



# Appeal Decisions

Inquiry held on 2-26 February and  
6-15 September 2010

Site visits made on 2-4 March and  
9 and 22 September 2010

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:  
**27 October 2010**

---

## Appeal A: APP/W0530/A/09/2108277

### Land at Little Linton Farm, south of Cambridge Road, Linton, Cambridgeshire

- 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 Enertrag UK Ltd against South Cambridgeshire District Council.
- The application Ref S/0232/09/F, is dated 16 February 2009.
- The development proposed is installation of seven wind turbines and associated infrastructure (to include access tracks, crane hardstandings, temporary construction compound, switch house and cables) on land to the south west of Linton, Cambridgeshire.

---

## Appeal B: APP/C1570/A/09/2108275

### Land at Little Linton Farm, south of Cambridge Road, Linton, Cambridgeshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Enertrag UK Ltd against the decision of Uttlesford District Council.
- The application Ref UTT/0232/09/FUL, dated 16 February 2009, was refused by notice dated 25 June 2009.
- The development proposed is installation of one wind turbine with access track, crane hardstanding and cable on land to the south west of Linton, Cambridgeshire.

---

## APPLICATIONS FOR COSTS

1. At the Inquiry applications for costs were made by South Cambridgeshire District Council, Uttlesford District Council, The Stop Linton Wind Farm Action Group (SLWFAG), NATS (En-route) Plc (NERL), the Pampisford Estate and Linton Parish Council against Enertrag UK Ltd. These applications are the subject of separate decisions.

## DECISIONS

2. I dismiss the appeals.

## PRELIMINARY MATTERS

3. The descriptions of development given above are shortened versions of those on the application forms. I have taken the full descriptions and full proposals
-

- included in the proposals into account in reaching my decisions. The applications were accompanied by an Environmental Statement.
4. A pre-Inquiry meeting was held on 21 October 2009. The Councils, South Cambridgeshire District Council (SCDC) and Uttlesford District Council (UDC) were represented separately. 'Rule 6' status was granted to the SLWFAG, NERL and Pampisford Estate. Rule 6 status was later granted to Linton Parish Council during the adjournment in order that they could lead evidence on highway matters.
  5. At the start of the inquiry I was asked to rule on 2 principal matters. First, that the Environmental Statement (ES) submitted was insufficient to meet the terms of the Regulations in respect of noise evidence, ecological evidence and hydrology, and that I should require additional environmental information under Regulation 19. Secondly I was asked to rule that the inquiry should adjourn in order to allow consideration of information received late in the process. In the event I made 2 separate rulings and they are annexed to this decision. As events unfolded I did not need to make any decision (flagged up in the ruling of 12 February 2010) on the need for further bat surveys since these have been carried out voluntarily in the adjournment of the inquiry.
  6. Following on from my rulings I was asked to make clear, in this decision, the basis on which I reached those rulings. Having reviewed this matter I believe that it is self evident in the rulings themselves that I have revisited (at that time) the matters in question, and have reached an independent judgement based on the information which was before me, and prior to the hearing of evidence on the matters in dispute. The judgement concurs with that of others made previously and also independently. Whilst it may be that others disagree with my judgement, in light of the fact that the inquiry proceeded and a decision has been reached I do not believe that it is now necessary to go into full reasons here why I reached my judgement. Suffice to say I was content to rule that in my judgement the ES (on the matters at issue as reviewed by me) meets the terms of the Regulations. That supplementary evidence has since added to the information in the ES does not invalidate my initial assessment.
  7. During the period when the Inquiry was adjourned Planning Policy Statement 5 - *Planning for the Historic Environment* and the accompanying *Historic Environment Practice Guide* replaced Planning Policy Guidance 15 and Planning Policy Guidance 16. When the Inquiry resumed the main parties were given the opportunity to take this into account in their evidence and I have considered the appeals in light of the revised guidance.
  8. Also during the adjournment Regional Spatial Strategies were revoked and no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004. The parties were given an opportunity to comment on the resultant change and I have taken all the comments made into account. The development plans which encompass the appeal site therefore comprise the Local Development Framework for South Cambridgeshire, and the saved policies of the Uttlesford Local Plan.
  9. I was assisted at the Inquiry by Inspector Mr Paul Jackson B. Arch RIBA, and thank him for his support and contribution.
  10. Individual wind turbines are identified as T1-T8 in these decisions.

11. SCDC failed to make a decision on the planning application in the required amount of time. Had it been able to do so, it would have refused the application for the following putative reasons:

1) *The proposed development would significantly harm (the settings of) a number of listed buildings and conservation areas by virtue of its location, competition, size, height, bulk, industrial appearance, visual disturbance and character. The submission significantly underestimates the effect of the proposed wind farm and also fails to include any investigation of less harmful alternatives and any mitigation for the harm. The proposal therefore will not comply with Policies ENV6, DP/1r, DP/3l, CH/4 and CH/5; or the relevant policies and guidance in PPG15 and PPS22;*

2) *As a result of the overbearing scale of the development, particularly in relation to Linton, and the distinctive smaller-scale landscape surrounding the village; and the effects of the development over wide areas of the tranquil chalk landscape and associated public rights of way, including the cumulative effects with Wadlow wind farm, the development would fail to conserve local landscape character, and would be contrary to development plan policies ENV2, DP/1p, DP/2 1a,f, DP/3m and NE/4;*

3) *The proximity of the turbines to Linton Public Bridleway No. 7 and Public Footpath No. 11 would seriously harm the enjoyment of the public rights of way. The proposed location of T6 is approximately 80m away from the bridleway; T4 has 110 m separation distance from the bridleway and T2 is 180m away. The proposal does not comply with Policy T9 of the East of England Plan, which seeks to improve access to the countryside and recreational opportunities;*

4) *Noise is a substantive material consideration. The submitted Environmental Statement has not adequately addressed the impact of operational noise on amenity and health and the conclusion reached has not been fully substantiated as detailed. A number of noise issues require further consideration, clarification and or justification. Additional background noise monitoring and anemometric data / information are also required to allow an informed decision to be made about the significance of impacts and material considerations. The proposal as submitted fails to demonstrate compliance with development plan policies DP/3j,n and NE/15;*

5) *The site lies within the Environment Agency Flood Zone 1, and current advice in PPS 25 'Development and Flood Risk' requires all applications of 1 ha or greater in FZ1 to be accompanied by a Flood Risk Assessment. No such assessment has been submitted as part of this planning application, and so flood risk has not been adequately considered. The proposal as submitted fails to demonstrate compliance with development plan policies DP/1a and NE/11;*

6) *The likely impact of the proposed development upon bats in the local area, where direct and indirect negative impacts could arise from the erection of wind turbines in this location, has not been adequately investigated. The Environmental Statement, as submitted, does not comply with development*

*plan policies ENV3, DP/1, DP/3 and NE/6, and the provisions for the protection of bats under the Wildlife and Countryside Act 1981;*

*7) The proposed wind turbines would be visible to the radars at Stansted and Debden and have the potential to cause false plots on the radar screen. This could result in an inability to detect small aircraft at low altitude in the airspace above the proposed wind farm, resulting in an adverse effect on the safe and efficient operations into and out of Stansted airport. Similar concerns apply to Cambridge Airport. PPS22 places the onus on the applicant to demonstrate that the proposal would have no adverse effect on aviation interests and this has not been demonstrated.*

12. It should be noted that putative reason for refusal No 5 was not pursued as this matter had been satisfactorily dealt with by the appellant.

### **MAIN ISSUES**

13. During the Inquiry, Linton Parish Council drew attention to its concern regarding the potential for the wind farm to unacceptably increase highway safety risk to users of the A1307. Evidence was produced by both the Parish Council and the appellant during the adjournment (for which purpose the Parish Council was granted Rule 6 status). Following the resumption the Parish Council and the appellant reached agreement that the matters between them could be adequately dealt with outside the planning process. Neither wished to introduce witnesses to give evidence. In consequence I considered that the highway safety concerns of the Parish Council did not need to be aired further at the Inquiry, although the concerns of others on the same subject will be taken into account. I deal with them later in this decision.
14. Having regard to that, the reasons for refusal and all the other matters raised at the Inquiry, I consider that the main issues are as follows:
- The effect on landscape character and visual amenity;
  - Whether the proposed development would preserve or enhance the character or appearance of Conservation Areas at Linton, Hildersham, Great and Little Abington, Hadstock and Great Chesterford.
  - The effect on the setting, architectural character and historic interest of listed buildings at Grade I, II\* and II and the Pampisford Hall Registered Park and Garden listed Grade II\*;
  - The effect on living conditions of nearby occupiers, in terms of noise and disturbance, impact on health, and visual dominance;
  - The effect on Linton Zoo;
  - The effect on aviation interests;
  - The effect on biological diversity and wildlife/nature conservation; and
  - Whether the environmental and economic benefits of the scheme would be sufficient to outweigh any harm that might be caused.

## **THE RENEWABLE ENERGY POLICY CONTEXT**

15. I deal here briefly with the principal renewable energy policy documents which have a bearing on the proposed development, at national and local level. There are other policy and guidance sources not specifically referred to here, but which form part of the matrix of advice available to developers, local authorities and others. Relevant national and local policies relating to specific issues in the appeal are dealt with in the appropriate section of the decision below.

### *National*

16. The prime source of advice on renewable energy issued by the Government is found in Planning Policy Statement 22 – Renewable Energy<sup>1</sup> (PPS22) and its Companion Guide<sup>2</sup>. The key principles of PPS22 set out the context. These include that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic, and social impacts can be addressed satisfactorily. The guidance also confirms that the wider environmental and economic benefits of renewable energy proposals of any scale should be given significant weight in determining whether planning permission should be granted. Further, it is expected that environmental, economic and social benefits will be demonstrated, and that it will also be demonstrated that environmental and social impacts have been minimised by careful consideration of location, scale, design and other measures.
17. Although regional targets for renewable energy production are no longer in operation, it remains a Government objective, following the renewable Energy Strategy of 2009, to provide 15% of all energy consumption from renewable sources by 2020. This in turn means that a figure as high as 40% of electricity from renewables might be required.

### *Local – South Cambridgeshire*

18. The Development Control Policies Development Plan Document<sup>3</sup> was adopted by the Council in July 2007. Policy NE/2 deals with renewable energy. It is supportive of the development of renewable energy subject to accordance with the principles set out in Policies DP/1 to DP/3, and to compliance with 2 criteria relating to grid connection and site reinstatement following cessation of operations.
19. Policies DP/1 to DP/3 are general policies which address need to follow sustainable development principles, be of appropriate design, and meet relevant development criteria. Amongst the factors covered in these policies are the objective of maximising the use of renewable energy sources where practicable, and criteria relating to the avoidance of unacceptable impact on landscape, cultural heritage, residential amenity and biodiversity.

---

<sup>1</sup> CD 22

<sup>2</sup> CD 24

<sup>3</sup> CD 13

*Local - Uttlesford*

20. There is no policy relevant to wind turbine development on the proposed scale in the Uttlesford Local Plan<sup>4</sup>, though the preamble to saved Policy ENV15 on renewable energy indicates that it is expected that acceptable schemes in the district would be relatively small scale. On that basis the policy is generally supportive of small schemes, but makes no further comment on the matter of larger proposals.
21. The UDC Core Strategy Preferred Options document is at such an early stage of its life that the draft policies and objectives can be given little weight at this stage<sup>5</sup>.

