



# Appeal Decision

Inquiry opened on 9 June 2009

Accompanied site visits made on 2 & 3 July 2009

by **Philip Major BA(Hons) DipTP MRTPI**

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**Decision date:**  
**29 January 2010**

**Appeal Ref: APP/Y1138/A/08/2084526**

**Bickham Moor, Kirkton Lane, Oakford, Devon EX16 9HB.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Coronation Power Ltd against Mid-Devon District Council.
- The application Ref: 07/02262/MFUL, is dated 20 November 2007.
- The development proposed is the construction and operation of a four turbine wind farm for electricity generation, including ancillary buildings and activities, with a maximum rated output of 12mw.

## Decision

1. I dismiss the appeal and refuse planning permission for the construction and operation of a four turbine wind farm for electricity generation, including ancillary buildings and activities, with a maximum rated output of 12mw at Bickham Moor, Kirkton Lane, Oakford, Devon EX16 9HB.

## Preliminary Matters

2. The inquiry into this appeal was held jointly with that relating to a proposed wind farm at Paul's Moor, Wester Bullaford, West Moor, north of Knowstone, South Molton (Ref: APP/X1118/A/08/2083682) (The 3 Moors scheme). The inquiry opened on 9 June 2009, and closed on 24 November 2009. The principal accompanied site visits took place on 2 and 3 July 2009, with supplementary accompanied and unaccompanied visits taking place during adjournments to the inquiry. Some evidence, particularly that of third parties, was given in response to both this proposal and that at 3 Moors. For that reason the relevant parts of the decisions are either the same or very similar in places. The submitted scheme was accompanied by an Environmental Statement which I have taken fully into account in reaching my decision.
3. The Council did not determine the scheme. However, it resolved that had it been in a position to do so it would have refused planning permission for these reasons:
  - i) The proposal, by reason of its location, scale and appearance, is therefore considered to have an unacceptable and detrimental landscape and visual impact both in isolation and in terms of cumulative impact with other wind farms for Batsworthy Cross, Cross Moor and Three Moors. In addition the proposal would have a detrimental impact upon the setting of the Exmoor National Park, its natural beauty, character and special qualities contrary to policies ENV1, ENV2, ENV3 Draft Revised Regional Spatial Strategy for the

South West; ST1, CO1, CO2, CO6, CO12 Devon Structure Plan 2001 2016; S5v), S6i), ENV2 Mid Devon Local Plan and COR2c), COR5, COR18 of the Mid Devon Core Strategy 2007 and RPG10 policy ENV1.

- ii) The proposal does not adequately consider the impact of the development upon the archaeological resource since the resource has not been fully quantified. Given the potential for survival and the unknown significance of below ground archaeological deposits and the absence of sufficient archaeological information, the application is considered contrary to Policy CO8 of the Devon Structure Plan 2001 – 2016, Policy ENV7 of the Mid Devon Local Plan and guidance in PPG16.
4. The second putative reason for refusal above was not pursued in the light of further information put forward by the appellant.
5. The original planning application sought permission for turbines of up to 110m to blade tip, subsequently reduced to 100m. However, during the course of the appeal, prior to the inquiry opening, the Appellant sought to increase the blade tip height to 120m, and submitted supplementary environmental information based on that height. At the inquiry I was asked to rule on which scheme would be considered; 100m to blade tip, or 120m. It was said in support of the increased height that this would enable greater energy production.
6. On behalf of the Council it was pointed out that the difficulty with timing had been flagged up at the pre inquiry meeting, that the Council's landscape witness had not dealt with the increased height, and that to permit the proposed increase to be considered would be unfair. This position was supported by The Rural Exmoor Alliance (TREA).
7. The proposed change to 120m came late in the day, with barely sufficient time to consult on the supplementary environmental information. Although some people had been able to respond to the proposed change it was clear that neither the Council nor TREA had had an opportunity to address the matter fully in evidence. To proceed on the basis of 120m high turbines would therefore be disadvantageous to those parties, and would be likely to result in requests for adjournment of the inquiry. I therefore ruled that in order to avoid unfairness and potential delay the inquiry would proceed and would consider the proposal on the basis of turbines with a height up to 100m to blade tip.
8. The appeal site abuts Great Bickham Farm and the owner of that property indicated at the inquiry that the 'red line' site location plan includes a part of his land in the south-east corner of the appeal site. Although I was able to see at my site visit that this appears to be so it has no bearing on the main planning merits of the case. No party has been prejudiced by what I believe to be an inadvertent mistake on the site location plan.
9. After the close of the inquiry information was released as a result of a freedom of information request, and made available earlier drafts of the report carried out by the Hayes McKenzie Partnership (HMP) into low frequency noise and possible health effects. The final report was included as core document 13.2 in the inquiry library. It is clear that the earlier drafts included reference to night

time noise limits and the possibility of them being reviewed. I have noted the comments from all parties on this late information.

10. What is apparent is that the HMP report was commissioned to investigate low frequency noise at 3 specific wind farms. It was not asked to consider whether current night time noise limits were appropriate as such. The final report recommended further research into amplitude modulation, which was carried out by Salford University (core document 13.4).
11. It seems to me that it would have been somewhat speculative to try to use research into low frequency noise at 3 locations to justify a change to universal night time noise limits. That seems to be the conclusion of HMP themselves when reviewing their draft reports. I therefore accept that the comments made in early drafts of the report by HMP were rightly removed since there could be no basis for their inclusion from the work carried out. I do not see that this is in any way a sign of a 'conspiracy' to mislead.
12. It follows that I do not accept that the evidence given HMP at the inquiry was in any way disingenuous. It addresses the noise aspects of the proposed development in the light of current guidance. I reject suggestions that the evidence should be given less weight or that the expert witness behaved improperly in any way.

## **Background and Context**

### *Regional and Local Renewable Energy Targets and Associated Policies*

13. There is an acknowledged shortfall in provision of renewable energy in the South-West and Devon. Targets for provision in the period to 2010 will not be met. The draft revised Regional Spatial Strategy (RSS) seeks to reduce greenhouse gas emissions at least in line with national targets. Specific targets are set out in Policy RE1. The onshore technologies target for 2010 is 509 – 611mw of installed capacity for the South-West, with a minimum requirement within that of 151mw for Devon. The cumulative target for the South-West for 2020 is 850mw (the Devon target is not yet known).
14. At present the installed capacity in the region is 154.84mw, of which 32.8mw is in Devon, leaving a substantial deficit against the 2010 target, which is to be rolled forward, resulting in a requirement to provide almost 700mw of capacity in the region by 2020. That is a challenging target, and there is an expectation that onshore wind will provide the majority of the energy.
15. Policy RE6 of the current RPG 10 supports the reduction of greenhouse gas emissions and increased renewable energy by 2010. Policy RE4 of the draft RSS indicates that in considering individual proposals the wider environmental, community and economic benefits will be taken into account, amongst other matters. Although the adoption of the draft RSS has been delayed for reasons not associated with this type of proposal, it is close to being finalised and its policy background can therefore be afforded significant weight.
16. The appeal site is outside the area of search for strategic wind based energy development which is identified in the Devon Structure Plan 2001 - 2016. The area of search is shown in diagrammatic form and its boundaries are not clear cut. However, I am satisfied that the site is well outside the area of search.

