



# Appeal Decision

Inquiry opened on 9 June 2009

Accompanied site visits made on 2 & 3 July

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

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

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

**Appeal Ref: APP/X1118/A/08/2083682**

**Land at Paul's Moor, Wester Bullaford, West Moor, north of Knowstone, South Molton EX36 4QH.**

- 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 Airtricity Holdings (UK) Ltd against North Devon District Council.
- The application Ref: 45489, is dated 16 October 2007.
- The development proposed is the erection and operation of nine wind turbines and provision of ancillary wind farm infrastructure.

## Decision

1. I dismiss the appeal and refuse planning permission for the erection and operation of nine wind turbines and provision of ancillary wind farm infrastructure at land at Paul's Moor, Wester Bullaford, West Moor, north of Knowstone, South Molton EX36 4QH.

## Preliminary Matters

2. The inquiry into this appeal was held jointly with that relating to a proposed wind farm at Bickham Moor (Ref: APP/Y1138/A/08/2084526) (The Bickham Moor 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. This proposal is known as the Three Moors scheme. The submitted scheme was accompanied by an Environmental Statement which I have taken fully into account in reaching my decision.
3. Some elements of evidence, principally given by third parties, were common to this scheme and the Bickham Moor scheme. My consideration of overlapping elements is reflected, where appropriate, in common sections of the 2 decisions.
4. 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 2 reasons:
  - i) The proposal, by virtue of its location, size and appearance, would have an adverse impact on the landscape, character and appearance of the locality and in particular the setting of the Exmoor National Park. As a consequence the proposal is considered contrary to Policy ENV1 of RPG10; Policies ENV1, ENV2 and ENV3 of the draft revised Regional Spatial Strategy for the South-West; Policies ST1,

CO1, CO2, CO6 and CO12 of the Devon County Structure Plan 2001-2016 and Policies ENV1, ENV4, ENV8 and ECN15 of the North Devon Local Plan 2006.

- ii) The proposal when considered in conjunction with other proposals currently submitted in the locality would have a cumulative adverse impact as advised in reason (i).
5. On the first day of the inquiry I was asked to rule on the admissibility of evidence provided by The Rural Exmoor Alliance (TREA) on the matter of safety. It was suggested by TREA that the Environmental Statement (ES) accompanying the planning application was deficient in this respect and that the evidence should be heard. However, it was acknowledged by TREA that there had been no challenge to the adequacy of the ES on this point prior to the submission of proofs of evidence. Before the inquiry opened I had ruled (in writing) that the evidence should not be heard. In response to the request for a ruling made at the inquiry I ruled again that I would not hear that evidence, but that it would remain on file as a written submission.
6. At the end of the first week of the inquiry I was asked to rule on the matter of provision of information by the Appellant to TREA. TREA had been seeking the results of wind monitoring for some time in order to deal with the issue of potential noise generation and propagation. Following further submissions, at the beginning of the second week of the inquiry I indicated as follows:
- That the ES for the proposal, including noise data, was accepted as being suitable and adequate and I had seen nothing to change that view;
  - Although the TREA witness would like to see data to verify the evidence of the Appellant, the commercial confidentiality of the data had been stressed by the Appellant;
  - I would expect the Appellant's witness to be questioned in detail on his evidence, and for the TREA witness to express any misgivings about the Appellant's evidence on this matter;
  - It would be a matter for me to weigh that evidence in the balance in reaching a decision on the appeal.
7. Accordingly I am satisfied that testing of the evidence in this way would enable me to gather the information I require and I therefore declined to rule that the Appellant be compelled to produce the 60m wind data requested.
8. 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.
9. 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).

10. 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.
11. It follows that I do not accept that the evidence given by 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.
12. There was some discussion at the inquiry, and subsequently by correspondence, about the reliability of views expressed in writing in favour of and in opposition to the proposal, based on the numbers of views expressed and the dates submitted. I do not lay any great store by this matter. It is well known that some people favour wind farm development whilst others do not. There seems to be a polarity of opinion and the generation of either individual letters or the completion of questionnaires one way or the other seems to me to illustrate that point. What is important is that all views are heard and a balanced judgement reached. Expressions of opinion one way or another I accept as being sincerely held, but the actual numbers are less relevant than the planning content.