**REASONS**

**The Effect on Landscape Character**

22. The landscape character of the area has been assessed on a National, County and District basis as set out in the Statement of Common Ground on Landscape and Visual Impact (SCGLV). The nearest existing landscape designations that are relevant to the appeal proposal are a Special Landscape Area at Braintree, 10 km to the southeast, and a Landscape Conservation Area between Royston and Nuthampstead to the southwest. Both of these are sufficiently far away for any visual effects brought about by the proposed development to be insignificant.
23. The appeal site comprises agricultural land which in the most part falls gently north and east towards the river Granta. Much of it consists of one very large arable field but the elevated southerly part, which is almost equidistant between the Granta and Cam rivers, includes woodland and smaller fields separated by hedgerows. In this area the land begins to descend towards the Cam valley to the southwest. Both rivers eventually drain into the flat chalkland Cambridge plain, which is frequently visible in the west from all the higher ground around the site. The overall character of the landscape is gently undulating. The river valleys are relatively shallow; from some viewpoints, where tributary watercourses intersect with the predominant landform, they are not very distinctly defined features. In other places, for instance the Granta valley seen from Rivey Hill or Catley Park, the opposing slopes of a valley formation are very clear. The Cam valley is wider and harder to appreciate from the appeal site, but is apparent in views that include Great Chesterford and the hills beyond.
24. Along the river valleys, there is a close texture of smaller fields, woodland, farmsteads and historic settlements. From the nearest proposed turbines, the villages of Linton and Hildersham are just outside a radius of 1.5 km, Hadstock and Great and Little Abington (the Abingtons) within 3 km and Great Chesterford within 4 km. At the higher levels (about 100m AOD or 60m above the valley bottoms) are blocks of woodland and shelterbelts, including Hildersham Wood, a Site of Special Scientific Interest (SSSI). These, along with smaller fields, hedgerows and other copses define the character of the area

---

<sup>4</sup> CD 11

<sup>5</sup> Document 24

- around turbines 6, 7 and 8 at the top of the site. I observed that on similarly elevated, though more extensive high plateau ground to the north of the Granta valley, large blocks of coniferous plantations are visible around West Wratting and Balsham. Nothing of this sort exists on or near the appeal site.
25. A number of ditches drain through the fields. A line of high voltage cables on lattice pylons about 45m high extends across the length of the site and is a prominent feature. From the upper levels, it can be seen stretching towards the horizon to the north and south. A large group of metal grain silos, referred to in this decision as Camgrain (not to be confused with another group to the north near the A11 with the same name) lies in a dip in the ground behind the raised embankment of the former Cambridge-Sudbury railway line. This runs along the Granta valley parallel to the A1307, a busy road linking Cambridge and Haverhill.
26. In terms of landscape classification, the site encompasses several distinct character areas at different scales. At the national level, the area lies at the eastern edge of National Joint Character Area (JCA) 87 *East Anglian Chalk*, a belt running from southwest to northeast between Linton and Cambridge. One of the key characteristics of JCA 87 is a distinctly open topography of mainly arable large scale rolling downland with beech belts along roads and hilltop clumps of trees. Land to the east and south and within a very short distance of the site is classified as JCA 86 *South Suffolk and North Essex Clayland*, consisting mainly of a broadly flat, chalky, boulder clay plateau dissected by undulating river valley topography.
27. JCAs are wide classifications and the boundaries between them necessarily overlap. A more useful analysis of character type is provided at regional and local level. However, the East of England Regional Assembly (EERA) report *Placing Renewables in the East of England*<sup>6</sup> of 2008 uses an assessment of landscape sensitivity at national level to identify areas where on-shore commercial turbine power generation may be appropriate. This report is based on research into the renewable resource potential of the region against electricity consumption up to 2020. Although regional policy has been revoked the evidence base of this study is still a material consideration. In its summary, both JCAs 86 and 87 are assessed as 'medium sensitivity', suitable for development sites for 4-12 turbines. Whilst to be used as a tool and not for development control purposes, the assessment for JCA 87 includes the informative that the valleys of the rivers Cam and Granta are of increased sensitivity due to their smaller scale. That for JCA 86 indicates that mediaeval towns and villages are of increased sensitivity. From my own observations and the representations I have heard, I concur. Insofar as relevant to the appeal development, the river valleys and the towns and villages of Saffron Walden, Great Chesterford, Ashdon, Hadstock, Hildersham, the Abingtons and Linton are more sensitive to wind farm development than the surrounding landform. Linton is on the edge of JCA 87 where it meets JCA 86.
28. The East of England regional landscape character assessments (LCAs) identify 3 landscape types relevant to the appeal site. *Valley Meadowlands* closely follows the rivers and includes much woodland which accompanies the winding watercourses in the valley bottoms. *Lowland Village Chalklands* encompasses

---

<sup>6</sup> CD 35

the sloping valley sides and flatter areas approaching the plateaux. It includes all the settlements and the Camgrain silos as well as the lowest parts of the appeal site, but excludes Hadstock which is on higher ground. This, with the central and largest part of the site is in the self explanatory *Rolling Chalk Hills* LCA and includes T1, T2, T3, T4 and T6. The highest levels are designated *Wooded Plateau Farmlands* and include Hildersham Wood and adjacent elevated land to the west and south as well as the locations of T5, T7 and T8. The more intimate, yet upland wooded character and smaller fields around the former Catley Park Farm where these are proposed is in noticeable contrast with the broader landscape character of large arable fields on either side of the hilltop.

29. The District level character assessments add a great deal of detail: South Cambridgeshire includes the majority of the site in the *South East Clay Hills* and identifies opportunities for improvement, particularly involving additional planting to reinforce field boundaries and woodland. The assessment for Essex County (Uttlesford) identifies the large scale arable landscape around Hadstock. It draws attention to the possibility of pressure to erect additional masts on high ground which would be difficult to absorb and which could have a damaging cumulative impact. In the locality, apart from the pylons, there is a telecommunications mast near Abington Park Farm but no other obvious vertical mast-like structures. The *River Valley Landscapes* character type lies to the west and includes the Cam valley and Great Chesterford. The pylon route and the M11 are identified as being visually prominent here.
30. I have had regard to discrepancies in the relative sensitivities of the landscapes assessed in these studies, particularly in connection with the County level assessments *North Essex Farmland* and *Cam Valley*. The sensitivity judgements in question result from assessment of the potential for different types of development including farm buildings and masts. Whilst useful guidance, this is of limited help when considering the much greater scale of wind turbine development which is prominently vertical and has the significant characteristic of movement. Only the EERA study specifically takes account of all the factors relevant to sensitivity of the landscape to wind turbines, but it encompasses very large areas. With this caveat, the significance of the effects is still best considered with reference to the County and District landscape character assessments. The ES acknowledges significant effects on landscape character within 3 km of the site and significant visual effects within a radius of 6 km.
31. Government guidance in Planning Policy Statement 7 – *Sustainable Development in Rural Areas* (PPS7) indicates that the quality and character of the wider countryside should be protected. PPS22 recognises that of all renewable technologies wind turbines are likely to have the greatest visual and landscape effects. I have taken account of the approaches to landscape assessment adopted by the two Districts involved in this appeal and the professional views expressed by the consultants appointed for the main parties as well as the opinions of local residents. During site visits at various times of the year, both accompanied and unaccompanied, I have had the opportunity to visit a large number of locations and viewpoints which has enabled me to assess the likely visual impact of the development, which I have carried out with reference to the methodology set out in Guidelines for Landscape and



- Visual Impact Assessment<sup>7</sup> (Second Edition) (GLVIA). I have taken into account the site as it existed at the time, including shelterbelt planting which does not appear on the application plans or ordnance survey maps.
32. The ES draws attention to the concept of 'valency', or the potential for different perceptions of wind turbines between individuals, depending on their attitudes and predispositions. The representations received in this case indicate that attitudes to wind farms vary greatly. People's responses depend on context, in terms of for instance, location or time of day; and their purpose for being there, such as employment, recreation, just passing through, or happening to live there. Some certainly find wind turbines attractive. They do not alter the shape of the ground or the predominant land use or, on the whole, the way the land is managed. I do not dismiss any individual attitudes or pre-conceived notions, but a more dispassionate judgement can be made using the GLVIA based on the objective descriptive material outlined above. This is important in order to measure the effects against the aims of development plan policy and is the approach recommended in PPS22.
33. In the following paragraphs I deal with the visual impact of the proposal, starting with long views, approaching the site and concluding with the impact on the landscape seen at close quarters.
34. The Zone of Theoretical Visibility (ZTV) diagrams contained in the ES provide an indication of visibility up to and beyond a radius of 25 km away from the site. In general, the effect of increasing distance is to reduce the visual impact of large objects such as turbines and proportionally, the significance of the impact on landscape character. Nevertheless, in my view there are some places outside a 5 km radius where due to the characteristics of the receptor landform and the availability of public views, the development would be more noticeable. These are mostly at a high level within the Rolling Chalk Hills and Wooded Plateau Farmlands LCAs where the broad upland nature of the landscape is the most obvious overriding characteristic and the valleys beneath and between are secondary. In this category I include the landscape as perceived from raised land west of Great Chesterford, where there are exceptionally large and rather bleak arable fields on both sides of the wooded Cam valley. I concur with the recommendations of the EERA report that wind turbine development of the scale proposed is more readily accepted into such landscapes where the scale of everything else is large. That is the case in many of the viewpoints identified in the ES and by the SLWFAG. There is a broad skyline, large blocks of woodland, sweeping arable fields and frequently substantial agricultural or industrial installations such as Abington Park Farm, Camgrain and the FDL buildings on the former Little Walden airfield. In these circumstances, the wind farm would have an adverse effect, but only moderate in significance.
35. Having said that, when seen from some specific locations outside the 5 km radius, the turbines would have a greater impact on the character of the landscape. The Gog Magog hills are a valued destination for Cambridge residents as the nearest significantly raised ground from which a view over surrounding countryside is available. The turbines would be in clear view about 7 km away in the eastern portion of a broad vista. They would add a

---

<sup>7</sup> CD 49

substantial new man-made element to a broad view that is currently largely open countryside rising gently to the southeast. The sensitivity of the rural landscape is already compromised to some extent by recent business park development in the foreground, other large buildings and the A11, but the wind farm would be so substantial in the view that in my opinion the effect would be to diminish its rural character. I consider the magnitude of the adverse impact would be moderate.

36. Seen from the Ashdon plateau and more specifically the public viewpoint from the car park at the Ashdon windmill (VP6), the wind farm would appear in the centre of the horizon in a view across a valley where wooded areas and field margins are highly visible and land use is much more mixed than in most locations at the higher levels. As such, the land use complements the historic setting of the windmill and has a higher level of sensitivity, the more so because the area is remarkably tranquil. Although the turbines would be about 6 km away, they would be a prominent moving feature and I consider that there would be a moderate adverse effect.
37. Other specific locations, or receptors, beyond 5 km with high sensitivity are identified in the SCGLV. Whilst I do not disagree with the assessment of significance of the impact where agreed between the parties, I do not find that there would be a major adverse impact because of the combination of distance and open landscape character as discussed above.
38. In contrast, moving closer to the appeal site within a 5 km radius, the turbines would be highly visible within certain panoramic and cross valley views. From the Cam valley, T4-T8, on high ground, would be significantly more prominent than T1-T3 lower down the slope towards the Granta. Approaching the site up the slope from the south and west along Park Road, Cow Lane or the Icknield Way Trail, the landscape retains its large scale chalk arable character. On reaching the higher levels, however, a smaller scale tapestry of woods and fields becomes apparent around the former farmstead at Catley Park. In this context, T8, the only turbine in Uttlesford district, would appear quite oddly separated from the remainder of the development by topography and hedges. Moreover, it would be at the centre of a large tranquil area that is visually and acoustically remote from roads, farmsteads or habitable occupation, with a strong sense of isolation; of consequently high sensitivity and valued by many as such. Notwithstanding the moderate overall impact on the wider area, I consider T8, and to a lesser extent T6 and T7 over the ridge, would have a major adverse impact on this part of the Cam River Valley LCA.
39. Approaching the site from the north and east through Camgrain or along public rights of way near Linton Zoo or the Icknield Way (in the opposite direction) there are extensive open fields rising to Catley Park in which a 125m high turbine development would not be inappropriate, even at close hand. Here, the electricity pylons already form a strong visual element extending to north and south; and Camgrain is a significant industrial feature. The railway embankment forms a visual barrier separating the site from the river valley bottom and the village settlements there. However, at the higher levels the Wooded Plateau Farmlands become apparent and hedges close in, the persistent noise from the A1307 and Camgrain dies completely away and the visitor experiences anticipation of a view over into the next valley where there

- are no obvious human settlements or any unsympathetic development. T6, T7 and T8 again would have a major adverse impact on this LCA in this location.
40. Seen from many places on the opposite side of the Granta valley from the slopes above Hildersham as far as Horseheath, the full array of 8 turbines would be visible ascending and surmounting the slope above the river bottom. In the same context, in almost every view, the A1307, Camgrain, the string of pylons and frequently the Dalehead Foods plant would also be visible. Objectors are concerned that the turbines would appear to run against the flow of the landscape because they would rise up the valley side. The valley is not particularly well defined; it is relatively shallow and the irregular south side is dissected by deep incisive ditches and streams. The old railway embankment and A1307 form a strong horizontal separating element between the settled valley and the large fields beyond. Although the turbines, seen perhaps most clearly from Rivey Hill (VP11), would undoubtedly have major significance, they would be seen overwhelmingly in the open Rolling Chalk Hills LCA at the same time as much other development. I am not convinced that the adverse impact would be more than moderate.
41. From Haw's Hill north of Hadstock, a prominent outcrop, the perception of the landform is very different. From here, a popular walking destination, all four of the prevailing local LCAs are apparent and distinguishable, providing a great deal of visual interest and a strong sense of place. The turbines would be seen in long elevation, all about 2 km away. As a group they would occupy approximately 25% of the horizon, crossing the contours and rising up through the changing landscape. As a row of highly significant moving objects they would contrast strongly with the natural flow and character of the landscape. Moreover, from here, the recently permitted Wadlow wind farm would also be clearly visible about 6 km away, leading to a cumulative impact. I consider the effect on landscape character seen from here would be substantially adverse.
42. I now deal with other specific viewpoints at lower levels or where there is disagreement on the impact. (henceforth referred to as VP1, VP2 etc when corresponding to the ES). VP1 is from Little Linton Farm from where all the turbines would be visible over the railway embankment and Camgrain. The pylons and the A1307 would be prominent here and I consider the impact would be moderate adverse.
43. VP2 is taken from the B1052 where it passes out of Hadstock in a northerly direction at a sharp bend where 2 footpaths branch out towards the appeal site. VP2 is about a kilometre away from the turbines in a depression. Several hubs and blades would be visible over the brow of a rise in the ground. These would be relatively well spaced out and would not be seen in the context of a broader view where the adjoining landscapes could be appreciated. The character of the open fields would be adversely affected but I consider the impact would be only moderate.
44. VP3 lies on the road to Park Farm southwest of the appeal site. There is limited variety or interest in the landform here and few focal points or individual trees of note. Even so, the countryside is to be protected for its own sake, and I do not accept that turbines, as man-made devices, would enhance the landscape here. The impact would be moderate adverse.