Policy CO12 of the Structure Plan indicates that in providing for strategic wind based energy production in the period to 2016 priority should be given to locations within the area of search identified. But this does not preclude development elsewhere if it is appropriate for its location and if, when weighed in the balance, the provision of renewable energy and/or other benefits outweigh other considerations. The area of search also seems to have been set by reference to limited criteria. Being outwith the area of search is therefore not fatal to the proposal.

17. Evidence led at the inquiry suggested that the missing of targets at this stage was not significant, and that opportunities to 'catch up' and meet targets for 2020 would present themselves. It was also suggested that schemes in the planning or pre-planning pipeline show that this is a realistic scenario. However, the evidence of this is limited, and there are few proposals which offer a significant step towards meeting future targets. In my view it is all the more important to take forward suitable schemes as soon as possible, in order to achieve reductions in emissions without relying on optimism about unspecified future developments.
18. Policies supporting renewable energy and reducing greenhouse gas emissions are manifestly significant material considerations in support of the proposal.

*Other Development Plan Policy*

19. Other relevant Policies of RPG10 include EN1, which seeks to provide strong protection for the region's landscape and biodiversity by cascading the objective to other plans, and EN3, which offers protection to the historic environment.
20. In the Structure Plan Policy CO1 seeks to sustain and enhance the distinctive qualities of Devon's Landscape Character Zones. Policy CO2 indicates that care will be taken to ensure that no development is permitted outside Exmoor National Park which would damage its natural beauty, character and special qualities, or otherwise prejudice the achievement of National Park purposes. Policy CO6 seeks to conserve and enhance the distinctive character and features of existing rural areas. These policies flow from strategic policies of the Structure Plan, including Policy ST1, which sets out a range of objectives, including the use of renewable resources and protection of the environment.
21. Mid Devon Local Plan policies have been saved. Policy S5 is a general policy which is permissive of development which meets a number of criteria, including that no harm is caused to the character and appearance of an affected landscape. Policy S6, amongst other criteria, has a similar objective. Renewable Energy is addressed in Policy ENV2. This is permissive of wind turbine development subject to a number of criteria being satisfied.
22. The Mid Devon Core Strategy has also been adopted. Amongst other things Policy COR2 aims to preserve the distinctive qualities of the district's natural landscape, and protect the special qualities of the landscape adjoining Exmoor. Policy COR5 seeks measures to minimise the impact of development on climate change and to contribute to targets to reduce greenhouse gas emissions. Included within this is support for renewable energy in suitable locations. Policy COR18 is restrictive of development outside settlements, but is

permissive of renewable energy subject to appropriate criteria of other policies being met.

*Other Emerging RSS Policy*

23. The draft RSS has a major theme of encouraging a sustainable future for the South-West by means including a reduction in emissions. This is encapsulated in Policies SD1, SD2, and SD3. Additionally, the theme of protecting and enhancing the natural and historic environment is continued in Policies such as ENV1, ENV2, ENV3, ENV4 and ENV5.

*Other Policy*

24. The Government's planning policy on renewable energy is contained largely in Planning Policy Statement 22 (PPS22) - *Renewable Energy* - and its companion guide - *Planning for Renewable Energy*. This appeal is not the forum for challenging that policy. In addition there are numerous other documents containing policy initiatives and statements which give advice and guidance in this fast moving sphere. The overriding message is one of support for renewable energy subject to it being located in the right place. There is recognition that it is imperative to tackle climate change by reducing reliance on technology which produces high levels of CO<sub>2</sub> emissions. This is a significant material consideration in the appeal.

**The Principle and Effectiveness of Wind Turbines**

25. Evidence was led at the inquiry which asserts that wind farms are ineffective in addressing the need for low or zero emission energy production. Problems cited include intermittency of the wind resource, inefficiency of the turbines themselves, the difficulty of feeding an intermittent supply onto the grid, and the minimal savings in emissions which actually result from their development.

26. I acknowledge that emissions savings appear to have been exaggerated in relation to earlier proposals elsewhere, but there is now some consensus about the likely payback time and future emissions savings from wind turbine developments. The commonly quoted figure of 430g/kWh seems to me to be a reasonable starting point. Over the planned 25 year lifetime of this development this would amount to significant savings.

27. Even if the savings were less than this by some margin there can be little doubt that savings would be made. In light of the imperative to act to tackle climate change it is my view that any savings which can be achieved in the short to medium term, as these could, are to be welcomed.

28. The debate relating to the efficiency of turbines I find to be somewhat academic. The fact remains that the turbines would produce electricity at a rate of efficiency which attracts the investment required to develop the site. The output might be variable, but as a source of low carbon energy it is to be valued. Clearly if more efficient means of achieving the same ends comes forward investment is likely to be redirected, but at present wind energy is a worthwhile part of the mix.

29. In relation to the grid connection the evidence before me is that technical issues of incorporating intermittent output onto the grid are capable of solution

and I do not find arguments that this is significantly problematic to be convincing.

30. Back up generation will be required because it is common ground that wind turbines do not operate at all times. I acknowledge that 'spinning reserve' must be available and that this will dilute the benefits of wind power. But it remains a plank of government policy to support the development of renewable energy of this type in suitable locations. Nothing in the evidence before me suggests that wind turbine development, per se, should not be supported in principle.

### **Need**

31. The figures given above show that the South-West and Devon will fail to meet the 2010 target for renewable energy production. Despite the confidence expressed at the inquiry amongst some objectors that the 2020 target will be met without this site, there is no substantive evidence to that effect.
32. I accept that there are schemes in the pre-planning stage, or beyond, which might help to move towards those targets, but these are in the early stages and cannot be relied upon as yet. In any event, the shortfall is so large that for the 2020 target to be met there would need to be a massive and consistent increase in schemes coming forward. There is no sign of that.
33. Consequently I do not share the view expressed, optimistically, that 'something will turn up' and will enable targets to be met. The situation is that the South-West needs a significant acceleration of renewable provision sooner rather than later. For that reason I have no doubt that schemes of this nature, subject to meeting other criteria, are needed as soon as possible. That said, I do not accept that this proposal can be seen as part of a larger concentration of schemes including 3 Moors, Cross Moor and Batsworthy Cross. They are far too distant for the 4 schemes together to be realistically assessed as a cohesive cluster.
34. It has also been suggested that if national targets are being met then a shortfall in one region is not a problem. That is not my view – if targets are met nationally it must be good, but it is even better, and to be encouraged, that targets are exceeded. There is no reason to be complacent about regional targets on the basis that other areas may be able to over provide against their own targets.
35. I will turn now to the main issues to be considered in the appeal.