### **S106 Obligation**

13. An agreement has been executed pursuant to S106 of the 1990 Act. This makes provision for various matters relating to decommissioning (including provision of a parent company guarantee to a maximum of £270000), the implementation of the habitat management plan and pollution prevention plan, the erection of interpretation boards, and a television and radio reception mitigation plan. The matters are fairly related to the development and in my judgement meet the tests of Circular 05/2005. I therefore afford the obligation due weight.

### **Background and Context and Planning Policy**

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

14. 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).

15. 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.
16. 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.
17. The appeal site is agreed to fall at the edge of 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 at least a part of the site is within the area of search, though not all of it. 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. I take no issue with the suggestion that this wind farm can be regarded as being of strategic magnitude. This gives some support, at least in part, to the chosen location of this proposal, though it does not remove the need for a more detailed analysis of the effects of the proposal, as required by Policy CO12 and its supporting text. The 'definition' of the area of search has clearly had regard to the objectives of Policy EN1 of RPG10, to which I refer below.
18. Policies supporting renewable energy and reducing greenhouse gas emissions are manifestly a significant material consideration 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 regions landscape and biodiversity through cascading that objective through 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. North Devon Local Plan policies have been saved. Policy ENV1 is restrictive of development in the countryside unless it requires a rural location, provides benefit, and enhances its characteristics. Amongst other matters Policy ENV4 seeks to ensure that the public enjoyment and understanding of Exmoor is not harmed. ENV8 seeks to avoid harm to biodiversity habitat, or to minimise,

mitigate or compensate for any harm. ECN15 deals with renewable energy. Subject to a number of criteria this policy is encouraging of renewable energy developments in order to contribute to Devon's sub-regional target of 151mw by 2010. Criteria relate, amongst others, to the avoidance of harm to visual character of the surroundings, living conditions of residents, and character of the landscape. New LDF work is too early in its life to be material.

*Other Emerging RSS Policy*

22. 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*

23. The Government's planning policy on renewable energy is largely contained 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 strong 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**

24. 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.
25. 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 savings figure of 430g/kWh seems to me to be a reasonable starting point. Taking this as a start and over the planned 25 year lifetime of this development I accept that this would amount to significant savings.
26. Even if the savings were less than this by some margin there can be little doubt that CO<sub>2</sub> emissions would be reduced. The view advanced that in global terms savings are so small as to be worthless is not one to which I subscribe. Any saving is welcome provided it is properly balanced against any identified harmful effects of the development. In light of the imperative to act to tackle climate change it is my view that any reduction in CO<sub>2</sub> emissions which can be achieved in the short to medium term, as these could, are to be welcomed.
27. 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.

28. 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.
29. 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**

30. 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.
31. 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.
32. Consequently I do not share the view expressed, optimistically, that 'something will turn up' and will enable targets to be reached. 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.
33. 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.

### **Cross Moor**

34. Cross Moor is located between the two parts of the appeal site. It is the subject of a separate application for a small wind farm. I understand that in its early stages the current proposal included land at Cross Moor, but that the owner of that site subsequently withdrew. I cannot accept the assertion that the 3 Moors scheme is not valid because it does not take account of the stand alone Cross Moor scheme which was submitted at an earlier date. It is clearly

open to any proposed developer to submit a scheme of their choosing. In this case the 3 Moors scheme has been accepted as valid.

35. I heard evidence at the inquiry in relation to Cross Moor, and it was suggested that both 3 Moors and Cross Moor could exist side by side if adjustments were made to the 3 Moors layout. That may indeed be the case, but it is not what is before me. In effect much of the evidence presented in relation to Cross Moor was tantamount to expressing a desire to negotiate a solution to enable the 2 schemes to co-exist. However, that is not something which can be achieved in the forum of a planning inquiry, and nor would it be possible to impose a condition requiring what would amount to fundamental alterations to the 3 Moors scheme. Other matters raised in evidence by those with an interest in Cross Moor are dealt with elsewhere in this decision.