45. From Abington Park Farm, high on the rolling chalk hills, the extensive views encompass exceptionally large fields of low sensitivity. Wadlow wind farm would be seen to the north. The appeal development would be alien to the landscape in principle but in terms of scale would not be unacceptable. I consider the impact would be moderate adverse.
46. From the Hildersham to Balsham road where it crosses the Roman Road (the Harcamlow Way) and from SSSIs nearer Hildersham, the turbines would be seen in a roughly end-on rectangular group ascending the opposite slope. The pylons are prominent here, passing nearby; and the landscape is broad and open. The valley bottom is not clearly seen and I consider the impact would be moderate adverse.
47. To conclude on the impact on landscape character, there would be major-moderate impacts from large areas of high ground beyond 2.5-3 km but the turbines would be seen predominantly as part of a large scale upland landscape in which the effect would be moderately adverse. T6, T7 and T8 would have a major adverse impact on the Wooded Plateau Farmlands LCA seen from relatively close range. Seen from other local viewpoints, the impact would be moderately adverse except for Haw's Hill which would be substantially adverse. Although the Wadlow wind farm would be seen cumulatively in some views this would not lead to a more severe impact than identified individually.
48. The adverse impacts identified would lead to conflict with SCDC development plan policies DP/1p, DP2(1)a and f, D/P(2)m, and NE/4. These policies seek to retain and if possible enhance local landscape character.

### **Conservation Areas and Listed Buildings**

49. In assessing the impact on heritage assets, I have had regard to table 8.4 in the ES which sets out the criteria for assessing the significance of change, and the comments made on the applicability of the criteria. I accept the proposition that it is inconsistent to assume that, for instance, a high magnitude of change would result in major significance in both high and medium categories of sensitivity; or that a high or medium magnitude would result in the same level of significance in a highly sensitive receptor. Neither the GLVIA nor the Statement of Common Ground on Cultural Heritage Issues helps in this particular respect because of the different methodologies used by various specialists. For the sake of clarity, in these decisions, I have adopted the 'significance' terminology suggested in table 5.1 of SCDC's evidence<sup>8</sup>.

### **Linton Conservation Area**

50. The village of Linton lies closest to the proposed development. The nearest turbines T1 and T2 would be just over 1.4 km away from the centre of the village which I have taken to be around the bridge where the river passes under the High Street. The conservation area was recognised in 1979 by the then Department of the Environment under former arrangements as 'outstanding' but this term is no longer apt as it related to the power to give grants under section 10 of the Town and Country Planning (Amendment) Act 1972 and this is now no longer in operation. Linton contains about 130 listed buildings, mostly clustered around the historic core along the High Street, but

---

<sup>8</sup> Ms Newell's proof of evidence, page 8

including the Grade I listed Church of St Mary the Virgin on the southern edge and other more outlying buildings. The Council carried out a character appraisal in 2007 which draws attention to the survival of many traditional features, such as timber framing, pargetting and thatch, dating back to the 15<sup>th</sup> century. I consider it to be a receptor of high sensitivity.

51. Approaching the centre from the east down the winding High Street towards the 17<sup>th</sup> century former Swan Inn (Grade II) and on the other side of the river bridge the Dog and Duck thatched pub (Grade II), T1, T2 and T3 would be in plain view above a row of 7 late 18<sup>th</sup> century Grade II listed cottages known as Chapel Terrace. Other turbines would be glimpsed through trees, more particularly in winter. Although over a kilometre away, their visibility would be accentuated due to their elevation above the village of at least 25-35 metres. Pylons are in the same view, but these are light and transparent in comparison; and do not move.
52. The centre of Linton is unusually well preserved and sensitive to change. Although located outside the village, the turbines, in plain sight above the roofs of buildings, would be high and prominent seen along the vista of the High Street from many viewpoints. The view westwards from the High Street at the heart of the conservation area is of a plain rural backdrop (pylons excepted) and this, by virtue of its relatively unaltered state, contributes to the character of the village, the special interest of the listed buildings and the significance of the conservation area as a historic asset. In this view, the fields and trees beyond form part of the setting of the conservation area. Wind turbines in the locations chosen would markedly alter and diminish its character and appearance. In the context of the listed buildings at the centre, the turbines would be distinctly alien features because of their contrasting scale, appearance and movement; they would overarch and diminish their individual historic settings. In my view there would be a medium magnitude of change, the significance of which would be moderate/major adverse.
53. Although prominent features seen from the High Street, the turbines would not be so easily seen from many other parts of the conservation area and would not seriously compromise the setting, architectural character or historic interest of the majority of other listed buildings that are not in the High Street. In coming to this conclusion I have taken account of the Grade I listed church and Linton Mill and their settings. These areas and buildings would be either out of sight of the development or very much screened from it by vegetation and trees. The open areas around the conservation area, for instance on the banks of the Granta, would be similarly affected only to a limited degree, especially as the A1307 already forms a strong discordant element in most views towards the appeal site from this part of the village.

### ***Hildersham Conservation Area***

54. Hildersham is a small village on either side of a bridge and ford over the Granta downstream from Linton. It has a distinctive rural feel due to open ground and pasture near the bridge but because of its valley location, has an intimate, inward looking character. The settlement benefits from many mature trees around the centre and this, together with its relatively low level and the orientation of the High Street would help to hide the wind farm from plain view from much of the village, even though the nearest turbine would be only about

1.5 km away. The conservation area does not include more recent housing development south of the river on higher ground and I am in no doubt that from these parts, the turbines would be noticed. It seems to me, though, that although turbine blades and very occasionally the hubs will be visible to varying degrees from some locations in the conservation area, the magnitude of the impact overall would be low.

55. With regard to listed buildings in and around the village including Hildersham Hall and Hildersham Mill, I find that in each case, their settings are very much constrained by the surrounding small scale river valley landscape and/or enclosing woodlands. The position with regard to the Grade I listed Hildersham Church of Holy Trinity is different. This is on higher ground to the north of the settlement and benefits from an elevated church yard with an exceptionally tranquil, contemplative setting overlooking an informal meadow surrounded by trees. The church is set well back from the nearby road and although the A1307 can be heard in certain wind conditions, there is a strong sense of seclusion, enhanced by the two sets of metal gates which it is necessary to pass through. Whilst recognising that the Grade I listing results largely from the highly decorated interior, I consider that the process of anticipating, approaching and entering, and indeed leaving this building, as one might after a service or an event, is in itself also part of the revelation of a striking sense of place. That includes a historical, serene setting that draws the eye and is unaffected by any modern artefacts or features.
56. In such a context, the appearance of one or more wind turbines over the trees, clearly visible from the porch and the churchyard would be a seriously harmful intrusion. I conclude that the proposed development would have a major adverse impact on the setting of the church.

### ***Great and Little Abington Conservation Area***

57. Great Abington and Little Abington are around 1.5 km to the west of Hildersham. The Abingtons are villages joined by a road and, more directly, a footpath across open green space laid out by Humphrey Repton in 1803 around the early 18<sup>th</sup> century Grade II\* listed Abington Hall. Although much of the park laid out by Repton has been subsumed into the modern Granta Park redevelopment further to the west, the part to the north and east of the Hall remains much as it was designed as a naturalistic landscape with carefully located trees, shelterbelts and buildings. Within this, Abington Hall and the Grade II\* listed combined parish Churches of Little and Great Abington lie at the points of a triangle of interconnective visibility, in other words, each can be seen from the other. There is also a spiritual link between the Churches of Little Abington and Great Abington which are of similar age and style. Walking between the two it is possible to envisage the siting of the Hall within the formal layout, even though, depending on the season, it might not always be actually visible. The individual buildings are glimpsed between trees and across meadows and the river in a semi-rural setting where surrounding village housing, much of historic interest, forms a backdrop.
58. Because of these factors, the character of this conservation area is essentially inward looking. The central green parkland and recreation area is circumscribed by buildings, cottages and trees and to the west, less obviously, by modern office development. Because of the largely constrained visual

boundaries and the distance from the appeal site, the influence of the proposed turbines on the character of the conservation area as a whole would be somewhat muted. From the built up parts of the villages, the recreation ground and much of the open space, there would undoubtedly be an impression of moving blades above and between the trees, but they would not be particularly prominent. Nor would the development noticeably detract from use of and appreciation of the interiors of the churches.

59. That does not mean, however, that the character, appearance and setting of the conservation area would not be adversely affected in other specific ways. From around Little Abington Church and the river, where longer views can be seen, trees beyond the buildings of Great Abington village add important rural context to its character. This is enhanced by a distant vista over and between the trees towards Catley Park and Hildersham Wood on the horizon. SLWFAG submits that development visible in the sky above or on the skyline around a historic asset impacts on its setting. In my judgement the setting of the two churches and the Hall includes the skyline around and above the park. Importantly, the silhouette of the tower of Great Abington church is seen against the horizon. Because of the particular quality of the visual link between the churches, Abington Hall and the countryside beyond as seen from Little Abington, harm would result from the increased visibility of a spread of modern turbines and moving blades. They would be seen in the same view as elements of the Repton landscape composition that fundamentally determine its character and special interest. The contribution made by the 13<sup>th</sup> century tower and spire of Great Abington Church, which currently forms a strong historical focal point and is indeed near the centre of the conservation area, would be substantially compromised by the presence of several moving turbine blades visible immediately behind.
60. Moreover, on exiting the south facing porches of either church, the turbines would be in plain view; and a situation arises that would be similar, though not quite so severe, as that at Hildersham. At Great Abington, the presence of turbines would be further reinforced by their presence in an important vista directly through a gap between yew trees each side of the main entrance. Churches are important cultural and spiritual centres of community, quite apart from their obvious architectural and historical significance. Because of their prominence and architectural quality, their settings can extend a great deal further than the immediate surroundings. The Practice Guide to PPS5 advises, amongst other things, that setting is the surroundings in which an asset is experienced; and that any development or change capable of affecting the significance of a heritage asset or people's experience of it can be considered as falling within its setting. Whilst it would be wrong to extend this argument to mean that all development should be rejected that could be seen from a church, in my judgement the setting here does include specific views out. The siting and elevation of the turbines in this case would impinge on outward views resulting in them seriously detracting from the setting of the conservation area and the settings of these two Grade II\* listed church buildings.
61. Such circumstances are envisaged in the English Heritage (EH) guidance *Wind Energy and the Historic Environment*, which says that designed landscapes invariably involve key vistas, prospects, panoramas and sight-lines, or the use

of topography to add drama. Location of turbines within key views, which may often extend beyond any designated area, should be avoided. Overall here the effect would be major adverse.

### **Great Chesterford Conservation Area**

62. Within Uttlesford District, Great Chesterford occupies a similar lowland village chalklands landscape to the three conservation areas in South Cambridgeshire, but the settlement lies almost all on one side of the Cam river which flows by the western edge. From here, the development would be seen very differently compared with the Granta valley. T5, T6, T7 and T8 would be prominent to varying degrees on the ridge to the northeast above Park Farm and land around Grumble Hall, about 3.5-4 km away. T1-T4 would be partially hidden on the other side of the hill. The turbines would be hard to perceive from the raised central part of the village or from most of the conservation area including the church, but would be seen from Chesterford House, a listed building Grade II, where it lies at the very edge of the settlement beside the B184 road to Saffron Walden; and to a somewhat lesser extent, from other roads and houses on the north-eastern edge of the village.
63. The intervening landscape is largely unrelieved arable fields with sparse vegetation. To my mind, it provides a broad intervening zone of sufficient scale to absorb the visual impact of the turbines, which in this view would surmount and lend emphasis to higher ground. The B184 forms a strong physical barrier at the edge of the village. Undoubtedly there would be a noticeable change, but there would be only a minimal impact on intervisibility between heritage assets. In the circumstances, it is difficult to see how the overall magnitude of the impact would be more than medium, with moderate adverse significance for the conservation area and its setting. The main orientation of Chesterford House is at right angles to the view of the turbines and has a garden surrounded by brick and stone walls. I do not consider there would be any more than minimal impact on its setting.

### **Hadstock Conservation Area**

64. In altogether different circumstances, the small settlement of Hadstock nestles in a dip in higher ground about 1.6-2.5 km to the south east of the proposed turbines. It contains more than 30 listed buildings including the Saxon Grade I listed St Botolph's Church. The surrounding landscape character type is *Rolling Chalk Hills* but the village is close to the elevated *Wooded Plateau Farmlands* and the open former site of Walden aerodrome. There are many views towards and out of the settlement which include surrounding countryside. The countryside itself, and the associated topography, make a crucial contribution to the setting of the village. The turbines would be seen to varying degrees from within the village but would be most obvious from the hilly areas to north, south and east. These include Bartlow Road which rises steeply to the east and on the southern side, the Grade I listed church and dwellings including 4 Grade II listed buildings in Walden Road. The village is a highly sensitive receptor.
65. The wind farm would be seen in an open arable landscape over a rise in the ground. Although parts of the lower turbines would be hidden, their proximity to each other, and their layout broadside to the viewer, would make them highly visible and difficult to avoid seeing from most parts of the village. Even



from the lowest part of Linton Road (VP2) and from the central village green, the existence of turbines would be apparent. The impact would vary with location and elevation but from some places would occupy up to 25% of the horizon. Turbines would be frequently in the view of the occupants of, or visitors to, the village. This would be particularly so from the public footpaths to the north and east of the village, where the full height of the turbines across much of the countryside would be seen in the same view as the village settlement. The magnitude of change would be high. The turbines would also be prominent in public views across the village from the east. These views may be from footpaths or points that are not of special interest in themselves, but from where important views of the whole or part of the conservation area can be obtained. It is my judgement that the character and appearance and setting of the conservation area would be seriously harmed as a result.