### **Main issues**

36. The main issues in the appeal are:
- (a) The effect of the proposal on the character and appearance of the landscape, and on the setting of the Exmoor National Park;
  - (b) The cumulative effect of the proposal when considered with the proposed developments at Three Moors, Cross Moor and Batsworthy Cross;
  - (c) The effect of the proposal on the living conditions of local residents, with particular reference to visual intrusion and noise;

- (d) The effect of the proposal on ecology;
- (e) The effect of the proposal on tranquillity, tourism and cultural heritage

37. Following consideration of these and other matters I will draw together my conclusions, balancing the need for, and benefits of, the proposal, against any identified harm.

## **Reasons**

### ***Character and Appearance***

38. The assessment of the effects of any development in landscape terms is in part a subjective exercise. The methodologies devised and used commonly by landscape architects seek to create an objective framework within which such assessment can be carried out. I find this helpful in so far as it sets out a common framework. But the inputs to the methodology in themselves contain an element of judgement, hence different experts will find varying outcomes. That is no different to this case, and I therefore rely largely on my own assessment whilst paying due regard to the expert evidence given at the inquiry.
39. There are no details of the proposed grid connection, other than a preferred connection point. This was criticised as being outwith the advice of paragraph 99 of the companion guide to PPS22. However, I am also aware that it is usual for a firm offer of connection to be made only after planning permission has been granted for a wind farm. To require the work entailed in producing a detailed planning submission for a 'speculative' grid connection would risk abortive work and would be unreasonable in most cases. In this case I am satisfied that I have sufficient information to assess the scheme before me, whilst recognising that if planning permission were to be granted a further submission dealing with grid connection would be necessary.
40. The introduction of wind turbines into a rural landscape is almost always controversial. The assessment of the effect on landscape is one of the prime considerations in this appeal. Proposals such as this tend to polarise opinions – some people like turbines, others do not. Some see them as elegant and positive additions to the landscape, others see them as large scale, visually obtrusive and industrial. Planning Policy generally seeks to protect the landscape from damaging development, and protection is at its highest level in relation to Exmoor National Park.
41. The appeal site is located within Landscape Character Area 149, The Culm, as assessed by Natural England (then the Countryside Agency). This is a broad characterisation of limited help. More local studies of landscape character have refined the assessment. In relation to the appeal site and its environs the most relevant have been carried out by Devon County Council, Mid Devon District Council, and the Exmoor National Park Authority.
42. On a local level the site is within the Witheridge-Rackenford Moor Zone of the Devon County assessment, and the Bickham and Tucker's Moor Type of the Mid Devon assessment. Witheridge-Rackenford Moor Zone is described as including a high, undulating series of ridges, extensive views north and south, a mosaic of improved and unimproved grassland, outgrown hedges and some

small woodlands. Similar properties are identified in the Mid Devon assessment of the Bickham and Tucker's Moor Type.

43. I agree with these observations, which essentially seek to describe what is a moderately complex landscape around the appeal site. The landscape character derives much from the human influence over the centuries, typified by the field patterns, hedge boundaries, outgrown beech hedges, small woodlands and improved or semi-improved pasture. This overlays the natural topography of the rolling plateau which is bounded and intersected by valleys. The position is relatively elevated, though I disagree with the suggestion that there is any strong sense of it being windswept. That description more aptly applies to parts of the unimproved areas such as Hares Down. Nor do I agree that there is any sense of 'arrival' at Bickham Moor. When approaching the site there is no more a sense of arrival than at other locations throughout the character zone and this part of Devon generally.
44. The site is not within any area of protected landscape, though part of the area to the north, adjacent to Exmoor, is designated as being of Great Landscape Value, as is an area to the east and south of the site. The National Park of course has the highest level of landscape protection. TREA has sought to define an area centred on the Yeo Valley and Crooked Oak Stream for the purposes of testing the sensitivity of the area to wind farm development but I do not see this as adding significantly to the work of others.
45. Although enjoying extensive views to north and south the landscape around the site is small scale, as witnessed by relatively modest field sizes, the cutting of the landscape by undulations and valleys, and the fragmented field patterns. The scattered pockets of built development add further to this feeling that the landscape exists on a modest level. The landscape is attractive, with hidden dips and sudden vistas adding to other features, and contributing to a rural character which is worthy of preservation in its own right, irrespective of its lack of formal designation. In short it is typical of a North Devon landscape, and well valued by those living in, working in, and visiting the area.
46. In the wider context the Yeo valley lies to the north, beyond which are the foothills of Exmoor, and immediately to the north again the upland massif of Exmoor itself. Views from the site to the north are dominated by the views of the expanse of Exmoor. I deal with the effect on Exmoor later.
47. None of the expert landscape witnesses at the inquiry sought to argue that the proposed turbines would have a minimal effect on the character of the landscape. What differs between them is whether the cost to the landscape is acceptable in order to bring about the benefits of the renewable energy. There is consensus that the landscape is sensitive to change.
48. It is self evident that structures up to 100m in height would be unmissable and would dominate the immediate surroundings. As such the existing landscape character would inevitably be affected by the development. In my judgement the current landscape, because of its relative complexity and small scale, has a limited capacity to accept major change of the nature proposed. The introduction of large structures would therefore result in a significant change to the character of the landscape. Because the structures themselves are unrelated in scale and form to anything which forms part of the existing

character it seems to me to be impossible to reach a conclusion other than that the turbines would have a significant and adverse effect on the landscape character.

49. The greatest impact, of course, would be close to the site, and I agree with the various opinions expressed that at a distance of more than about 2.5 km the presence of the wind farm would have less and less effect on both character and visual appearance (though this must be seen alongside my judgement on the effects on Exmoor's setting, an associated but different matter). But the undulating land form and steep valleys also mean that there are many locations from which the turbines would not be seen, even when relatively close by. However, where visible, the wind farm would be a visual feature of intense prominence despite the relatively few structures in its composition.
50. The height of the site in relation to surrounding land also means that within about 3km, where visible, the turbines would tend to be stark skyline features. There would be nothing to relieve the skyline impact unless vegetation close to the viewer was able to mitigate public views. Taken in the round, though, and whatever opinion is formed on the attractiveness or otherwise of the turbines as structures in themselves, the wind farm would appear as being drastically at odds with the character and appearance of the local landscape.
51. Even though acknowledging that the greatest landscape impact would be close to the appeal site, I am also of the opinion that the development would have significant visual effects from further afield. The turbines would be seen from the A361 link road, from the 2 Moors Way, and from the southern rim of Exmoor, amongst other locations. From these locations the 4 turbines would stand proud of the land form and be silhouetted against the sky in a stark and unforgiving way. Paradoxically perhaps, it seems to me that the fact that there are few turbines in the group would lead to their height being particularly emphasised, and to them being perceived as being ill at ease with the gently rolling nature of the landscape in which they would stand.
52. I turn now to views south from Exmoor, and the setting on the National Park. Although it was suggested that the evidence presented in opposition to the proposal was tantamount to the creation of a buffer zone to the south of Exmoor, I accept that this is not the case. The special qualities of Exmoor include the description of "a landscape that provides inspiration and enjoyment to visitors and residents alike". In my judgement part of the enjoyment stems from the appreciation of Exmoor in its rural setting, and the land to the south is a significant element in that. The National Park clearly has a setting framed by the land to the south, and proposals must be considered individually or cumulatively in respect of the setting. The definition of setting is difficult to pin down in many instances. For a particular building it might involve hard boundaries such as walls, but for a landscape it involves concepts such as topography, land use, character, vegetation and more.
53. In the case of the southern slopes of Exmoor (and indeed those higher internal parts of the National Park which look south) the setting clearly includes the surrounding landscape to a greater or lesser degree. It would be too 'generous' to include all the land to the horizon, which includes Dartmoor on relatively clear days. On the other hand it would be too restrictive to include