36. I will turn now to the main issues to be considered in the appeal.

### **Main issues**

37. There are several main issues. These 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 Cross Moor, Bickham Moor and Batsworthy Cross;
- (c) The effect of the proposal on the living conditions of local residents, with particular reference to visual impact and noise;
- (d) The effect of the proposal on ecology;
- (e) The effect of the proposal on tranquillity, tourism and cultural heritage.

38. 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/Setting of Exmoor***

39. 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 different outcomes. That is no different in this case, and I therefore rely largely on my own assessment whilst paying due regard to the expert evidence given at the inquiry.

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. The reports informing the setting of targets (Revision 2010 and Revision 2020) give broad indications of where renewable technology might be achievable in landscape terms, but it is clear that this is not intended to be taken as support for any particular proposal. Each must be considered in relation to its own circumstances.

41. Before dealing with the wind farm itself I will refer to grid connection. It was suggested at the inquiry that the application is itself deficient because it does not contain sufficient detail of the proposed connection to the grid, and that this is contrary to the advice in paragraph 99 of the companion guide to PPS22. That guidance indicates that grid connection and the wind farm itself should be considered together, and that developers should provide information on the most likely route and method for the grid connection. However, I am also aware that a formal agreement of grid connection is not usually made until planning permission for the wind farm itself is granted, hence restricting available information at this stage. Nonetheless in this case the preferred connection point is known, and it is clear that there are various options for routing and construction. The connection itself would require a separate permission. In the circumstances it seems to me that any requirement to promote a particular connection point, route and construction prior to obtaining planning permission for the turbines may well result in abortive work. Hence I am satisfied that the information before me is adequate to enable a balanced judgement to be made, recognising that more detailed proposals would be needed later, and would be subject to decision by the local planning authority. I therefore turn to the wind farm itself.
42. 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, North Devon District Council, and the Exmoor National Park Authority.
43. The appeal site, which is in 2 parcels, lies within the Witheridge – Rackenford Moor landscape character areas as identified in both the North Devon Landscape Assessment of 1994 and the Devon County Council Landscape Character Assessment of 2002. To the north lie the character areas of the Exmoor Fringe and Exmoor itself. The site is not within any area of protected landscape, though part of the area to the north is designated in the local plan as being of Great Landscape Value, and 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.
44. There is no major difference in the interpretation of the existing landscape by any of the parties at the appeal. The environs of the appeal site are characterised by the rolling, predominantly improved, grassland which has been accurately described as forming a mosaic pattern on the plateaus and ridges. Fields are separated by hedges and fences. The area is also intersected by steep wooded valleys. Settlements tend to be small, often in sheltered valley positions. There is an additional scatter of individual buildings

or small groups of buildings which nestle into the landscape. In the vicinity of the appeal site the A361 link road, which crosses through the area, has relatively little impact on the northern part of the site, but this increases to the south as the road becomes closer. In the areas immediately fringing the A361 the road has a major landscape impact.