66. With regard to the listed buildings in the village, these are mostly residential, with limited curtilages. There is no distinct group except in the immediate environs of the village green which is quite closely contained. Although Pond Cottage would have a direct view, the turbines visible over the hill would not have more than a moderate adverse impact on the settings of the buildings, which are defined by their immediate environs. Turbines would not be easily visible from the interior of the Grade I listed church because of the height and orientation of the west window. From the churchyard, the aspect of which is mainly to the north away from the appeal site, an array of turbines would be seen but they would be obscured by trees for much of the year. They would also be beyond the row of houses on the opposite side of Walden Road and because of these factors, I consider the impact would be limited to moderate. The view from Holly Cottage and Chantry House would be less obscured, but although the occupants would notice the turbines occupying a significant part of the panorama from these properties (a matter I deal with separately under living conditions), I do not consider the effect on the special interest of the individual listed buildings or their settings to be any more than moderate.

### ***Other Listed Buildings***

67. Barham Hall is a well-proportioned former priory and farmhouse south-east of Linton. It originated in the 16<sup>th</sup> century and is Grade II\* listed. The turbines would be visible just under 3 km away, again over and above an intervening outcrop of land; on approaching the house and from the rear garden. Trees and field boundaries also obscure this view. The immediate setting of the building is limited to the adjacent farmstead and domestic curtilage which includes a separately listed garden wall. Whilst it can be argued that the setting extends further, that is for historical reasons only. There is little formal relationship with the surrounding fields visible in the landscape now and architectural links with Linton and other buildings may exist but are hard to perceive. I do not consider the impact of the development would be so great as to significantly affect the building's setting. Whilst the sensitivity of the building is high, I consider that the visual significance of the development would be low with a correspondingly moderate adverse impact.
68. Park Farm and its Grade II listed farmhouse lie about 1.6 km from the appeal site on similarly high ground. The development would fill the view north-eastwards towards Hildersham Wood on top of the ridge, T6, T7 and T8 being particularly prominent. However, the curtilage of the house is well defined and

surrounded by trees. The farmhouse itself would not be easily seen in the same view as the turbines from public land in a way which would seriously diminish its special interest or setting.

69. The early 19<sup>th</sup> century Hildersham Hall (Grade II\*) is on the south side of Hildersham village and is approached along a winding drive from an attractive low gatehouse on the A1307. It is surrounded by mature trees and its main aspect, a portico and front entrance face a park and lake to the west. Although the nearest turbine, T1, would be only about 1.7 km away to the south, it would not be easy to see from the Hall or the grounds around the house, due to the orientation of the building and the trees. I appreciate that the occupants would be aware of its presence; it and others would be in plain sight on exiting the drive and there would be glimpses from time to time and in winter. Although the building is a sensitive receptor the self contained nature of the setting is such that the magnitude of change, of itself medium, would lead to nothing beyond a moderate adverse impact.
70. Rivey Hill is a noticeably steeper hill visible to the north of Linton. The red brick clad water tower on its summit is listed Grade II. It is a prominent landmark that punctuates the rolling landscape and gives considerable further emphasis to Rivey Hill. Linton wind farm would be about 2.5-3 km away and from many places would be seen in the same view as the tower. From some viewpoints Wadlow wind farm would also be visible some distance to the north. The turbines would be an entirely different form, however, and in my view would not conflict with or reduce the importance and role of the water tower in the landscape, its special architectural interest or its setting.
71. I recognise that from the churchyard at St Mary's Church Little Chesterford, listed Grade II\*, the turbines would be visible around 4 km away on the north-east horizon. There is nothing especially remarkable about that view, however, compared with any other direction; and I do not consider that the turbines would significantly detract from the setting of the church which lies at the edge of the village in the Cam valley.
72. Burntwood End is a Grade II\* listed timber frame farmhouse. It lies in a dip in gently undulating mixed farmland near Little Walden. The rear of the house would face the southern end of the turbine array. The setting of this building includes various ancillary buildings, ponds and a mature willow tree. The garden is intimate in character and well contained by hedges and natural landscape features. Some turbines would be visible in part on the northern horizon over fields along with clumps of trees and existing pylons. They would not dominate the view for residents or have any harmful effect on its setting, architectural character or historic interest.

### ***Pampisford Estate Garden***

73. Pampisford Hall, listed Grade II, lies within an extensive formal park which is a Registered Park and Garden (RPG) at Grade II\*. From the edge of the park, which on the east side is bordered by open farmland, turbines would be visible about 3.5 km away over trees on a former railway embankment and the route of the A11 dual carriageway. Trees encircle the house on the north and east sides apart from an impressive formal cedar avenue which focuses attention towards the side elevation of Pampisford Hall and in the opposite direction

towards fields, the embankment and the skyline. From the house, the amount of skyline visible is severely restricted by the enclosing trees, though it would be possible, on a clear day, to see one of the turbines above the embankment. Moving east towards the fields, more would come into view. I do not consider that the skyline in views from the Hall or along the avenue of trees is very significant in the setting of the House or the RPG for the purposes of PPS5. Whilst of high sensitivity, the magnitude of change would be low, leading to moderate impact significance.

### ***Other Heritage Assets and Conclusion***

74. I have taken account of the listed building at Audley End and its Registered Park and Garden (Grade I). Elements in the design of boundary walls and churchyards over a wider area have been influenced by this important estate at Saffron Waldon. I accept that the wind turbines would be visible on the northern horizon from the northern extremity of the Registered Park, but it is hard to conclude that their influence on that part of the countryside has any material significance in preserving the special interest of Audley End. There is no designated view or framed aspect in the topography that draws attention in that direction. The impact would be no more than minimal.
75. I have had regard to all the other listed buildings and historic assets that could be affected by the appeal development, and the representations that have been made in respect of them. As noted there would be a major adverse impact on the settings of important listed buildings in Linton, Great and Little Abington and Hildersham; and on the settings of conservation areas at Linton, Great and Little Abington and Hadstock. The character and appearance of conservation areas at Linton, Hadstock and Great and Little Abington would be harmed. A moderate adverse impact is identified on most other historic assets within 3 km of the site. The overall impact reflects the proposed siting of the development in an area which contains an unusually high number of historic assets, some in close relationship with each other.
76. I conclude that the character and appearance of Linton Conservation Area, Great and Little Abington Conservation Area, and Hadstock Conservation Area would not be preserved or enhanced. There would be a serious adverse impact on the settings of listed buildings in Linton, Hildersham, Great and Little Abington and Hadstock. The development would therefore conflict with the advice in PPS5 and the heritage protection aims of policies DP/1r, DP/3(2)l, CH/4 and CH/5 of the SCDC Development Control Policies Development Plan Document. Taken together these policies seek to conserve and where possible enhance cultural heritage, avoid harm to village character, ensure that development would not adversely affect the setting of a listed building and preserve or enhance the character or appearance of conservation areas. There would also be conflict with saved UDC Local Plan policies ENV1 and ENV2, which have similar aims to their counterparts in South Cambridgeshire.

## **Living conditions (noise and disturbance, health, and visual impact)**

### *Noise and Disturbance*

77. Noise is a controversial issue in this proposal. PPS22 advises at paragraph 22 that the 1997 report '*The Assessment and Rating of Noise from Wind Farms*' should be used to assess and rate noise from wind energy development. This is commonly referred to as ETSU-R-97 and is hereafter referred to simply as ETSU. I deal with the matter of noise at Linton Zoo as a separate matter.
78. ETSU was produced as guidance at a time when wind turbines were much smaller than now proposed. As a result the advice has been criticised as being out of date and in need of renewal. I was informed that other countries, such as New Zealand, have recently reviewed and updated their own standards. Nonetheless the guidance in ETSU remains extant and it is that guidance which the government expects developers to have regard to in developing their wind farm proposals.
79. That said, a group of acousticians has sought to address some of the criticism of ETSU by adapting its methodology without changing its fundamental principles. ETSU expects background noise to be measured for a selection of the nearest receptors (usually residential property) and to be correlated with wind speeds measured at 10m above ground level. With a known rated noise output of turbines (and a margin for error) this is intended to allow a prediction of noise immission at the receptor locations by using a 'standard' formula.
80. However, the original ETSU methodology is acknowledged to be unlikely to take full account of wind shear at the hub and blade height of modern turbines. Hence the adaptation of the methodology which seeks to address that point. In order to do so wind speed measurements are taken at 2 heights and a hub height wind speed is calculated using the 'power law'. The 10m wind speed is then calculated, but not measured. ETSU recognises that there may be occasions when the 10m wind speed is calculated.
81. It is essentially this latter step which causes the greatest criticism of the adapted methodology, though I note that it has been accepted as a reasonable course of action by respected acousticians, and by Inspectors and the Secretary of State in deciding other appeals.
82. The main criticism is that the calculation of the 10m wind speed is likely to result in wind speeds at 10m being calculated which are greater than the actual wind speed. As such it is alleged to give an advantage to developers and to lead to greater potential for noise disturbance in the eventuality of development proceeding because noise monitoring data becomes correlated with incorrect wind speeds. It is further suggested that the method of predicting noise propagation, using ISO 9613-2, should also build in safeguards by adding penalties for uncertainty which have not been applied in this case.
83. This is a field of acoustic prediction which is not exact, and there are a number of variables which can affect the result. I was informed at the inquiry that the appellant's predictions are likely to result in the ETSU limits being exceeded, though this is disputed. Tables produced by those opposing the development suggest that wind shear is likely to be present for a significant part of the year,

and that this would lead to excess noise propagation. However, even if that is right, it is also the case that the degree of exceedence of the ETSU limits would be modest given the fact that wind shear effects would not be constant, and that the wind does not blow from all directions at once.

84. There is no 'right' answer here and ETSU is seeking to achieve a level of noise during 'amenity' and night time hours which is reasonable and which would allow the nearest neighbours acceptable living conditions. What ETSU is not seeking to do is reduce wind farm noise to a level which would be inaudible at any particular receptor. Whilst there are a number of registered complaints in respect of existing wind farms, these are comparatively few. It seems to me that if noise had been a real issue it would have led to far more complaints than those recorded.
85. In saying that I accept that some locations have produced unwelcome levels of noise on occasion. There may be particular reasons for that which are related to the turbine configuration, landform, wind shear or other factors. But the fact remains that the evidence before me is that assessing wind farms on the basis of ETSU guidance is generally successful in its outcome. Furthermore the use of ISO 9613-2 modelling to predict propagation is commonly used and I am satisfied that it is realistic.
86. On balance I am satisfied that the general methodology employed by the appellant follows the spirit of ETSU, and seeks to ensure that the development would not result in the noise limits in ETSU being exceeded. I accept that it may not be perfect, and that the data collected is not as extensive as might be wished, but ETSU is designed to provide reasonable protection whilst not placing unreasonable restrictions on wind farm development. The alternative, as expressed at the inquiry, would be to adjust methodology and add penalties to calculated noise levels to the extent that wind farm development would become much more difficult. In any event, even if the predictions of opponents were to be correct and ETSU limits were breached it would be possible to impose conditions requiring modification of the wind farm operation to alleviate those problems.
87. I turn now to some specific matters relating to this particular proposal. First, the location of noise monitoring equipment at measurement sites has been criticised. I have information that at least one of the locations was agreed in writing by the Council concerned, though no such information in relation to the others. I visited all the measurement locations and I accept that it is necessary to make a professional judgement on what would be an acceptable position bearing in mind the guidance of ETSU. In my view the locations chosen can generally be supported as being representative of the amenity areas of the dwellings concerned, with one exception.
88. I cannot understand why the monitoring location at 15 Chalky Road is so far from the amenity area of that dwelling. Having heard what was said at the inquiry I am unconvinced that the siting of the monitoring equipment in a paddock remote from the dwelling and its sitting out area was justified. There is nothing peculiar about the amenity area of that dwelling, such as tall trees, dense vegetation, running water, or other intrusive noise source, which would suggest a location in the paddock would be necessary. Hence it seems to me that the results for that location may not be reliable.