- just the immediate environs of the Park boundary. Clearly the reality is somewhere between.
54. It was suggested that some parts of the Witheridge – Rackenford Moor area, because they include unimproved land similar to parts of Exmoor, should be included in the setting of the Park, in effect 'by association'. I do not agree with that. In my view it is better to explain the setting of Exmoor in terms of how the National Park itself exerts influence over the surrounding land. In other words, from the south it is possible to see and appreciate the Exmoor plateau as an increasingly prominent feature when travelling north. It begins to dominate the background and pulls the viewer's eye as a dominant landform. If this process is reversed, the eye, when looking south, seems to me to be drawn to the foreground (effectively the Yeo Valley) and the very long distance view to the mass of Dartmoor. There is a whole tract of land in between which cannot realistically be defined as the setting of Exmoor. Having already excluded the long distance view to Dartmoor, I therefore believe that it is correct to assess the setting of Exmoor in this locality as the landscape immediately to the south, including the far, southern slope of the Yeo Valley, but not including the next valley (that of the Crooked Oak Stream).
55. On that basis the appeal site lies on what I regard as the cusp of the natural setting of the National Park. It would undoubtedly catch the eye when seen from points along the Ridge Road and elsewhere in the southern part of Exmoor. Despite the fact that the turbines would be obviously outside the National Park and at some distance they would exert influence over the setting of the National Park, particularly in the light of their appearance largely against the sky. The movement of the blades would draw the eye and add emphasis to the intrusion in the landscape setting of these strong vertical features. I cannot agree that these strident skyline features would be acceptable in this setting. In saying this I recognise that the site is further from the National Park than other schemes permitted elsewhere in the country. Distance is not the key. The site has its own unique features and it is largely the strident skyline nature of the proposal which weighs heavily against it in this case.
56. In my judgement the introduction of such strongly vertical features, breaking the horizon, with their attendant movement, would be likely to reduce the enjoyment of the National Park experience. For this and the reasons set out above I consider that the location and form of the wind farm proposed would be at odds with the current character of the landscape forming the setting of the National Park, and would be harmful to its appearance.
57. So the effect on the character and appearance of the area, and the setting of Exmoor, can be summarised thus. The visual experience will vary from location to location, and will be of a major and substantial intrusion in places. There would be serious harm to landscape character. But from some places there would be levels of visibility and intrusion which would not, in my judgement, be so harmful as to weigh against the proposal. I consider that the skyline views and movement of blades would, notwithstanding the separation from Exmoor, impinge upon the appreciation of the special qualities of Exmoor to a material degree. The proposal would therefore be in conflict with relevant landscape protection objectives of RPG10 Policy EN1, Structure Plan Policies ST1, CO1, CO2, CO6 and CO12. There is also conflict with Local Plan Policies S5v) and S6i) & xvi), and Core Strategy Policies COR2c) and COR5a). Given

that I find the proposal harmful there is also conflict with Core Strategy Policy COR18. In the draft RSS there is conflict with part of Policy SD3, Policies ENV1, ENV2 and ENV3.

### ***Cumulative Impact***

58. In addition to this proposal, other wind farm proposals within the vicinity include those at Bickham Moor (4 turbines, considered jointly at the inquiry), Cross Moor (2 turbines, the subject of evidence given at the inquiry) and Batsworthy Cross (9 turbines). Batsworthy Cross is an undetermined scheme which lies in North Devon District and is located to the south of the A361 to the south of 3 Moors and Cross Moor, and to the west of Bickham Moor. It goes without saying that I make no comment on the merits of the Batsworthy Cross proposal; that is for others. Cross Moor sits between the parcels of land comprising 3 Moors. There are therefore many theoretical combinations of developments. Although it was suggested that there is advice which recommends that wind farms should be set at least 7km apart, I concur with the appellant's view that such advice is offered in a different context to that which pertains here.
59. Cumulative effects need not be restricted to effects on visual, character and appearance matters, though that has been the principal concern of the parties. Effects can occur when developments are seen together, successively, or in sequence.
60. 3 Moors and Cross Moor would be 'intertwined' to such an extent that they would read as a single development. Furthermore, the difference between 3 Moors alone, and the 2 schemes combined, is so limited that the viewer would be unlikely to perceive any additional cumulative effect from them both being in existence.
61. There are viewpoints from which it would be possible to see 3 Moors, Cross Moor, and Batsworthy Cross in the same view. These are principally from the north, especially from the Ridge Road on the southern lip of Exmoor, from parts of the 2 Moors Way, and from some locations along the A361. It would take only an adjustment of the viewer to enable a successive view of Bickham Moor to be incorporated from the same viewpoints.
62. 3 Moors, Cross Moor and Batsworthy Cross would be seen as being relatively close together in some extensive views from Exmoor. Although Batsworthy would be more of a distant skyline feature the 3 developments would appear as a discrete cluster of wind farms in the panorama. There would be a perceived degree of logic in that composition, and the extra harm of this cluster over and above that I have identified in relation to 3 Moors would not be great from some viewpoints. However, that would not be the case if the viewer turned slightly to see Bickham Moor. In my judgement this would be seen as an outlier to the 'concentration' of turbines further to the west, which would still be in the periphery of vision. Bickham Moor would not sit well, and would be an uncomfortable and incongruously isolated block of development from some locations. The viewer would be likely to find this a restless addition to the view, adding to the individual impacts of the developments. Removal of Batsworthy Cross or Cross Moor from that assessment would not alter the balance of my judgement in this respect.

63. Conversely, if the viewer was looking at Bickham Moor, the wind farms to the east would have a similar disjointed effect on the viewing experience. In effect the distance between Bickham Moor and the other 3 proposals is such that when seen from Exmoor they would not sit well together if Bickham Moor and any combination of the others were to be built.
64. Away from Exmoor there would be other locations from which 3 Moors/Cross Moor and Batsworthy Cross would be seen together. These include locations along the 2 Moors Way, and from the A361. Here, the separation between 3 Moors/Cross Moor and Batsworthy Cross would be more evident. Even so, the developments would, in my judgement, benefit from a relatively comfortable relationship which would not add significantly to individual impacts. From some positions, where the opportunity to see Bickham Moor was also present, this would only be possible if the viewer turned through a significant arc. As such Bickham Moor would again tend to be perceived in isolation, but very far removed from the other proposals, and not thereby contributing to cumulative effects to any degree.
65. In sequential terms, views from the 2 Moors Way would change slowly given its status as a footpath/bridleway, but the impact would be as noted above – essentially a group of wind farms to the west and a further wind farm to the east, with no added impact other than the individually assessed impact. The A361 would offer a different perspective. Travelling north-west Bickham Moor would be likely to be seen first, and as Bickham Moor was abreast to the north the other 3 developments would begin to take on prominence. There would be a perception of moving from wind farm to wind farm along a stretch of the road. However I do not consider that this would materially add to other identified impacts. The reverse journey would have the same effect in reverse. Similar considerations apply in relation to journeys along the B3227.
66. Overall, therefore, I consider that, depending on viewer position, Bickham Moor or the 'cluster' to the west, would be a disruptive influence in cumulative terms, if all were to proceed, when viewed from some points along the southern edge of Exmoor. At other locations I am satisfied that cumulative impact of any combination of the 4 proposed developments would not add significantly to the individual impacts I have identified in relation to the proposals before me.