45. I heard evidence at the inquiry that this is perceived as a tranquil area and, with the exception of positions close to the A361 and to a degree the B3227, I generally agree with that assessment. Once away from these 2 main roads through the area there is a feeling of some remoteness, particularly in the steep, enclosed valleys. The predominant feelings are of being away from the hustle and bustle of urban life, in a rural area with few intrusions. I recognise that that is much valued by residents and visitors alike. It was argued by the appellant that the most important factor is the effect on Exmoor, but I also give some importance to the host landscape. Though without formal designation I consider that the landscape hereabouts has attractive characteristics which are worthy of safeguarding for their own sake. Its unspoilt character is a major component of the area in general.
46. A short distance to the north is the Yeo Valley, which makes up much of the Exmoor Fringe character area. The valley runs generally east to west and tributaries run into it from steep incised valleys, notably from the Exmoor slopes beyond. As with the Witheridge - Rackenford Moor character area, the general environment is that of an intimate rural landscape.
47. Further to the north again the land rises to the boundary with the Exmoor National Park. Exmoor is clearly visible from many locations, and it is only when standing in the Yeo Valley, or another of the valleys in the area, that its presence is diminished. Because of its elevation compared with the land to the south, the plateau of Exmoor stands out as a significant landscape feature.
48. There is no dispute between the parties that the introduction of 9 wind turbines would have a major impact on the landscape when seen from many positions. I agree with that assessment. Turbines in the region of 60m to hub height and just over 100m to the tip of the blades would contrast markedly with the small scale of development generally evident hereabouts, and with the small scale of the landscape features which characterise the area, such as the patchwork of fields and boundary hedges.
49. Landscape and visual impact assessment (LVIA) studies by both supporters and opponents of the proposal seek to analyse the effect of the proposal in accordance with best practice, and this involves assessment of effects at many receptors. Taking the results of the assessments in the round, it is clear that the consensus of opinion is that the landscape in general is highly sensitive to change, and that there are many locations in which the magnitude of change would be of major significance. On the other hand there are also many areas from which the turbines would be unseen, or inconspicuous, leading to little or no material change when assessed in accordance with best practice.
50. Though these studies are helpful in assessing impact at particular locations, I also find it essential to use a more general approach to the consideration of landscape effects. In this respect it is necessary to assess the nature of the landscape now, the overall sensitivity to change (bearing in mind that people

are often not static but will be moving around the area), the overall magnitude of the change, whether this would be harmful (and if so to what degree). This effectively mirrors the intention of the LVIA process used by witnesses at the inquiry.

51. The nature of the existing landscape is set out above. I agree that it is a sensitive landscape in which the proposed turbines would be highly visible. The development would contrast with the small scale, predominantly pastoral and rolling landscape by introducing strong vertical man made features. In my judgement the scale of the landscape is such that the turbines would dominate in the foreground, though the degree of domination would, naturally, reduce with distance (and this must be read alongside my views on the associated but different matter of the setting of Exmoor). The magnitude of change, therefore, would be very high within the immediate environs of the site, reducing with distance and the effects of topography.
52. Even allowing for the reduction of impact with distance, the development would be prominent from significant public viewpoints further afield. These include, but are not limited to, stretches of the A361, stretches of the B3227, stretches of the 2 Moors Way long distance footpath, and locations on the southern fringe of Exmoor. I was able to see the appeal site from these and other locations during my site visits.
53. The A361 is a busy road which takes high volumes of traffic, particularly during holiday periods. When seen from this road the effect of the wind farm would vary from a distant array of turbines to a clear view of the development in the middle distance of the currently relatively undeveloped landscape. But from this perspective there would be a significant number of views looking at the turbines with at least a partial backdrop of landform, and this would tend to reduce their impact, even allowing for the movement of the blades drawing the eye.
54. From the B3227, which passes directly by the site, the turbines would vary from distant skyline objects to extremely prominent, tall structures close to the observer. These views, and those from the nearest properties such as The White House, would be the most intrusive in the sense that the scale of the turbines would be maximised. Views from other individual properties take in the wider range of experiences – from long range and insignificant effects to close and major effects, some breaking the skyline, others with turbines seen at least partly against a backdrop of landform.
55. It is clear to me that at close range the impact on the landscape would be very significant. In this case the turbines would extend over a relatively wide area of a gently rolling plateau. This particular part of the landscape is perhaps a little less undulating than elsewhere, with some larger tracts of relatively flat land. It is therefore not as 'small scale' as some other areas nearby such as the slopes of the Yeo valley, and for that reason seems to me to be capable of absorbing a degree of development. The Pearson Report, prepared some years ago, gave useful advice on the sensitivity of landscapes to wind farm development, though at that time in relation to smaller turbines. But some of its principles can be applied here, and they inform my view that there may be scope for some carefully thought out development.