89. Secondly it has been suggested that there is a likelihood of excess amplitude modulation (EAM) at this site because of the site specific features. This is an area of further uncertainty in noise predictions at wind farms. However, research so far seems to have drawn some tentative conclusions that EAM may be related to sites with relatively high levels of wind shear, with linear arrays of turbines, with inadequate turbine spacing, and possibly with particular ratios of tower height to rotor diameter.
90. There is no difference between the parties that this site has some of the characteristics which are commonly found in areas of high wind shear (location on the east side of the country for example) and the turbines would be located in 2 linear arrays roughly arranged south-west to north-east. The spacing between turbines is varied, and PPS22 indicates that they need to be at around 3 – 10 rotor diameters apart. In this case they are within that range, and in most cases approach or exceed the 4 – 6 diameter figures given in the PPS22 example layout. But given the combination of factors present I agree that EAM cannot be ruled out here. But neither can it be predicted with certainty. As with general noise concerns there is in any event an opportunity to impose conditions on any planning permission which would deal with any occurrence of EAM.
91. Thirdly the proximity of the wind farm to schools has been criticised, especially given the specialist nature of the school on the edge of Linton. However, the schools are individually at a distance from the nearest wind turbine which, in my judgement, would make unacceptable or distracting disturbance most unlikely.
92. I summarise my conclusions on noise here. The methodology used for assessing the noise environment has been based on ETSU, but modified to take account of taller turbines and the possibility of wind shear. That seems to me to be a defensible course of action, and indeed ETSU itself does not rule out variations. Nonetheless I recognise that there is a degree of uncertainty in the adapted methodology, but given that the adaptation replaces one variable with another the effect is likely to be small. The adaptation is also supported by many acousticians. As such I believe that in general the results using this methodology are likely to be reliable. However, the monitoring for 15 Chalky Road must be treated with caution given the monitoring location chosen. The prediction of noise propagation follows a commonly used formula and I do not accept that there is any reason to impose additional penalties as suggested. Although it is possible that the site may generate EAM, this is by no means certain. In an inherently uncertain field of prediction I can accept that it is likely that ETSU limits would not be breached for the majority of the time at all nearby properties. But even if this were to prove incorrect, I am satisfied that breaches would be at the margins, and controllable by conditions. Hence, were planning permission to be granted for the development I do not consider that on the basis of the evidence available to me an objection could be adequately sustained on the grounds that the living conditions of residents would be unacceptably harmed by noise and disturbance.

### *Health*

93. The matter of the health effects of the proposed development was introduced by the SLWFAG. It arises principally in relation to sleep disturbance, and is

therefore associated with noise. ETSU guidance is itself based on guidance from the World Health Organisation (WHO). But ETSU is criticised for relying on WHO guidelines which are now out of date and superseded. Nevertheless the advice of PPS22 is clear and I must take heed of the fact that government expects ETSU to be used as a basis for noise assessment.

94. The evidence on health matters brought by the SLWFAG suggests that sleep disturbance, which does not equate to awakenings, can occur at noise levels lower than those recommended by ETSU. It refers to recent work which suggests that external turbine noise should not exceed 35dB to avoid sleep disturbance, and 40dB to avoid risks to health. This compares with 43dB using ETSU. I was presented with evidence that sleep disturbance can lead to typical symptoms such as tiredness, irritability, high blood pressure and others.
95. As I have noted earlier, some countries have revised their noise guidelines, and some seek an external night time environment at a lower level than that in ETSU. However, ETSU is designed to set a 'standard' which is reasonable. Its intention is not, as I see it, to reduce night time noise to a position where the possibility of sleep disturbance is eliminated, but to seek a position where a reasonable environment will prevail. I note that some research abroad has found evidence of high levels of sleep disturbance associated with wind farms, though it was acknowledged in cross examination that the quality of the research was questionable.
96. Reference was made to a draft report for the Department for Trade and Industry (DTI) in 2006, looking at 3 wind farms in relation to low frequency noise. The draft report included reference to consideration of a lower external night time limit of 38dB (plus a further 5dB penalty if AM was present). That this was not included in the final report is not surprising given that the research considered 3 wind farms only and was not commissioned to assess appropriate night time limits across the board.
97. I have no doubt that some people are susceptible to disturbance at noise levels which conform to ETSU guidance. In part this may be a result of being accustomed to even lower noise levels in that location. PPS22 indicates that renewable energy developments should be located and designed in such a way to minimise increases in ambient noise levels. There is no definition of what 'minimisation' is intended to mean, but it is commonly used to mean compliance with ETSU guidelines. That is the case here, and the appellant's witness confirmed that in relation to noise if the predictions met the ETSU limits then no further attempt to minimise noise would usually be undertaken.
98. Although PPS22 is not entirely explicit in this respect it seems to me that simple accordance with ETSU should not automatically be taken to be an indication that the development has been located and designed in such a way as to minimise ambient noise levels. ETSU is surely a maximum not to be exceeded, but does not thereby equate to a minimisation of effect. That may be the result, but it may equally be that redesigning a layout without losing potential output would result in lower levels of noise at receptor locations. Taken to a logical conclusion the intentions of PPS22 must mean that design and layout should seek to be informed by the noise predictions. In this case the design and layout appears to have been fixed prior to the ETSU assessment being carried out.

99. That said there is no requirement for a developer to carry out a sequential search for suitable sites and I do not suggest that such is the case. However, it is reasonable to assume that a site chosen for proposed development would be designed in such a way as to minimise its impact, as required by PPS22. I have information on the various iterations of turbine layout prior to the application, and I understand that to a degree these were made in order to minimise effects on public rights of way<sup>9</sup>. But I have no information that any adjustments were made to minimise noise at surrounding properties.
100. There are locations around this wind farm which have very low levels of ambient noise. Consequently, even compliance with ETSU may lead to a significant increase in the ambient noise levels if the wind farm is built. It is a matter of judgement as to whether the increase has been minimised. I do not have enough information before me to make any judgement on that, for the simple reason that there are no tested alternative designs and layouts available.
101. As a result I must reach a conclusion on whether the proposal is likely to adversely affect health based on the evidence given. I am not wholly convinced that the process of minimisation of the increase in ambient noise levels can be relied upon here, but on the other hand the predictions support a conclusion that the guidance of ETSU and therefore PPS22 would be met. I do not rule out some sleep disturbance given the quiet environment surrounding the wind farm. On balance, however, I do not accept that the risk of sleep disturbance and adverse health effects is sufficiently well demonstrated that it should weigh against the development.

#### *Visual Impact*

102. In considering this matter it should be recognised that there is no 'right to a view' from any property. Though the loss of a view, or interference with such an amenity at any property is clearly something which would be of great importance to property owners, it cannot be given much weight, per se, in land use planning terms. Visual impact, though, may encompass more than the loss of a view. If the impact were to be such that it harmfully enclosed, dominated or overpowered residents of a property such that the dwelling ceased to provide acceptable living conditions, then the weight attached to that impact would be far greater.
103. The closest dwelling to the appeal site is Windpump Cottage, an isolated cottage surrounded by open fields about 0.7-0.8 km from T1 and T3. There are extensive views from here in most directions but especially to the south and east. The location is reached along a track and is remote from major roads and this is reflected in the sense of tranquillity that I noticed. The orientation of the dwelling and its traditional design with small windows indicates that the turbines would not impinge on day to day life inside the house, but outside they would occupy a large proportion of the easterly aspect, and the nearest would dominate the view. At certain times of the day, the movement of blades passing in front of the sun's path would be noticeable. To my mind, enjoyment of the garden by the occupiers would be compromised. However, despite the undoubted reduction in the quality of the view out from

---

<sup>9</sup> Document 21



the premises (assuming that the occupants did not enjoy a view of wind turbines) I do not consider that the impact would be so great that it would be oppressive or dominant to the extent that living conditions at the property would be unacceptable.

104. Further away to the west, a string of dwellings with large plots of land lie along Chalky Road. These would be around 1.4-1.5 km from the nearest turbines T1, T3, T5 and T7. I consider that the impact on all would be very similar. Though not as dominant as at Windpump Cottage, the turbines would still introduce a significant change for the occupants, particularly when using the private areas behind the houses which in some instances would directly face the development. As well as the usual gardening and recreation associated with dwellings, activities carried out here include pigeon breeding, equestrian uses and an extensive organic food production unit at Wild Country Organics.
105. The current outlook consists of a simple open agricultural landscape with few interruptions apart from field boundaries and electricity pylons. There is planting and various buildings which would screen the turbines to varying degrees but they would intrude into a large part of the rear aspect and would be substantially higher and more significant than the pylons. The moving blades would add to the magnitude of the change the occupiers would experience. I consider that the wind farm would introduce a contrasting modern discordant element which would be detrimental to the rear outlook from No 15 and from windows of other properties. The impact would not, however, significantly impair living conditions.
106. The proprietor of Wild Country Organics feels that the turbines would compromise the working conditions of employees in glasshouses. I do not doubt that workers will notice the turbines when looking towards them but this seems unlikely when carrying out many work activities involving plants growing at ground level. When in the glasshouses, the complex structure of the glasshouse would also obscure the turbines to a large extent.
107. On the opposite side of the appeal site, Penn Farm (confusingly labelled Windpump Cottage on OS maps) lies in a sheltered valley south-west of Hadstock. Although about 1.25 km from T6 and T8, only parts of turbines would be visible from the house and garden. The hub of T8 would be visible. There is no doubt that the occupiers would be aware of a wind farm within a short distance and turning blades in certain directions, but in my view, the dominant landform would significantly mitigate the harm to outlook for the occupiers.
108. In Hadstock itself, apart from the view available from the public realm to which I have drawn attention, the turbines would be a prominent feature across a broad sweep of the landscape seen from many dwellings on high ground and on the north and west sides of the village. They would be about 1.8-2.1 km away. I have already remarked on the impact on Hadstock in terms of impact on heritage assets. In my opinion, of all the settlements around the site, Hadstock is the most vulnerable because of its elevated location and the wide spread of turbines visible. The pervasive presence of moving turbine blades would undoubtedly intrude into the view from many

properties, but would be unlikely to materially impair the living conditions experienced.

109. Burtonwood Farm lies near the Icknield Way about 1.2 km south of T8. From here, whilst T8 would be prominent, other turbines would be further away on the other side of the ridge, descending out of view. I accept there would be a change and that T8 would be prominent, but the effect on the occupiers would be minor due to the orientation of the house and surrounding vegetation.
110. Crave Hall Farm would be less than 1 km to the southwest of T8. The property has a wide rear elevation where the main living areas are. There would be an 'end view' of the development similar to that at Burtonwood Farm, but here, the turbines would be the main focal point of the view from the rear across the garden. Notwithstanding the existence of some intervening trees, I consider that this aspect together with the closer proximity of the development would lead to a changed outlook for the residents, but in my judgement it would not be unacceptably harmful to living conditions.
111. Grumble Hall is a short distance from Crave Hall but the main elevation is orientated towards the southeast. Although a similar view of the wind farm would be clearly visible in a northeasterly direction on approaching the house along Cow Lane and from the garden, it would not be seen from the majority of the internal rooms. I consider the impact of the development on the outlook and living conditions of the occupiers would be minor.
112. Cook's Pen Farm consists of a pair of traditional cottages in a dip close to the A1307 approximately 1 km from T1, which would be a prominent feature on the opposite side of the road. Other turbines would be visible further to the south. Views from the cottages are restricted because of the small windows. The occupants would certainly notice the wind farm but I consider that the impact on living conditions would be negated because of these factors and the traffic on the A1307.
113. Rectory Farm lies north west of the appeal site beyond Hildersham. Because of its elevated position on the north side of the Granta valley, there would be a clear view of the development over trees. I do not doubt the value perceived by occupiers of views over open countryside particularly where augmented by a variety of landscape features such as here. The quality of the view in this case would be diminished to an extent by the introduction of wind turbines but I do not consider that the effect on the amenity of the occupants would be significant.
114. I have dealt above with those properties which are generally the closest to the wind farm site, and with the clearest views of it. There are, of course, a great many properties within Linton and other locations which would be in line of sight to at least a part of the development. However, I do not believe that there would be any material impact on the living conditions of the occupants of those properties.
115. Overall, therefore, I do not have evidence of sufficient weight to find any material conflict with those development plan policies which seek to protect the living conditions of nearby residents.

## **Linton Zoo**

116. I deal next with the effect of the proposal on Linton Zoo, a matter raised by the SLWFAG. The zoo is located about 1km from the nearest wind turbine at the nearest point. It is not disputed that the zoo is internationally renowned for its work in the conservation and breeding of rare and endangered species. The list of species which are held and bred at the zoo is extensive, and includes one of only two collections of successfully breeding white collared lemurs in the world. I also heard that the zoo is of benefit to the region as a tourist and leisure attraction, has a significant role in education, and both trains and employs zoo keepers from the UK and abroad.
117. The principle concern of the zoo relates to noise. Animals are acknowledged to be more sensitive to noise than humans and the zoo would wish to be assured that the wind farm would not distress any of the animals. That the visitors to and workers at the zoo would not find the wind farm unacceptable is not at issue.
118. I can well understand that any upset caused to the animals would be disruptive to the conservation work of the zoo, and that this in turn could have the potential to seriously compromise the valuable work which is carried out there. The problem is that there is so little evidence one way or the other to assess whether any adverse effects would be likely.
119. On the one hand I accept that ETSU is designed to address the impact on humans, and may therefore be of limited use in determining what is heard by animals in the zoo. But on the other hand, there is evidence that some animals appear to be completely unaffected by the presence of wind turbines; as noted at the inquiry it is common to see sheep and cattle in the same location as turbines without apparent ill effect.
120. I accept that those animals at the zoo are outside their natural environment, and therefore may well be likely to be under greater stress than animals for which their 'natural' environment is one of semi domestication. Nonetheless there is nothing in evidence to suggest that there would be a causal link between any audibility of the wind farm at the zoo and an unacceptable impact on the animals kept there. Given the lack of evidence either way (though I acknowledge that the appellant attempted to source information and did find a small amount) I am essentially left with a 'stand off' position. The appellant cannot show that no harm, or limited harm, would ensue, and the zoo cannot show that it would.
121. What comes into play in these circumstances is the important international work carried on at the zoo, and its importance to the tourist economy and in employment provision. The zoo could not easily move, but the wind farm (important as it would be in helping to tackle climate change) could be located elsewhere. If the work of the zoo were to be compromised it seems likely that this would have a knock-on effect in both tourism and employment. In a worst case scenario it may be faced with closure. On balance, therefore, without further evidence to indicate that effects would be acceptable, I am inclined to apply a precautionary principle such that the balance would lie with the protection of the environment of the zoo.