### ***Living Conditions***

#### Visual Intrusion

67. Dealing firstly with visual intrusion I note that the principal parties agree to a large extent on the number of properties from which significant views of the turbines would be possible. However, there is no right to a view per se, and any assessment of visual intrusion leading to a finding of material harm must therefore involve extra factors such as undue obtrusiveness, or an overbearing impact, leading to a diminution of conditions at the relevant property to an unacceptable degree.
68. I was able to visit the nearest dwellings to the appeal site and it is not necessary to rehearse the impact from each individually. The visibility of the turbines, either in whole or in part, would clearly make a difference to the views out from those, and other, properties. However, there would be

relatively few structures, and each would be at least 500m from the nearest dwelling. This is over 5 times the height of the turbine to blade tip. Therefore, whilst clearly an important part of the view from any dwelling I cannot agree that the wind farm would be so destructive to those views that it would be unacceptably damaging to living conditions.

69. In my judgement the wind farm would be at a sufficient distance to avoid creating an undue sense of oppression, and would not be sufficiently obtrusive that it would make living at the nearby properties materially less acceptable.
70. I have also considered whether the suggestions that there would be a feeling of being hemmed in by wind farms to the extent that it would be oppressive, is justified. In the event of a combination of wind farms being built I have given my judgement on cumulative impact above. In regard to living conditions the spacing between individual proposals (3 Moors, Bickham Moor and Batsworthy Cross) is such that I consider that any property located between them would retain sufficient separation to maintain reasonable living conditions without unacceptable feelings of being surrounded, dominated or subjected to overbearing effects.

#### Noise

71. The Council did not offer any evidence on noise, but has agreed conditions with the appellants which it is content would deal with this matter.
72. It is undeniable that the proposed turbines would emit sound energy, but whether this would be to the extent that it would produce unwelcome and harmful noise is at the core of the dispute between local residents, TREA, and the appellants. In this issue I use the term 'noise' generically, for convenience.
73. Planning Policy Statement 22 – *Renewable Energy* (PPS22) is clear that the appropriate method for establishing background noise levels and for predicting the effect of noise immissions from turbines is to be found in the technical document ETSU-R-97 (hereafter described as ETSU). The clear purpose of ETSU is to enable assessments to be made such that the living conditions of nearby residents are protected at a reasonable level, whilst not unnecessarily hindering wind energy generation. This is based on defining an acceptable noise environment during quiet daytime and night time periods, as compared with the existing background noise environment. Hence there is no need to set a minimum distance from property to turbine as the actual baseline noise environment will vary from site to site.
74. It was agreed at the inquiry that the science of sound prediction is not precise. That seems to me to be self evident. For example, sound level readings taken to establish background conditions may be different over time depending on a number of variables. In that respect I agree with the objectors that the surveys carried out may not necessarily be wholly and precisely representative. Nonetheless the surveys established background levels in accordance with the timings recommended in ETSU, and I am satisfied that they represent a realistic assessment of the prevailing background noise. The monitoring stations chosen seem to me to be representative in that they cover the nearest available residential properties where the effect of the turbines would be most likely to be felt.

75. The actual position on the ground of monitoring locations came in for criticism during the inquiry. These were agreed by the appellant's expert and the Council as suitable. It seems to me that a choice must be made of what is a suitable position, with the purpose of the monitoring firmly in mind. In other words the results are expected to represent a fair assessment of background noise at an amenity area of the relevant residential property (in this case). I have no doubt that this could be one of a number of locations at any particular property. Whilst another specialist may have chosen an alternative position, that does not make the positions used unrepresentative. Indeed, nothing I heard at the inquiry leads me to conclude that the monitoring positions agreed were unacceptable.
76. The monitoring results first produced did contain acknowledged flaws and were corrected. Subsequent figures show that the wind farm is capable of meeting the noise levels set in ETSU, that is; background plus 5dB(A), or the quiet daytime and night time limits, whichever is the higher, for all but 2 properties. I need not go into the process by which the limits were set. Suffice to say they are contained within ETSU, and this is the guidance to be followed. At South Esworthy Farm and Higher Swineham there may be small exceedences based on the assessment of a particular candidate turbine. This can be addressed by condition.
77. Dealing briefly with the methodology, I note that ETSU has been 'adapted' in order to deal with wind shear, by measuring wind speed at higher levels and then deriving the 10m wind speed rather than measuring it. Criticism of that centres on the fact that the 10m derived wind speed may well be inaccurate, leading to an incorrect correlation between that figure and background noise measurements. In other words, according to opponents of this approach a high wind speed at 40m or 60m might occur in stable conditions, with a still and quiet environment at 10m. Deriving 10m wind speed in such circumstances might lead to an incorrect prediction.
78. Whilst deriving 10m wind speed in this way might go a step beyond what ETSU strictly recommends it seems to me to be a reasonable step to take. At least it seeks to take into account the higher wind speeds encountered by modern turbines at hub height and to relate them to likely conditions close to ground level. In such an uncertain sphere of prediction it also seems to me to be no less likely to lead to predictions which are capable of informing the nature of the resulting noise environment. As I see it, it replaces one part of the assessment with another of equal or better validity whilst retaining the essential purpose of the study. This is a view shared by many in the acoustics field. In any event I have no other predictions on which to base my assessment. Whilst the opponents of the proposal have criticised, through their own expert, the work undertaken by the appellant, and drawn attention to what are seen as flaws in methodology, they have not produced alternative background noise data or assessment on which I can base a reasoned judgement.
79. I note that the predictions are a worst case scenario based on downwind propagation over hard ground and this is clearly not the case in reality because downwind propagation cannot simultaneously occur in all directions. I also reject the criticisms of the method used to predict noise immissions which have been made. The method used is followed by many countries and assumes

meteorological conditions favourable to propagation (downwind) or under a well developed moderate ground based temperature inversion (stable conditions). I am therefore satisfied that immission predictions are appropriate.