56. In this instance the wind farm layout evolved over time, and this led to 2 separate tracts of land making up the proposal. The turbines would be arranged across these areas in such a way that spacing is fairly regular but not regimented. The gently rolling topography means that not all turbines are visible from some locations, indeed from some areas quite close by only blades or blade tips would be obvious.
57. Even so, given their scale, it could hardly be otherwise than that the appearance of the turbines would be at odds with this landscape. Their verticality and sheer size would contrast with the scale of vegetation and buildings hereabouts, even allowing for the presence of the generally well concealed pylons in the Yeo valley. It is undeniable that the effect on the character of the landscape would be one of substantial magnitude. My own opinion is that the site has attributes which make the visual assimilation of turbines possible to a degree (such as the backdrop afforded from some viewpoints) but other attributes which make such assimilation all but impossible. In particular the intimate scale of landscape, the relatively small scale field patterns and the rolling topography would be at odds with this extensive array of 9 very tall vertical structures topped by moving blades. I have little doubt that in terms of the effect on landscape character as a whole the scheme would introduce substantial harm to its character. There would be a transformation from a pastoral landscape to a landscape with a strong and dominating wind farm element.
58. Turning to the effect from the 2 Moors Way, this would be variable, with views ranging from nil, when in the Yeo Valley for example, to significant when crossing open land to the east of the site. Many of these experiences would see the turbines against the skyline. The topography traversed along the relevant stretches of the 2 Moors Way in part has a relatively windswept character to it. The open and higher sections feel somewhat remote and open to the elements in a way that the valley sections do not. It is in the open sections that the wind farm would be most prominent and where, arguably, the harvesting of the wind resource would appear most natural. In any event, effects would be transient and intermittent. As a result, despite their undoubted prominence and the change to the perception of the landscape which would result I have reached the view that the 2 Moors Way experience, when considered in isolation, would not be so seriously affected by the development that it should weigh heavily against the proposal.
59. 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. Proposals must be considered individually or cumulatively in respect of the effect on 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.

60. 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.
61. 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).
62. On that basis the appeal site lies within 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. The movement of blades could only have the effect of drawing the attention of the observer. Therefore, despite the fact that the turbines would be obviously outside the National Park and at some distance they would exert an influence over the view of the setting of the National Park. I note that much of the turbines would be seen against the backdrop of landform, which would mitigate impact to some degree. In such circumstances some development might be acceptable, but I have serious concerns relating to the extensive nature of this proposal.
63. The relatively large extent of the setting of Exmoor which would be covered by this wind farm would, in my opinion, result in visual intrusion to that setting which would be likely to detract significantly from the experience enjoyed by visitors to the National Park. The effect of the wind farm would be to create a substantial area of movement quite out of character with the setting of the National Park. In my judgement this would be seriously damaging to the setting and enjoyment of Exmoor. Whilst I accept that the harm would be geographically limited principally to the southern slopes of Exmoor I believe this to be a key location of the National Park, from which its enjoyment is concentrated in views out to the south.
64. 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 substantial localised 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. However, the

setting of Exmoor would also be harmfully affected by the extensive nature of the proposal and this would impinge upon the appreciation of the special qualities of the National Park. The proposal would therefore be in conflict with relevant landscape protection objectives of RPG10 Policy EN1, Structure Plan Policies ST1, CO1, CO2 and CO6. In that I have found the proposal harmful there is also conflict with Structure Plan Policy CO12 notwithstanding that part of the site is within the area of search. I also find conflict with Local Plan Policies ENV1c), ENV4 and ECN15A). In the draft RSS there is conflict with part of Policy SD3, Policies ENV1, ENV2 and ENV3.

### ***Cumulative Effects***

65. 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.
66. 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.
67. 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.
68. 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.
69. 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.

70. 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.
71. 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.
72. 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.
73. 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

74. 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.