## Aviation

122. The Companion Guide to PPS22 is very clear that it is the responsibility of the applicant to prove that the proposal will have no adverse effect on aviation interests where concerns have been raised. Paragraph 25 of PPS22 makes clear that it is the responsibility of developers to address any potential aviation impacts before applications are submitted. In this case the wind turbines would be in line of sight from radar at Cambridge Airport, Stansted Airport and Debden (part of the National Air Traffic Service network). Concern has been expressed by NATS (En-route) Plc (NERL) that this would 'paint' on radar and cause the functions of individual Air Traffic Controllers (ATCs) to be made more difficult. In particular the concern is that light aircraft may become lost in the 'clutter' caused by radar returns from turbines, or that returns might otherwise be identified as aircraft.
123. The concerns of Cambridge Airport have now been addressed by the proposed use of holographic infill radar. This would be subject to the imposition of a 'Grampian' condition to secure its implementation before development of the wind farm. Holographic infill radar is designed to have the effect of providing a seamless radar service despite the presence of the wind turbines. The decision on the suitability of that solution is one for Cambridge Airport and the Ministry of Defence (MoD) which contracts work at that airport. However, I have no reason to disagree with the assessment made by them. Consequently no evidence was heard at the inquiry in relation to Cambridge Airport. Allied to this, the initial objection to the scheme from the MoD (safeguarding its position in relation to aircraft maintenance at Cambridge Airport) was not pursued.
124. During the resumption of the inquiry, in the final week of sitting following a lengthy adjournment, the appellant significantly altered the evidence brought in respect of mitigation, and asked that evidence be allowed relating to the possible imposition of a 'Grampian' condition by the Secretary of State at another proposed wind farm site. NERL had been consulted on that possibility in relation to that case and had opposed it. NERL also opposed the bringing of new evidence to this inquiry on the basis that it represented a fundamental shift in the appellant's position late in the day, would require further delay in the inquiry to revisit evidence and undertake further cross examination, and in any event the Secretary of State had issued no decision on the case in question so the imposition of a 'Grampian' condition in that case was by no means certain. My ruling is included in the attached annex. Suffice to say here that I declined to accept further material on that point.
125. Substantial evidence was presented by NERL, the provider of national air traffic control services. ATC services for both Stansted and Luton Airports would be affected by the turbines painting on radar. The difference between the parties is that NERL does not accept that any acceptable mitigation solution has been identified, despite its willingness to consider any proposal. Furthermore NERL does not accept that future developments in this sphere can be relied upon to be forthcoming.
126. At the beginning of the inquiry the preferred mitigation suggested by the appellant was to use infill radar coverage from RAF Honington, in order to avoid

use of that sector of the radar coverage serving Stansted and Luton which would be subject to 'interference' from the wind farm. That position changed after the adjournment and the appellant now relies on the hope of future technology to mitigate the effects on radar coverage. In particular the appellant relies on possible development of improved radar technology and/or 'stealth' technology for turbine blades. On that basis it was asserted that a 'Grampian' condition could be imposed such that no development could proceed until satisfactory mitigation had been brought forward.

127. There is no dispute that the area immediately to the south of the wind farm is one of substantial air traffic movements. Aircraft are controlled on approach to and when leaving Stansted and Luton. There is also a requirement to deal with overflights (transiting the area) and other aircraft entering the airspace, such as those using smaller airfields nearby. I was able to observe the movement of air traffic in real time whilst hearing the communication between aircraft and controller during my visit to NERL in Swanwick.
128. In the main the airspace near the wind farm is used for the approach or departure to and from Stansted and Luton. Because of the proximity of the airports to one another, and the corridors used by aircraft, ATCs are faced with traffic travelling in opposite directions in the same airspace. The aircraft must be 'knitted' together safely. Clearly, if vertical and horizontal safety margins are to be maintained ATCs must be aware of what is in the area, and what its intentions are. If not, then avoiding action must be instigated. I recognise that the task of the ATC is assisted by the transponders used on modern aircraft, but not all aircraft are required to carry them. This in the main relates to smaller aircraft which may therefore be flying at an unknown altitude. The ATC is required to ensure that such aircraft are safely handled.
129. I heard it said that a good ATC will become accustomed to returns from wind turbines, and will quickly adapt to them, allowing them to be discounted from the paramount task of vectoring air traffic. However, it is also suggested that familiarity with returns of the type generated by wind turbines could lead to a light aircraft being mistaken for the turbines until a late stage in traffic control, with potential for loss of safety margin. I was able to observe areas and items of 'clutter' on the radar screen during my visit to NERL which, to all intents and purposes, appear as a light aircraft would, though without the trail associated with movement.
130. There is both controlled and uncontrolled airspace to the south of the wind farm. In uncontrolled airspace any aircraft might be present, and the current state of radar provision means that ATCs handling Stansted and Luton traffic are aware of those aircraft because radar coverage extends almost to ground level. Nonetheless I was told that there are many (in relative terms) instances of aircraft straying into controlled airspace without authorisation, requiring immediate action from ATCs. Clearly it is better to know of such instances at the earliest possible moment. The maximum possible coverage in both horizontal and vertical planes is therefore required.
131. Added to this, I acknowledge that the area in the vicinity of the wind farm is busy with light aircraft on many occasions. The Imperial War Museum at Duxford is nearby, and holds many airshows in a year, some of which attract aviators from abroad. The light aircraft traffic generated adds to the

complexity of the ATCs job in this area. I was able to visit one such airshow and observe some of the airborne traffic generated.

132. On the other hand, whilst acknowledging that the ATC job is made more complicated by the presence of light aircraft, I am not convinced that the wind farm would make the area more hazardous for those flying under visual flight rules. In such circumstances pilots know to keep a watchful eye on the surroundings, and the presence of other aircraft and the wind farm itself is likely to be clearly apparent. In a similar vein I am not persuaded by the assertions made that wake turbulence from the turbines would be hazardous to light aircraft.
133. It is worth mentioning the process by which mitigation proposals have evolved. In the first instance the use of RAF Honington radar was described as acceptable by the appellant because its line of sight is such that topographical features exclude the turbines from painting on its radar in a horizontal plane (though NERL retains some disquiet about the accuracy of heights of turbine tips as advised by the appellant). It is not disputed that there would be reduced coverage in the affected sector in the vertical plane, leaving an area of airspace unswept by radar close to ground level where light aircraft may be unseen. NERL is unhappy with this degradation of its current coverage.
134. But in any event there was no guarantee offered that the MOD or RAF would be willing to provide the 24 hour coverage required, or to enter into a contract to do so. Nor is there any certainty that in the event of the RAF Honington radar malfunctioning it would be possible to repair it in a suitable timescale, or make other arrangements. Understandably, NERL is unhappy with that too.
135. The evidence before me was that the radar at RAF Honington is of an older design, and that its life may be limited, with no certainty of replacement in a manner suitable to provide the necessary coverage. Taking these factors together it seems to me that the proposal to use RAF Honington was at best optimistic, and at worst misplaced. Without the guarantee of future coverage to the required safety standards it would have been irresponsible of NERL to accept the mitigation proposed. In the event RAF Honington had to be discounted and the appellant does not now rely on it.
136. The appellant also indicated that technical solutions to the issue of wind turbine returns on radar are being investigated and that such a solution may be available in the future. Improved radar (the so-called Raytheon solution) is subject to ongoing research. I have no information on when, if at all, such a solution might be forthcoming. Similarly the 'stealth' technology required to make turbine blades invisible or much reduced on radar returns is not yet proven or available. There is no known timescale for the introduction of either of these options, and no certainty that either will become available at all.
137. At the inquiry I was made aware that the Secretary of State had issued a 'minded to grant' letter on a scheme elsewhere, subject to the imposition of a 'Grampian' condition that development did not take place until mitigation had been agreed. I understand that this was in response to hopes for future technology. However, the Secretary of State may have information not provided for me, and in any event the circumstances of that case are not

before me, and the nature of the concerns relating to air traffic control may be significantly different.

138. Technical mitigation solutions have been sought for some time now, and none has yet emerged. I do not discount that in future years it may be possible to bring forward methods to mitigate the effects of wind turbines on radar, but the outlook is not so bright that I feel able to afford such possibility any significant weight at present.
139. To sum up on this issue I find that the locality of the wind farm is of great importance because of its location close to the area where aircraft using the busy Stansted and Luton Airports are vectored. This requires a suitable level of radar coverage to maintain safety. Additionally the area around the appeal site is used by many light aircraft. It is also in an area of a considerable number of intrusions into controlled airspace, where the ATCs face a taxing and responsible task. I consider that it would be unacceptable to introduce the added burden of the wind farm without first being sure that the effects on radar would be properly mitigated. The appellant has abandoned the mitigation first proposed, and based on the information provided I am not satisfied that the prospect of future mitigation has been shown to be likely to be achievable within the lifetime of the permission. For that reason I conclude that there is no justification for taking the approach suggested by the appellant, which is contrary to the approach advocated in PPS22. In short I am not satisfied that the proposed development would be capable of implementation without unacceptably harmful effects on the radar coverage for major airports. The appellant has failed to provide the proof required by the Companion Guide to PPS22 that the proposal would have no adverse impact on aviation interests.

### **Biological Diversity and Nature Conservation**

140. Policy NE/6 of the South Cambridgeshire Development Plan Document indicates that permission will be refused for development that would have an adverse impact on protected species, unless the impact can be adequately mitigated for. It advises that applicants will be expected to provide an adequate level of survey information to establish the extent of the potential impact together with possible alternatives to the development, mitigation schemes and/or compensation measures. This reflects advice in PPS9 *Biodiversity and Geological Conservation* with its Good Practice Guide; and guidance in Government Circular 06/2005 which sets out the statutory obligations placed on those who, through development, might significantly affect protected species or habitats. Consultation with Natural England (NE), the Government's main source of technical guidance on ecological matters, is part of the process.
141. Bats are a protected species under the Wildlife and Countryside Act 1981 and the Habitats Regulations. Circular 06/2005 advises that it is essential that the presence of protected species and the extent to which they may be affected by proposed development is established before planning permission is granted. The relevant reason for refusal alleges deficiencies in the survey carried out for the ES in 2007 and prior to the Inquiry, the appellant's consultants, Norfolk Wildlife Services (NWS), carried out additional surveys in August, September and October 2009. Technical difficulties with the 'Anabat' equipment occurred.

The only reliable recordings were taken at location 3, east of The Sallows, an isolated copse to the west of the site. This indicated little bat activity, with the presence of 4 species, although Noctule (or Leisler's) was recorded briefly (considered to be at high risk from wind turbines). Concurrent transects using hand held recorders tended to confirm a low level of activity generally.