80. In the absence of alternative data I am therefore not able to conclude that the background assessment of the appellant is fundamentally flawed or unusable. In an inherently uncertain situation the information provided by the appellant is the best before me. It has also been produced by a company with a track record of some credibility in this field, and follows a methodology supported by other experts. Hence I give more weight to that evidence than to the evidence of the opponents.
81. But there is one other component of noise which in which there are no predictions. That is excess amplitude (or aerodynamic) modulation (AM). This is commonly referred to as the rhythmic thumping sound which has affected some residents close to wind farms. The understanding of the cause of AM is not complete, and hence its prediction is even less sure than other immissions predictions. In effect, as a result of the lack of understanding coupled with the relatively few cases experienced it has been deemed unnecessary to give this matter much weight in most cases.
82. It is thought that several factors may be at work in AM, including the particular type of turbine, the ratio of turbine tower height to blade radius, wind shear, topography, and downwind turbulence resulting from the separation and configuration of turbines.
83. In the case of Bickham Moor there has been criticism of the layout of the wind farm, and suggestions that the proximity of turbines would be likely to lead to turbulent downwind conditions and increased risk of AM. The ratio of tower to blade radius has also been suggested as being within the range experienced in known cases of AM. I am also told that the area does experience stable atmospheric conditions at times, with significant wind shear.
84. It is certainly the case that some of the turbines proposed are quite close together compared with the usual spacing proposed, and that in westerly or north-westerly wind conditions some turbulence to one or more downwind turbines is likely. I realise that the wind would not blow from these directions all the time, but evidence is that wind does blow from here to a significant degree. It is not possible to conclude, from that and other factors noted above that AM would occur at this site, but it cannot be discounted, and that was acknowledged at the inquiry.
85. So the situation is that I am satisfied that the background noise data is satisfactory, and that on the face of it the predicted immissions are acceptable, subject to the imposition of appropriate conditions. But the layout of the wind farm leaves doubt about the reliability of such data simply because of the proximity of turbines to each other, and the propensity for turbulence to be created. Simply put, the layout does not, in my view, allow the predictions made to carry the same weight as in a case where turbine layout is more spacious. I therefore fear that in this inherently uncertain field, to accede to a situation where a further element of uncertainty is exacerbated by the layout of the wind farm would not be wise. Consequently I do not believe that I can

conclude, on the balance of probability, that the wind farm would lead to satisfactory living conditions for the nearest residents to the extent that is desirable.

86. Although it would be possible to attach conditions seeking to ensure that noise was kept to the relevant thresholds or below I do not believe that this would be a suitable course of action in a case such as this where doubt has been raised about the reliability of predictions, albeit on the narrow and difficult to 'prove' point relating to turbine layout and configuration. However, before attaching such conditions it is only reasonable to expect that predictions are deemed to be reliable. For the reasons given above I consider that the predictions in this case must carry an unacceptable element of doubt with them.

### **Ecology**

87. The council has not raised any issue in relation to the effect of the proposal on ecology. Concerns of local residents and ecological bodies surround the potential effect on mammals (principally bats) and birds, on ground water, and on County Wildlife Sites. I deal with those in turn.
88. Bat surveys were carried out as part of the EIA and included in the ES. It is clear that there is some bat activity in the vicinity of the site. A number of species were detected. However, whilst I note that there have been instances of bat mortality in some wind turbine locations (through both direct strike and barotrauma) I do not find the evidence that there would be significant loss of life here to be compelling. In the first instance, whilst the surveys cannot be treated as definitive of numbers or species, the suggestion that a minimum period of 12 months survey work should be carried out would, in my view, unreasonably delay proposals. The evidence provided points to there being limited roosts and foraging areas in the immediate locations of the turbines and this evidence seems to me to be adequate for the purposes of making the necessary judgement. Secondly, the evidence of significant bat mortality brought forward related to different circumstances, with different turbines, and bats of a different species and habits. I understand that evidence based on mortality on sites similar to that proposed here shows relatively few deaths. Although I accept that the death of bats is not something to take lightly I consider that they would be likely to be few, if any, in this instance. I am satisfied that the siting of turbines away from potential roosts and detected foraging areas would be likely to be successful in reducing mortality. Consequently this is not a matter which weighs against the proposed development.
89. In relation to birdlife it was suggested that turbines are, in effect, giant killing machines which slay birds on a large scale. Whilst I respect the views of opponents of the wind farm there is simply no evidence before me that any such effect is likely here. I do acknowledge that there are examples of bird kill by turbines which have taken place elsewhere, but to suggest, as was the case, that there would be slaughter on a massive scale at this wind farm, is not supported by evidence. This matter can therefore carry only limited weight.
90. I recognise that there is some concern relating to the effect of the wind farm on the hydrology of the area, particularly in view of its location in the catchment at the head of the Iron Mill Stream. But there is no substantive evidence that

any harmful effects would ensue in the manner feared. I consider that the likelihood of any pollution or contamination of the headwaters of the stream is unlikely, and a construction method statement, which can be required by condition, could address such concerns. Habitat management also addresses runoff issues.

91. The site and its environs contain a number of County Wildlife Sites, though the boundaries have changed over time. These are considered in the Environmental Statement. It is proposed to restore culm grassland habitat within the appeal site in accordance with a management scheme, including deep ploughing and/or topsoil removal to reduce nutrients, and seeding with the appropriate mix of seeds. Monitoring and aftercare is included in the habitat management proposed. I have no reason to doubt that this would bring long term habitat benefits.

### ***Tranquillity, Tourism and Cultural Heritage***

92. Tranquillity is something of a perceptual concept, meaning different things to different people. That said there are certain factors which would tend to recur in any definition of tranquillity. These would be likely to include a relatively quiet environment, a sense of peacefulness, and, conversely, a lack of intrusion by man made noises and features. It is interesting to note that in the groundwork undertaken by the Campaign to Protect Rural England (CPRE) the presence of wind turbines in the landscape fell well down the list of negative factors influencing tranquillity, when compared to, for example, electricity pylons.
93. Even so I accept that some people perceive wind farms as industrial structures, and their development as being the creation of an industrial landscape. If that is so then I am sure that the perception of tranquillity would be diminished for those people at that time. But evidence elsewhere, principally relating to tourism, indicates that with increasing familiarity wind farms take on a lesser significance to the observer. It may well be that the same applies to the feeling of tranquillity. After all, the structures, though large, are essentially of a sculptural form and respond to the wind resource, and operate without the need for driving machinery.
94. I agree that the wind farm site is one of some tranquillity, as I have observed, though there are factors which, on the assessment criteria used by the CPRE, would detract from tranquillity. These include the presence of the A361 which attracts significant volumes of traffic and is quite close to the site. Certainly during my site visits it was noticeable that this road was well used, and I was well aware of its presence. For some I accept that the very presence of the turbines would also detract from the sense of tranquillity. On the other hand I do not believe that they would remove some of the identified characteristics of tranquillity, such as fresh air, and the presence of flora and fauna. Using the CPREs own data would suggest that the pylons traversing through the Yeo valley have a greater deleterious effect than the turbines would generate. I consider that, though large and noticeable, the presence of suitably configured turbines swishing through the wind would not, in principle, have such a marked effect on the feeling of tranquillity that it should result in the proposal being rejected for that reason alone.