75. The undulating nature of the local topography means that some nearby properties, which are in sheltered locations, would have a minimal view of the wind farm at best. Others would see whole turbines or even the majority of the wind farm in a single aspect. Clearly this would impact upon the degree of enjoyment of their property for some residents. But that in itself does not rule out the development.
76. The closest turbine to any affected dwelling would be about 5 times the height of the turbines, and their spacing would mean that views out from any property would be through the visually permeable composition of the wind farm. The views would also tend to be concentrated in a narrow field of vision, leaving the majority of outward views unaffected from many properties. In any event, I do not consider that any turbine, or even the entire wind farm, would be so prominent and strident when seen from any of the nearby dwellings that it could be deemed to be oppressive or unduly obtrusive to the extent that living conditions at that property would be materially harmed. Views would change, in some cases dramatically, but that is not a measure of acceptable living conditions.
77. I should add that I have 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

78. The Council did not offer any evidence on noise, but has agreed conditions with the appellant which it is content would deal with this matter.
79. 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 appellant. In this issue I use the term 'noise' generically, for convenience.
80. 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). ETSU seeks to define 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.
81. It was agreed at the inquiry that the science of noise prediction is not precise. That seems to me to be self evident. For example, sound level readings taken to establish background conditions may vary over time depending on a number

of factors. 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. 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.

82. What the evidence of the appellant adduces is that the turbines would be capable of operating in such a manner that the living conditions of residential property would be at or better than the levels set out in ETSU (albeit with a small possibility of requiring restricted mode of operation depending on chosen turbine).
83. The evidence is criticised partly because it was based on relatively short lived sampling, and because the data from the meteorological mast was not released for checking and verification. I dealt with the latter point earlier as a response to submissions, and I have already noted that the monitoring period followed ETSU guidance. I am therefore satisfied that there is no substance to these criticisms. But there has also been criticism of the results provided because it is claimed that variables such as wind shear are not sufficiently taken account of. Additionally the methodology used to produce results has been criticised.
84. Acousticians on both sides are in agreement that wind shear is an important variable, and that it will affect the noise emission from the turbines. That said, all the predictions produced by the appellant deal with worst case scenarios, assuming downwind propagation of sound emission towards the various residential receptors. Clearly the worst case scenario would not occur in reality at all times. Hence, although I accept that predictions are just that (and must inevitably have a degree of uncertainty built in) I give some weight to the evidence that predictions at many other wind farms have proved to be conservative, with actual sound immissions at receptor locations being lower than predicted levels.
85. Although there has been criticism of the positioning of equipment for background noise monitoring, the evidence I heard leads me to the view that this criticism is unfounded. To an extent a judgement must be made by the person setting up the monitoring equipment, and in this case the judgement was agreed with the Council. In other words the monitoring locations themselves were agreed. There may be grounds for suggesting that alternative locations would have produced equally valid results, but I am satisfied that representative locations have been used and that the background data is therefore as good as is likely to be available.
86. 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.

87. 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 assessments on which I can base a reasoned judgement.
88. 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 the immission predictions are appropriate.
89. 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.
90. The question of amplitude modulation (AM) or the propagation of low frequency noise, often described as a rhythmic thumping sound, is an area of uncertain prediction. I do not doubt that some people have been affected at other locations. But there seems to be no consensus on where or exactly why it might occur. The evidence before me on which I can rely is that it is rare, and that there are likely to be site specific reasons for its presence. These site specific matters include the disposition of turbines on the site, and the ratio of hub height to blade sweep, and incidence of wind shear. But there is no real evidence that this development, on this site, would be laid out in such a way that noise from turbines would either combine to produce AM, or that the turbines in isolation would be likely generators of AM. Until greater certainty in prediction is possible I have insufficient here on which to conclude, on the balance of probabilities, that AM is likely. There is no basis within ETSU for applying a penalty of the type suggested by opponents of the development. Hence I cannot afford the concern about AM any significant weight in this case.
91. The noise issue, then, boils down to whether the appellant has shown that noise generated by the development would be likely to be within, or capable of being constrained within, the noise guidelines in ETSU. It is my view that that

has been demonstrated. I find no conflict with relevant development plan or emerging policy here.