142. During the inquiry considerable doubt was cast on these results by witnesses for SCDC, the Pampisford Estate; and by NE in their letter of 11 February 2010. The number of surveys undertaken overall, the months in which they took place, the times at which they took place relative to dusk/sunset and the technical failure of equipment sited closest to the SSSI at Hildersham Wood and to the former farmstead at Catley Park all suggest to me that foraging routes and rarer species in the vicinity may have been missed (notwithstanding the reports in the ES and my earlier ruling on it). During the summer adjournment, the opportunity was taken by the Pampisford Estate to explore bat activity in Hildersham Wood, thought by the Cambridgeshire Bat Group (CBG) to be a maternal roost site for the rare barbastelle bat. NWS also carried out further survey work on the appeal site.
143. Regrettably, there are few areas of common ground. The 2010 NWS surveys indicate a slightly lower level of activity compared with the already low 2009 readings, but CBG record very substantially more activity. I do not find that the Anabat recordings taken by NWS at turbine locations particularly conflict with higher bat detector registrations from CBG. The microphone range is given as generally 30m, which would not include surrounding hedgerows or the extent of blade tips. But it is surprising that hand held transect recordings are not more consistent, particularly as the transect used by NWS passed by the corner of Hildersham Wood where roosts are known to exist and included CBG location B where numerous passes were recorded, albeit on different dates.
144. Given the variabilities of weather and equipment, I accept that different surveys may lead to conclusions which appear to conflict; but in this case, due to other circumstances, 3 years have elapsed during which the true level of bat activity could be reliably established. There is little agreement, but there are a few areas of common ground. Importantly, the existence of barbastelle bats breeding in Hildersham Wood is confirmed and is not disputed. NWS make no criticism of CBG's 2010 results. It is not doubted that the wood is only the second recorded breeding site for this species in Cambridgeshire. There are no breeding sites known in Essex. Furthermore, the extent of barbastelle foraging, established by the CBG using radio telemetry, is not seriously challenged. That has been shown to extend several kilometres at least from Hildersham Wood towards the Abingtons and I do not doubt that strong hedge lines and ditches leading in other directions are also used, despite the paucity of barbastelle registrations noted on NWS transects. I give considerable weight to the CBG record of much bat activity around Catley Park. I observed that the large pond there supports a great deal of insect life which would attract bats, as would the derelict buildings and tree cover. This resource is to be enhanced as part of the appellant's proposals.
145. NE Technical Information Note TIN051 *Bats and onshore wind turbines* identifies barbastelle bats to be at medium risk from turbines due to their small population, low level of reproduction and particular foraging habits. Worldwide,



the evidence for bat fatalities from any species due to turbines remains uncertain, but I see logic in the argument that casualties may often be taken from the ground by natural predators before being found and established as casualties. In Europe, the most serious incidents have involved high flying species on long migrations; noctules, common pipistrelles and Nathusius' pipistrelles being most frequently recorded. Of these, only common pipistrelles have been noted at the appeal site, but in contrast to Europe most bat activity in Britain is limited to habitat features. Because of this, TIN051 recommends that to minimise risk in the UK, a minimum 50m zone is maintained around any feature such as a hedgerow or tree into which no part of a turbine intrudes.

146. The appellant has produced detailed plans and elevations<sup>10</sup> indicating that this separation distance would be maintained at all turbine positions except T6, where blade tips would be about 46.35m from a clump of trees in a field separate from the nearest hedgerow. The clump of trees is linked to the hedgerow by a short strip of uncultivated land. It is highly likely that bats would investigate these trees as part of their routine foraging. Although only 3.65m short of the desired minimum distance from this feature, I am reluctant to conclude that a relaxation should be made; the fields in which T6, T7 and T8 would lie are smaller than those on the surrounding slopes and are enclosed by mature hedges and larger groups of trees that would be attractive to bats. Having regard to the comprehensive advice in *Bat Surveys Good Practice Guidelines* published by the Bat Conservation Trust, and the presence of maternity roosts nearby as well as the degree of connectivity in the landscape, I am not convinced that sufficiently robust survey information has yet been obtained to show that the southern part of the appeal site is not of particular value to bat populations, in particular the barbastelle. The slow reproduction rate of the barbastelle indicates that only a few mortalities would need to occur to seriously threaten the viability of the local population. Moreover, the evidence that barbastelles may fly high and straight on commuting flights during dark nights, and would therefore be at greater risk from turbine blades on those occasions, went largely unchallenged.
147. The appellant has suggested a condition which would have the effect of turning off or reducing turbine operational times in accordance with a scheme for monitoring bat (and bird) mortality. However, notwithstanding the difficulties of monitoring already referred to, without more reliable knowledge of the use by all bats of the appeal site and its immediate environs, I regard mitigation by such means as being rather inappropriate. It is Government policy, as set out in PPS9, to plan development in a way that prevents harm by working with nature rather than reacting to harmful effects afterwards.
148. I have taken account of the use of the appeal site and its environs by birds which may include protected species. The ES found no localised areas of heavy use by birds within the site. It identifies risks on a scale from very low to moderate, with the overall significance to populations of negligible to minor negative. Operating turbines present a risk to flying birds and construction activities can disturb ground nesting species. The proposal includes the provision of skylark plots and enhancement of hedgerow habitats and grassed margins away from the turbines, which I consider is likely to attract birds of prey, owls, quail and other birds that are of particular concern. In contrast to

---

<sup>10</sup> Doc 88

bats, post construction monitoring is likely to be more successful because birds would be more easily found. In my opinion, if a monitoring scheme is agreed with the Council(s) which includes vantage point surveys in summer and winter as well as mortality, it would acceptably mitigate for any harm to flying birds by providing for turbines to be turned off at certain times if necessary. I consider that possible harm to populations of ground nesting birds can be avoided by firstly surveying and then controlling the construction of the turbines by means of a construction method statement approved by the Council.

149. I have also considered the value of the site to other forms of wildlife, referred to by many local residents, but there is no persuasive evidence that wind turbines are likely to affect their numbers or welfare.
150. I recognise that climate change would have an impact on local ecology and that renewable energy would be likely to play a significant role in mitigating the effects. But the potential for harm to protected species has to be put into the balance, along with the merits of the proposal. Applying the precautionary principle, it is my judgement that it has not been shown that the proposal would not be harmful to bats, especially barbastelles, which are a protected species. For that reason, on balance, I conclude that the proposal conflicts with the relevant aims of SCDC development plan policies DP/10 which seeks to conserve and where possible enhance biodiversity of wildlife; DP/3(2)0 which seeks to avoid unacceptable impact on ecological and wildlife interests; and NE/6 which sets out these objectives in more detail. There is also conflict with the provisions for the protection of bats under the Wildlife and Countryside Act 1981.

### **Highway Safety and Public Rights of Way**

151. The A1307, which runs to the north of the site, is a busy commuter route from Cambridge towards Haverhill. I have been informed of a number of accidents, including fatal accidents, along the stretch of road between the junction with the A11 to the west, and Cambridgeshire/Suffolk boundary to the east. It is therefore understandable that local people are worried that the presence of large, moving structures in the landscape would be a distraction to drivers.
152. The Parish Council has reached agreement with the appellant in relation to highway safety matters, and although this was not brought before the inquiry, I understand that the agreement involves the provision of extra warning signs along the relevant stretch of the highway. Prior to this the County Council, as highway authority, had been consulted on the proposal, and had not raised objections.
153. I have travelled the relevant section of the A1307 and agree that there are locations from which the turbines would be prominent, and others where they would be hidden. There are also certain points on the route when the wind farm would appear rather suddenly in a driver's field of vision. However, it would be unlikely to draw attention more than other features which might appear in the field of vision, including existing traffic movements and manoeuvring. As noted in PPS22 all vehicle drivers are expected to drive carefully, and I see no particular characteristics of the relationship between the

A1307 and the proposed wind farm which would be so likely to cause a hazard that it would add an unacceptable degree of danger.

154. Turning to public rights of way (PROW) I have noted the value placed on the extensive network of both footpaths and bridleways close to the appeal site. These include the Icknield Way, which is used by walkers, cyclists and horse riders. Having used a great many of the PROW I agree that they are a valuable resource for exercise and simple enjoyment of the countryside. But none of the PROW would be lost or diverted as a result of the proposal. It would remain possible to use the whole network as it exists today. Of course the visual aspects of a walk, ride or cycle would change, as noted in the earlier sections of this decision. But the opportunity for pursuing those particular recreational activities would remain. Hence the presence of the wind farm close to the PROWs used by walkers and cyclists is not a matter which carries great weight in this instance.
155. In the case of horse riders there is a worry that the proposed turbines would frighten horses and lead to danger for both riders and mounts. PPS22 indicates that the British Horse Society has suggested a 200m exclusion zone around bridleways, but that this is not a statutory requirement and if it is difficult to achieve negotiation should be undertaken. I am not aware of any negotiation in this case, and some of the proposed turbines would be located significantly closer than 200m from the 'main' bridleway from Linton to Great Chesterford. Two in particular, T6 and T8, would also be in the area of smaller scale fields and mature hedgerows so that the possibility of surprising and startling a horse is raised by the possibility of the turbines coming into view from behind those hedgerows.
156. I see no reason to doubt that this bridleway is much valued and much used. As such the potential danger to riders is a matter which is of some concern. However, there are other bridleways in the area, and it is by no means certain that all horses would be affected by the sight of turbines. It would be possible for riders to choose their route based on the temperament of the particular mount. As a result, whilst I take note of the concerns expressed, I do not give them so much weight that they are in themselves a determinative issue in the appeal.

### **Other Matters Raised in Objection**

157. I deal here with some other matters which have been raised, principally by local residents. Though not identified as main issues each is taken into consideration in the balance carried out later, as are all other views expressed at the inquiry and in writing during the process of the application and subsequent appeal.
158. Safety. Though there are documented examples of turbine blade failure, these are rare, and there is no known evidence of any member of the public being harmed by mechanical failure of a wind turbine. I accept that the structures are inherently safe because of high build quality. The matter of ice throw is somewhat different, but nonetheless also of limited weight. It is the case that ice can form on turbine blades, but again I am not aware of any injuries being caused by ice thrown from moving blades. Mechanisms also exist to detect ice and adjust turbine operation accordingly.

159. Blade flicker. The flickering caused when blades pass in front of the sun can be distracting. It is a matter which is well documented. However, I am satisfied that it is predictable, and that the operation of turbines can be controlled in order to eliminate it or reduce it to acceptable levels. These levels of control could be required by condition, hence this matter carries limited weight.
160. Electro magnetic interference. This mainly concerns the potential for interference with radio and TV signals. Given that the signals come from a known source it is possible to make some prediction of whether interference would occur at particular locations. Even after construction any interference can be addressed by mitigation measures. Such measures can be required by condition. Again, therefore, this is not a matter which carries much weight.
161. Vibro acoustic disease (VAD). It has been promulgated elsewhere that wind turbines can generate vibration which has a harmful effect on individuals. Research has been conducted overseas and clearly relates to other cases, the details of which are not before me. In any event there is no substantive evidence that VAD is a phenomenon which is a proven effect of wind turbines, or that it would be likely to lead to any harm. I cannot afford weight to this matter.
162. Property values. The major investment of most people is in their property and I therefore understand the concern that development may reduce the value of that property. However, the land use planning system is not designed to protect private interests and it is an accepted tenet that property values are of little weight in planning decisions. In any event there is no convincing evidence that the presence of wind farms reduces property value over the longer term.
163. The consultation process between the appellant company and the Parish Council has been criticised. This is not a matter for me, however, as I must assess the merits of the case before me on land use planning grounds.

### **Benefits of the proposal**

164. There is no dispute between the main parties that the wind farm would produce renewable energy as described by the appellant (at around 42000MWh) and that this contribution to the achievement of national target of 15% of energy consumption from renewables by 2020 is welcome. This is a substantial material consideration in its own right. Whilst some other parties have sought to criticise the effectiveness and efficiency of wind farms, and the wind resource in the vicinity of the appeal site, this is not a matter which can be afforded weight. The viability of the proposal is a matter for the developer.
165. Alongside the production of renewable energy is the associated assistance in reducing the impact of climate change by reducing CO<sub>2</sub> emissions. Again, this is a significant material consideration. The proposal would also assist in the provision of a stable and secure energy supply.
166. I also recognise that the development would generate investment in jobs, some of which may be available locally, as well as an ongoing if modest requirement for maintenance and the like.

## **Overall Balance**

167. I turn now to consider the overall balance of the case. The considerations which weigh in favour of the proposal are:

- (a) The production of renewable energy and assistance in meeting relevant national aspirations;
- (b) The assistance in reducing the impact of climate change;
- (c) Investment in jobs.

The matters which weigh against the proposal are:

- (d) The harm to landscape;
- (e) The harm to the heritage assets as described;
- (f) The harm to aviation interests;
- (g) The likely harm to biodiversity.

168. Those considerations where I have found lack of harm or insufficient evidence to conclude that harm would arise do not, of course, weigh in the balance in favour or against the proposal.

169. The production of renewable energy, with its strong support in national policy, is a material consideration to which significant weight is attached, alongside the associated assistance in tackling climate change. Investment in jobs carries less weight. I am also mindful of the fact that the proposal seeks a time limited permission and is reversible, though the 25 year span is a considerable period.

170. But even the substantial aggregate weight in favour of renewable energy production and its associated benefits cannot surpass the fact that the harm to aviation interests, with the safety implications for 2 major airports, has not been satisfactorily addressed. This is in direct contravention of national policy advice. When the added significant harm to heritage assets, the moderate to significant harm to the landscape, and the likelihood of harm to protected species is added, the balance falls firmly against the grant of planning permission.

