are likely to have oblique views of the turbines seen between or above vegetation within or surrounding the gardens. This vegetation provides a good degree of screening, but is unlikely to entirely screen views, particularly from any north-facing upper storey windows.

64 properties in the centre of Hempnall. (Bungay Road / The Street / Mill Road / Roland Drive, 800m - 1km, southwest)

13.6.150 North of Bungay Road and west of the footpath to Manor Farm, a group of five dwellings lies close to Bungay Road; they are well-screened by vegetation, such that they are unlikely to have views of the turbines. Moving further along Bungay Road, houses on the north and eastern side of the road approaching the church are likely to have some filtered views of the turbines through nearby trees. The old vicarage, which lies immediately north of the church, is a large house and garden with a 2m to 3m high hedge on its eastern boundary between the garden and the graveyard of the church. There would be filtered views of the turbines from the east facade of the house and from the garden, looking above the garden hedge and between trees on the eastern edge of the graveyard. South of Bungay Road, up to approximately 10 dwellings between the eastern edge of the village and up to the church might have views of parts of turbines above or between dwellings and vegetation on the north and east side of Bungay Road. Other properties on the south side of Bungay Road west of the church (from about Smithy Cottage) westward are unlikely to have views of the turbines as they would be obscured by the church, the old vicarage and tall trees within the churchyard and vicarage garden.
Summary of effects on residential amenity

13.6.156 None of the dwellings surrounding the site would be affected by views of the turbines to the extent that the turbines would be 'overbearing' or 'oppressive'. Those most affected would be the two dwellings on the southern side of Bungay Road with views across the road towards the site – Lyncroft and Meadow View. For these properties, effects would be less than those judged to be acceptable by the Inspector at the previous appeal into the Hempnall Wind Farm – the proximity of the nearest turbine would be increased by approximately 150m, and the number and spread of turbines across views would be less. (It should be noted that although the Inspector's decision lists Lyncroft and Meadow View as being approximately 700m from the turbines – that was as a function of rounding to the nearest 50m.)
Ms Helen Mellors  
Area Planning Officer  
South Norfolk Council  
Long Stratton  
NORWICH  NR15 2XE

1 October 2013

Dear Mrs Mellors

PLANNING APPLICATION REFERENCE: 2013/0105. WIND TURBINE SITE, HEMPNALL

I am writing in order to register my objections to the amended planning application for three wind turbines to be sited on Bussey’s Loke in Hempnall. Hempnall is located within the Tas Valley, which is especially sensitive to large-scale developments due to its striking rural and tranquil character.

I note that the applicant, TCI Renewables (TCIR) has recently amended its scheme by removing turbine T2, leaving Turbines T1, T3 and T4 in their original locations. However, I do not believe that TCIR’s move lessens the impact of these proposals sufficiently to assuage local concerns over these proposals. In my capacity as local MP I have received representations from local residents who remain very worried about this proposal. I am also concerned that these proposals would be in breach of directives contained within the National Planning Policy Framework, Policy 1 of the Greater Norwich Development Partnership’s Joint Core Strategy and South Norfolk Council planning policies ENV 8 and UTL 13.

Paragraph 96 of the National Planning Policy Framework (NPPF) calls upon local planning authorities determining applications for renewable energy projects to:

"...approve the application if its impacts are (or can be made) acceptable."

I contend that the impacts of the proposed scheme cannot be made acceptable due to the size and industrial nature of the proposed turbines.

Policy 1 of the Greater Norwich Development Partnership’s Joint Core Strategy states that development in areas not protected by national or international designation will (emphasis mine):

"...seek to conserve and enhance existing environmental assets of acknowledged regional or local importance. Where harm is unavoidable, it will provide for appropriate mitigation ... with the objective of achieving a long-term maintenance or enhancement of the local biodiversity baseline."

I would contend that it is still not possible to mitigate the effects of industrial turbines of this size in such close proximity to the village.

South Norfolk Council’s planning policy ENV8 states that permission for development will only be granted if the proposals:

- "Respect the intrinsic beauty, the diversity of landscape, the wealth of natural resources, and the ecological, agricultural and recreational value of the countryside; and"
- "Be sensitively integrated into its rural surroundings in terms of siting, scale and design."

Email: richardbaconmp@parliament.uk  
Web: www.richardbacon.org.uk
The South Norfolk Council Wind Turbine Sensitivity Study has concluded that this site is sensitive to
development of this scale, albeit less so than proposal for Hempnall made by Enertrag (UK) Limited. In any
event, the proposed development cannot be said to meet these preconditions completely and would
therefore be in breach of planning policy ENV8.

Planning policy UTL13 (Renewable energy) states that 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:

- **Visual Intrusion** – The visual intrusion caused by the proposed development would be severe. The
  proposed structures are over 126.5 metres (415 feet) in height, with turbine blades measuring 90 metres
  (295 feet) in diameter. Four turbines would present a clear and unwelcome intrusion into the South
  Norfolk landscape and the shadows cast by the turbine’s blades would introduce artificial movement into
  the landscape and draw further attention to the turbines.

In conclusion, every attempt by a renewable energy company to press ahead with an application for an
onshore wind farm in South Norfolk has so far been rejected at appeal or abandoned by the applicant. This
simply is not a suitable place for industrial wind turbines, despite any suggestion to the contrary in Planning
Inspector David Lavender’s decision notice issued on 8 December 2009, which can have no regard to
subsequent changes in government, in national planning policy and in recently issued planning guidance
towards on-shore wind farm applications.

Other smaller turbines that are more sensitive to their surroundings and the gentle rural landscape of South
Norfolk have been approved by the Council and make a welcome contribution. Two examples are the
turbines at Saffron Housing Trust in Long Stratton and at Thurton Primary School, proving that onshore wind
energy can play a part as long as it is sensitively sited and it is at a human scale. However, I simply do not
believe that it is possible for wind turbines that are 125 metres or 410 feet in height to be sensitively
integrated into rural surroundings in terms of siting, scale and design.

I hope that the above points will be considered by the Development Management Committee when it meets
to consider the above proposal.

Yours sincerely

Richard Bacon

RICHARD BACON MP