95. I have already intimated above that the presence of turbines seems to take on a limited significance in tourists' propensity to visit an area. The effect on tourism is a developing area of expertise, and I note the comments of operators local to the site, and from other parts of the country. Studies have shown that there is a small negative effect at worst, but with the possibility of some positive effects. It is acknowledged that some people find the presence of wind farms an attraction and a relatively recent study in North Devon concludes that wind farm development would have a neutral or positive effect. There is no reason to suspect that Mid Devon would be any different.
96. Local visitor based businesses, including the shoots at Molland Estate, local caravan site, restaurants, and fishing facility, are concerned that trade would move away if this or other wind farms were permitted individually or together. However, the substantive (as opposed to anecdotal) evidence seems to point primarily towards a very limited effect, if any, on tourist visits. The effect may even be positive. Given that forecasts show that tourism to the south-west is expected to grow annually, any minor negative effect of the wind farm would be likely to be more than compensated for by natural growth in the market. In the round, therefore, I am not satisfied that it has been shown that the proposal would result in a material effect on tourism. I therefore find no conflict with the objectives of development plan policy which seek to encourage tourism in the area.
97. The effect of the proposal on cultural heritage is a matter which has been raised by third parties and TREA. There are many listed buildings in the area, and evidence of the pattern of medieval enclosure in some locations. It is notable that the Council has not chosen to oppose the development on the grounds that the wind farm would adversely affect the setting of these cultural resources.
98. The closest listed buildings are not far from the appeal site, and from these locations and those slightly further away the turbines would be visible to varying degrees. My visit to the listed buildings and to those areas where the buildings are located leads me to believe that the settings of buildings in this locality depend greatly on their interaction with the immediate surroundings. Buildings tend to be tucked away in sheltered positions, with some views out, but with a stronger relationship with the land closest to the building itself. The simple fact that turbines may be visible in the middle distance or beyond from a listed building does not equate to any material impact on the setting of the building. Indeed in this case I have seen no example where I would agree that the setting of a listed building would be materially harmed by the proposal.
99. Similarly, though the turbines would be located in an area where an historic field pattern may be detectable, there is no substantive evidence before me which suggests that the field pattern would be unacceptably compromised by the development. In any event these cultural resources would still be available long after the planned life of the wind farm itself. It is significant that the Council has specifically not sought to challenge the proposal on the basis of any harmful effect on cultural resources. I find no conflict with those policies of the development plan which seek to protect historic and cultural resources.

## **Other Considerations**

100. I deal below with other matters raised at the inquiry. Although dealt with briefly, some of these matters generated much documentation. The fact that I have dealt with them concisely should not be construed as giving the matters no weight. All have been given the fullest possible consideration and have been weighed in the balance.

## ***Transport and Highways***

101. Fears have been expressed that the transportation of goods during construction, and the transport of turbine components themselves, would be harmful to safety and convenience on the local road network. I note, though, that no issue is taken by the Council on this point.

102. Clearly some extensive planning of transport needs has been undertaken. I see no reason to doubt that what is proposed is achievable, and that the requirement, by condition, to agree a transport plan for the development would ensure satisfactory standards. In particular the routing of heavy goods vehicles, and their timing, could be arranged to make sure that local people were not unduly inconvenienced and that the risk of property damage was minimised.

## ***Health and Safety***

103. Opponents of the scheme have drawn on research conducted by a number of people in relation to matters of health, encompassing such matters as vibro-acoustic disease and sleep deprivation. This is different to the question of AM dealt with above and these are not matters which have caused any change in government policy towards wind farms. It seems that research has been conducted largely by non-acousticians, and has been described by some as generating scare stories.

104. Whilst I would not go so far as to agree with that, as I believe the views expressed are sincerely held, I have no substantive evidence before me that any detriment to health has been identified and verified in relation to the effects of wind farms. Consequently I cannot afford any significant weight to these matters.

105. In relation to matters of safety I make no comment on matters covered by health and safety legislation, which are dealt with by other regulatory bodies. But some members of the public are concerned about the fall over distance of turbines in relation to adjacent land ownership, and the potential for blade damage, or ice throw.

106. First, I note that turbine locations are such that even in the very unlikely event of complete structural failure, there would be no risk of a turbine falling on land accessible to the general public. Secondly, all the available information is that turbine and blade construction is reliable, and failures are extremely rare. The chance of parts of blades flying off is therefore negligible. Thirdly, I understand that measures are available to ensure that any ice formation on blades (most likely in periods of turbine inactivity) is detected so that blades are not operated under those conditions until ice has been removed. In any event, although I am aware of instances when ice has been thrown from a

moving blade, the chances of any ice throw causing danger to members of the public is also negligible. I am therefore unable to give much weight to these matters of health and safety.

### ***Lighting***

107. Evidence has been presented to suggest that it would be necessary to light the turbines. Clearly lighting of great intensity would pierce the otherwise dark night skies in the locality and may in itself be a jarring feature. However, information given at the inquiry is to the effect that lighting would almost certainly be of an infra-red type, and be required on a small number of turbines. This type of lighting is not visible to the naked eye and would therefore have no visual effect.
108. In the unlikely event that infra-red lighting was not used then a low intensity 25 candela lighting source would be specified. This has been described as being akin to a "1960s unfocused dull car tail light". This is far less intense than commonly used on other tall structures in the landscape. Evidence before me is that lighting of such low intensity is usually difficult to see beyond about 500m. As such, even in the unlikely event of infra-red not being used, any low level lighting would be limited in extent, of negligible significance, and not sufficient to weigh against the development.

### ***Economic Benefit***

109. I accept that there would be an element of direct economic benefit flowing from the proposed development, especially during the construction phase, when local jobs may be provided and local suppliers used. However, I am mindful that such benefits, whilst welcome, would be for a limited period, and that long term economic benefit is likely to be small. I therefore afford little weight to this argument in favour of the proposal.

### ***Other Decisions***

110. Many decisions on other wind farm proposals have been brought to my attention. However, it is clearly the case that each proposal has its own unique set of circumstances. Indeed it could hardly be otherwise in cases such as this when the configuration of the turbines, landscape, proximity of neighbours and other matters vary from site to site. Consequently, whilst I acknowledge the presence of other decisions, I do not accept that any has sufficient similarity to the case before me that it can provide anything but general background material. The decision in this case must turn on the particular circumstances pertaining to the proposal.

### ***Overall Conclusions and Balancing Exercise***

111. I turn now to the crucial final balancing exercise.
112. Drawing together my conclusion on the main issues and other considerations, these can be summarised thus:
- a) The proposed development would be seriously harmful to the character and appearance of the area, being at odds with the unspoilt nature of the landscape. It would also impinge upon and be harmful to the setting of

the Exmoor National Park. This would be in conflict with development plan policies as identified above.