### ***Ecology***

92. 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. I deal with those in turn.
93. 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.
94. 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.
95. A County Wildlife Site is located within the area of the wind farm. However, none of the development would impact directly upon it. As is made clear in the ES provision has been made for habitat enhancement, including management of the culm grassland forming the County Wildlife Site, and restoration of culm grassland and hedgerows in other areas. Mitigation measures relating to dormice, curlews and other mammals and birds are also proposed. The ES also confirms that hydrological impact can be avoided by the use of a construction method statement. As a result I find no conflict with policies designed to protect ecological resources.

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

96. 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.

97. 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.
98. I agree that the wind farm site is one of some tranquillity, as observed by me at site visits, though there are factors which, on the assessment criteria used by the CPRE, would detract from that tranquillity. These include the presence of the B3227 which, although not a major road, does attract significant volumes of traffic. 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 close by 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.
99. 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.
100. 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 seeks to encourage tourism in the area.

101. 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.
102. 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.
103. 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. In short, I find no conflict with those policies of the development plan which seek to protect historic and cultural resources.

### **Other Matters**

104. 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***

105. 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 and that Devon County Council has been involved in detailed discussions relating to routing and any alterations required to the highway network.
106. 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 transport details 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.

### ***Traditional farming***

107. Evidence was given at the inquiry about the tradition of farming in the locality, and its strong affinity with the landscape. This is a matter which stands alongside consideration of landscape impacts. I have no doubt that farming methods through the generations have much to do with the landscape as it appears today. But I do not accept that the building of wind farm or wind farms would materially alter the traditional way of farming in the area. Certainly turbines would impinge upon the patchwork of fields, vegetation and scattered development which has grown up with the farming undertaken, but equally, some would see their presence as a measure of the determination to address climate change so that traditional farms and landscapes can survive intact. Though 25 years is a long time I am also mindful that any change brought about as a result of the proposal would be capable of reverse in the future. Hence I cannot give great weight to this argument.

### ***Health and Safety***

108. 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.

109. 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.

110. 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.

111. 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 and the operation of turbines to remove the risk can be controlled by condition. I am therefore unable to give much weight to these matters of health and safety.

### ***Lighting***

112. 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.
113. 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***

114. 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 direct economic benefit is likely to be small. I therefore afford little weight to this argument in favour of the proposal.

### ***Other Decisions***

115. 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**

116. I turn now to the crucial final balancing exercise.
117. 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 be harmful to the setting of Exmoor National Park. This would be in conflict with development plan policies noted earlier.
  - b) In conjunction with other proposed and potential wind farm development the scheme would add cumulative landscape harm.

- c) I am satisfied that the living conditions of nearby residents would not be likely to be unacceptably harmed by the proposals, subject to the imposition of suitable conditions, and therefore not in conflict with policies designed to protect living conditions.
- 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 contribution to renewable energy supply and assist in meeting the current deficit of supply against targets. It is strongly supported by national, regional and local policy in this respect.

118. The competing factors are clear. On the one hand there is significant harm to landscape and the setting of Exmoor, with consequent conflict with development plan policy and national advice. On the other is the undeniable support for schemes such as this in both development plan, emerging and national policy. Policies clearly pull in opposite directions.

119. Notwithstanding the support of policy as outline above, in this instance, whilst recognising that the proposal would provide much needed renewable energy, the balance does not lie in favour of development albeit that it would be time limited to a period of 25 years. Even though part of the site lies within an identified area of search for such development the substantial harm to the landscape and to the setting of Exmoor resulting from the extensive nature of the development proposed is such that it outweighs all other considerations.

120. Although PPS22 indicates that renewable energy developments should be capable of being accommodated throughout England, 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 scheme as proposed would simply be too harmful in this location and would tip the scales too far against the objectives relating to protection of the landscape and National Park. This is a finely balanced decision and does not mean that all proposals in this locality would be unacceptable, but I find that this one would be. I have considered whether it would be possible to impose conditions to enable the development to proceed, but find that it would not.

### **Final Conclusion**

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

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

Mr P Wadsley                                Of Counsel

He called

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

### **FOR THE APPELLANTS:**

#### **For Airtricity**

Miss A Wilson                                Queens Counsel  
Mr M McKay                                 Advocate

They called

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

**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.