- b) In conjunction with other proposed and potential wind farm development the scheme would add cumulative landscape harm.
- c) There is some uncertainty about the degree to which the living conditions of nearby residents would be affected by noise immissions, and I consider that it would not be appropriate to deal with that uncertainty by condition in this case.
- d) There would not be likely to be any material harm to ecology, tranquillity, tourism, cultural heritage or other matters raised, and no conflict with relevant policies dealing with these matters.
- e) There would be a degree of economic benefit flowing from the proposal, though not to such a degree that it makes a material difference to the balance.
- f) The proposal would make a limited but useful contribution to renewable energy supply, and is strongly supported by national, regional and local policy in this respect.

113. The factors which compete here are the clear: serious harm to landscape and to the special qualities of the National Park, with resultant conflict with the development plan policies and national advice; this is set against the undoubted support offered by other development plan, national and unmerging policy for developments such as this which are required to combat climate change.

114. In this instance, whilst recognising that the need to increase renewable energy capacity and to reduce CO<sub>2</sub> emissions is of crucial importance, I cannot agree that the balance lies in favour of development. PPS22 indicates that renewable energy developments should be capable of being accommodated throughout England, but that is qualified by the need to address environmental, economic and social impacts satisfactorily. In this case environmental impacts have not been satisfactorily addressed in my judgement. The harm I have identified, to the local landscape, to the setting of Exmoor, and cumulatively with other proposals, in addition to the uncertainty surrounding the protection of living conditions, would simply be too great. Apart from the conflict with policy noted above, this also leads to conflict with Local Plan Policy ENV2iv). The production of renewable energy, important as it is, does not justify the development, even for a time limited period of 25 years. The balance is too heavily weighted against the proposal in this case. I have considered whether the imposition of the suggested conditions would mitigate the harm identified but conclude that they would not.

### **Final Conclusion**

115. For the reasons given above I conclude that the appeal should be dismissed.

*Philip Major*

INSPECTOR

## **APPEARANCES (recorded in relation to the conjoined inquiry)**

### **FOR THE LOCAL PLANNING AUTHORITIES**

#### **For North Devon District Council**

Mr A Fraser-Urquhart                      Of Counsel

He called

Mr A Barnett BA(Hons)                  Development Control Manager, North Devon  
MRTPI                                          District Council.  
Mrs C Brockhurst                          Waterman Energy, Environment and Design.  
BSc(Hons) DipLA FLI

#### **For Mid Devon District Council**

Mr P Wadsley                                Of Counsel

He called

Mrs J Clifford BSc(Hons)                Professional Services Manager, Mid Devon  
MPhil PGDipUD MRTPI                  District Council.  
Mr N Evers DipLA CMLI                  Cooper Partnership.  
Mr C Godfrey BSc CEng                  CLG Energy Consultants Ltd.  
MEI  
Mrs S Bryan BSc9Hons)                  Natural Environment Manager, Exmoor National  
BLD CMLI                                      Park Authority.

### **FOR THE APPELLANTS:**

#### **For Airtricity**

Miss A Wilson                                Queens Counsel  
Mr M McKay                                  Advocate

They called

Mr S Heyes BSc(Hons)                    Airtricity Developments (UK) Ltd  
CEng MIMechE  
Mr M Phillips BA(Hons)                  Dulas Ltd.  
MSc  
Mr J Welch BA(Hons)                      EDAW plc.  
CMLI  
Mr D Keddie BA(Econ)                    Roger Tym & Partners.  
DipTP MRTPI  
Mr D Bell BSc(Hons)                      Jones Lang LaSalle.  
DipUD MRTPI MIHT  
Mr R Yaxley BSc MIEEM                  Wild Frontier Ecology Ltd.  
CEnv  
Mr M Hayes BSc MIOA                    Hayes McKenzie Partnership Ltd.  
Mr R Morton BA(Hons)                  Cotswold Archaeology.  
MIFA

**For Coronation Power**

Mr W Norris	Queens Counsel
Mr M Trinick	Partner, Eversheds LLP

They called

Mrs J Higginbottom BA(Hons) BTP MRTPI	C2C Planning Consultants Ltd.
Miss A Priscott BA(Hons) MLI	Anne Priscott Associates Ltd.
Dr A McKenzie PhD BSc MIOA	Hayes McKenzie Partnership Ltd.
Mr G Blackett BA(Hons) MIED MEDAS	Biggar Economics Ltd.

**FOR THE RURAL EXMOOR ALLIANCE:**

Mr D Cocks	Queens Counsel
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He called

Dr P Bratby BSc PhD ARCS	Energy Consultant.
Ms F Fyfe BSc(Hons) MA CMLI	Living Landscapes Consultancy Ltd.
Mr T Oliver MA DipLA	Head of Rural Policy CPRE.
Mr M Stigwood FRSPH MIOA	MAS Environmental.
Mr M Bell	Chief Executive, South West Tourism.
Mr I Buxton	Volunteer Nature Reserve Warden.
Mr C E Dixon BSc FRICS FAAV	The Molland Estate.
Mrs J Davis	Close neighbour of a wind farm.

**INTERESTED PERSONS:**

Mr R Delf	Local Resident.
Mr R Perry	Local Resident.
Mr R Vos	Local resident.
Mr M Addison	Local Resident.
Mrs J Bell	Local Resident (on her own and others behalf).
Mr D Morgans	Local Resident (on his own and others behalf).
Mr M Dodson	Local restaraunteur/business owner.
Mrs S Child	For various parish councils.
Mr D Blackburn	Knowstone, Rackenford, Rose Ash & Bishops Nympton parishes.
Mrs A Crawford	Oakford Parish Council.
Mr F Pike	Devon farmer.
Mr P Sexton	Devon Light and Power.

Mr D Brinicombe	Stowford Nature.
Mr W Cody	Rose Ash Parish Council.
Mrs L Prior	Local Resident.
Mr P Keeble	Local caravan park owner.
Mr F Lister	Local Resident.
Mrs V Wray	Local Resident.
Mr J Sampson	Local Farmer
Mr M Hart	Local Resident.
Miss S Coffin	Local Resident.
Mr J Goodwin	Local Resident.
Mr P Ellis-Jones	Local Resident.

**DOCUMENTS – Handed in during the inquiry and its adjournments, and by agreement after closing submissions in accordance with Inspector deadlines.**

- 1 Bundle of Opening Submissions.
- 2 Statements of Common Ground.
- 3 Bundle of representations and notes submitted by third parties appearing at the inquiry.
- 4 General inquiry documents handed in week 1 – 9 June 2009.
- 5 General inquiry documents handed in week 2 – 16 June 2009.
- 6 General inquiry documents handed in week 3 – 23 June 2009.
- 7 General inquiry documents handed in week 4 – 30 June 2009.
- 8 General inquiry documents handed in week 5 – 13 July 2009.
- 9 General inquiry documents handed in week 6 – 17 September 2009.
- 10 Submissions on national policy statements.
- 11 Submissions on the analysis of third party representations.
- 12 Submissions on noise conditions.
- 13 Submissions on the low frequency noise report.
- 14 Lists of draft and agreed conditions.
- 15 Draft and Final Obligations.
- 16 Written representations submitted during the inquiry.
- 17 Bundle of Closing Submissions.