171. Many appeal decisions have been referred to in evidence and produced as core documents. I have noted and absorbed these, but ultimately my decision on this proposal must be made in the light of the particular circumstances pertaining to it. For the above reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

*Philip Major*

INSPECTOR

## APPEARANCES

### FOR SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL:

Miss Tina Douglass	Of Counsel
She called	
John Koch Dip TP MRTPI	Appeals Manager and Special Projects Officer
Michelle Bolger BA(Eng) BA(Larch) Dip LA CMLI	Senior Associate, LizLake
Corrie Newall BA (Arch) (Hons) RIBA IHBC	Principal Conservation Officer
Mike Stigwood Dip A MIOA FRSH	MAS Environmental
Rob Mungovan BSc (Hons) MIEEM	Ecology Officer

### FOR UTTLESFORD DISTRICT COUNCIL:

Miss Jennifer Oscroft	Of Counsel
She called	
Jonathan Billingsley BSc (Oxon) BPhil	Director, The Landscape Partnership Ltd
Karen Hollitt BA (Hons) Dip TP MRTPI	Principal Planning Officer

### FOR THE APPELLANT:

Mr Timothy Mould	Queens Counsel, instructed by Pollok Webb and Gall, Solicitors
He called	
Jonathan Edis BA (Hons) MA PhD MIFA IHBC	CgMS Limited
Charles Morelli BSc	Pager Power
Malcolm Hayes BSc MIOA	Hayes McKenzie Partnership
Michael Lee-Wright BTP FRICS MIES CE	GL Hearn
Colin Goodrum BSc (Hons) Dip LA CMLI	LDA Design
Chris Smith BSc	Norfolk Wildlife Services
Stephen Williams BSc (Hons) FGS AIEMA	

### FOR THE STOP LINTON WIND FARM ACTION GROUP:

Mr Philip Kolvin	Queens Counsel, instructed by DLP Planning
He called	
Michael Barnard BA (Hons) (Oxon)	Consultant on Wind Farms
Michelle Bolger BA(Eng) BA(Larch) Dip LA CMLI	Senior Associate, LizLake

Dr Christopher Hanning BSc MS BS MRCS LRCP FRCA MD Kim Simmons Sue Heathcote Dr Roger Moreton	Consultant in Sleep Disorders Medicine  Linton Zoo Public Rights of Way Cambridge Group of the Ramblers' Association
--	--

FOR THE PAMPISFORD ESTATE:

Mrs Annabel Graham Paul She called Chris Vine BSc MIEEM MSB Ray Heaton MSc BEd FRGS	Of Counsel  Cambridgeshire Bat Group  Conservation Biologist
--	--

FOR NATS (En-Route):

Mr James Strachan He called Jason Strong Brendan Kelly Mark Vidler	Of Counsel, instructed by DLA Piper  Deputy Engineering Manager for Surveillance Head of Air Traffic Management LTC Procedures and Planning Officer
--	---

INTERESTED PERSONS:

S G Sillery Ian Ralls	The Marshall Group, Cambridge Airport CB5 8AX Cambridge Friends of the Earth and Saffron Walden and District Friends of the Earth
Esther Cornell Dr Judith Rossiter Enid Bald Roger Hickford Garth Collard MA MBE Bryan Gibbs Elizabeth Edwards John Bald Alison Barr Jacqueline Wilson Mark Linney Christopher Emms Ralph Robinson Brian Gallagher Dr Adrian Izzard Tony Orgee Mrs K Burgess Cllr Rod Chamberlain	Linton Parish Council Linton Parish Council Resident of Linton Resident of Linton Linton & District Historical Society Resident of Linton Resident of Little Chesterford Resident of Linton Resident of Great Chesterford Resident of Linton Resident of Linton Resident of Hildersham Resident of Linton Resident of Chalky Road, Great Abington Resident of Chalky Road, Great Abington Resident of Little Abington Resident of Linton Resident of Radwinter

Kirsten Newble	Resident of Linton
Peter Mercer	Resident of Linton
Dr Peter Leggo	Resident of Linton
Joanna Delaforce	Resident of Linton
Ian Wilson	Resident of Linton
Roseanne Mattick	Resident of Little Linton
James Hamilton	Resident of Great Chesterford
Gareth Jones	Resident of Chalky Road, Great Abington
David Hartland	Resident of Hildersham
Lynne Hartland	Resident of Hildersham
Alan Baker	Resident of Linton
Cllr John Batchelor	Resident of Linton
David Palmer	Resident of Hildersham
John Crawley	Resident of Hadstock
Pamela Hinds	Resident of Linton
Andrew Westwood-Bate	Resident of Balsham
P Blakeley	Resident of Linton
Ashley Edgar	Resident of Linton
Prof Peter Fentem	Resident of Great Chesterford
Hamish McIlwrick	Resident of Hadstock
Philip Cheesmur	Resident of Linton
Jean Kelly	Resident of Hildersham
Patricia Bear	Resident of Linton
A Kelly	Resident of Linton
Mike Farrant	Resident of Haverhill
Mrs J Leggo	Resident of Linton
Suzette Gibbs	Resident of Linton
John Bye	Resident of Hadstock
Dr R J Winwood	Resident of Linton
Freddie Killander	Pampisford Hall, Pampisford
Calixta Killander	Pampisford Hall, Pampisford

## **INQUIRY DOCUMENTS (submitted at the inquiry)**

### Week 1

- 1 Opening Statement and Legal Submissions from Pampisford Estate.
- 2 Opening Submissions from SLWFAG.
- 3 Opening Statement for Uttlesford DC.
- 4 Opening Statement for South Cambridgeshire DC.
- 5 Opening Statement for Enertrag UK Ltd.
- 6 Copy e-mail requesting noise data from Mr Kolvin.
- 7 Letter from Dr Lee Hoare, dated 28 January 2010, submitted by the Pampisford Estate.
- 8 Bundle of letters, texts of verbal submissions, and written statements submitted by local residents during the inquiry.
- 9 Proof of Evidence from Chris Vine on behalf of the Pampisford Estate.



Week 2

- 10 Consultation document (Information and frequently asked questions) submitted by the appellant.
- 11 Request of Noise Experts by SLWFAG
- 12 Letter from ACJ Krarup, dated 11 February 2010.
- 13 Proof of Evidence from Ray Heaton on behalf of the Pampisford Estate.
- 14 Plan showing locations of Great and Little Abington Churches, submitted by SLWFAG (MB Figure G).
- 15 Answers to Inspector's questions (day 5) to the Pampisford Estate.
- 16 Statement of Common Ground on Cultural Heritage Issues.
- 17 Note regarding late information received by the Pampisford Estate, from Dr John Constable.
- 18 Request for reasons, submitted by the Pampisford Estate.
- 19 Bundle of submissions from Members of Linton Parish Council.

Week 3

- 20 Information on barbastelle bats at other locations, from Pampisford Estate.
- 21 Plans submitted by the appellant showing development of the site layout between 2006 and 2008.
- 22 Letter from Natural England dated 11 February 2010.
- 23 Note on tree heights and proximity of trees and hedges to turbines, provided by the appellant.
- 24 UDC Core Strategy consultation documents on Preferred Options (2).
- 25 Great Chesterford Conservation Area Appraisal and Management Proposals, provided by UDC.
- 26 Extract from the London Gazette and the Saffron Walden Reporter dated 20 March 2008 regarding changes to the boundary of the Great Chesterford Conservation Area, supplied by UDC.
- 27 Copy of correspondence between Enertrag and Linton PC, from the Appellant.
- 28 Diagram of turbine separation from The Grip, supplied by the appellant.
- 29 Diagram of turbine separations on site supplied by the appellant.
- 30 Diagram of turbine separations at Wadlow wind farm supplied by the appellant.
- 31 Comments on highway evidence from Linton Parish Council.
- 32 Statement of Roger Shaw on the technical background to SLWFAG blimp and photographic evidence.

Week 4

- 33 Opening Statement of NERL.
- 34 Extract from NERL self-assessment maps, provided by NATS (En-route) plc
- 35 Extract from The Gardener's Chronicle May 1884, provided by

- the Pampisford Estate.
- 36 Letter from TSol dated 22 February 2010 relating to the position of the MoD.
- 37 Copy of email from Enertrag to Jonathan Westbrook dated 16 October 2010, supplied by the appellant.
- 38 Supplementary notes of Jonathan Billingsley, supplied by UDC.
- 39 Letter from NATS Safeguarding Office to UDC dated 23 March 2010.
- 40 Letter from Delpha Pope of CAA to Enertrag dated 19 June 2009.
- 41 Eurocontrol standard document for Radar Surveillance in en-route Airspace and Major Terminal Areas, supplied by the appellant.
- 42 Plan showing blimp locations during site visits, provided by SLWFAG.
- 43 Notes on status of Linton Conservation area as 'outstanding' provided by SCDC.
- 44 Copies of Inclosure maps of Great Abington, provided by SCDC.
- 45 Colour photograph of cedar avenue at Pampisford Hall, supplied by the Pampisford Estate.
- 46 Bundle of letters from NATS Safeguarding Office to UDC dated 26 September 2007, 16 October 2007, 9 March 2009 and 23 March 2009, supplied by UDC.
- 47 Copy of NATS 'Technical and Operational Assessment of Proposed Development at Linton' dated October 2007, supplied by UDC.

*Adjournment*

Week 5

- 48 Bundle of initial responses to request from Inspector for representations on PPS5, received in April 2010.
- 49 Note to Inspectors on Safety Significant Events, provided by Brendan Kelly, NERL.
- 50 Bundle of letters on aviation matters.
- 51 Rebuttal evidence of Malcolm Hayes, Ref ENG7D.
- 52 Bat Survey 2010, submitted by Chris Vine.
- 53 Additional Bat Surveys 2010, submitted by Norfolk Wildlife Services.
- 54 Copy of letter to SCDC from Pollok Webb & Gall dated 9 November 2009.
- 55 Affidavit of Malcolm Hayes submitted to the New Zealand Environment Court, ref W59/2007 dated 20 July 2007.
- 56 Summary of noise complaints at wind farms in the UK, submitted by Mr Stigwood.
- 57 Predicted noise level tables requested by SLWFAG, submitted by Mr Hayes.

- 58 Noise analysis and prediction tables on behalf of SLWFAG, provided by Mr Stigwood.
- 59 Appeal Decision ref APP/K0235/A/09/2108506, submitted by Mr Stigwood.
- 60 Supplementary Proof of Evidence from SLWFAG, ref AG/22.
- 61 Additional information on Rights of Way, submitted by SLWFAG, ref AG/21.
- 62 Euronoise Paper by Fritz van den Berg, October 2009.
- 63 Acoustics – Wind farm noise. New Zealand Standard 6808:2010.
- 64 Email correspondence regarding noise monitoring locations, submitted by the appellant.

Week 6

- 65 Supplementary Proof of Evidence of Michael Lee-Wright ref ENG 8 relating to RSS.
- 66 Copy of letter from BAA Airports Aerodrome Safeguarding dated 25 February 2010.
- 67 Bundle of information and correspondence from Mr Mungovan.
- 68 Copy of presentation made by the Bat Conservation Trust to the National Bat Conference 2010.
- 69 Pre-Inquiry notes by Rob Mungovan.
- 70 Full size copies of drawings refs ENUK/025/PL/007 Rev 4 and 008, provided by the appellant.
- 71 Letter from the James Binney Will Trust dated 13 September 2010.
- 72 Copies of letters from Pollok Webb & Gall to SCDC dated 24 March 2010 and 21 April 2010 regarding turbine heights AOD.
- 73 Linton Heritage Trail update
- 74 Bundle of information relating to draft planning conditions.
- 75 Closing Submissions from the Pampisford Estate.
- 76 Closing Submissions from the Stop Linton Wind Farm Action Group.
- 77 Closing Submissions from NATS(En-route) Plc.
- 78 Closing Submissions from Uttlesford District Council.
- 79 Closing Submissions from South Cambridgeshire District Council.
- 80 Closing Submissions from Enertrag UK Ltd.
- 81 Costs Application by South Cambridgeshire and Uttlesford District Councils.
- 82 Costs Application by NATS (En-route) Plc.
- 83 Costs Application by the Stop Linton Wind Farm Action Group.
- 84 Costs Application by the Pampisford Estate.

**PLANS (in addition to those submitted with the application)**

- A Copy of application site plan, supplied by the appellant.
- B 1:3000 plan of Great Chesterford including current Conservation Area boundary, supplied by UDC.

## **PHOTOGRAPHS**

- P1 Photo of blimp over the site, from Mr Gallaher.
- P2 Viewpoint from Gog Magog Down, submitted by the appellant.
- P3 CN Appendix 6 Photo 17 revised, submitted by SCDC.
- P4 CN Appendix 6 Photo 26 revised, submitted by SCDC.
- P5 CN Appendix 6 Photo 27 revised, submitted by SCDC.
- P6 Viewpoint JBH3 (Hadstock) agreed by UDC, submitted by the appellant on 18 February 2010.
- P7 Viewpoint JBH4 (Hadstock) agreed by UDC, submitted by the appellant on 18 February 2010.
- P8 Enlarged photo of barbastelle bat from Pampisford Estate supplementary information.

## **ANNEX - Rulings made during the inquiry**

### **Ruling 1**

I have given careful consideration to your request for a ruling that additional environmental information is required and that I request such information under the powers granted by Regulation 19 of the EIA Regulations 1999. I have reviewed the relevant sections of the ES before reaching my conclusion.

On the basis of the information contained in the ES I am satisfied that it fulfils the requirements of Part I and Part II of Schedule 4 to the 1999 Regulations in relation to noise, ecology (particularly bats) and hydrology.

The information provided is what an applicant can, having regard to current knowledge and methods of assessment, reasonably be required to compile.

In particular (but not exclusively) I am satisfied that the ES provides information in accordance with Part I paragraph 1(c) relating to noise and hydrology, paragraph 3 relating to fauna and water, and paragraphs 4 and 5. I also consider that the ES fulfils the requirements of Part II including (but not limited to) paragraph 3.

I therefore decline to make such a request for additional information.

---

In relation to the second requested ruling I do not intend to adjourn now, but invite Pampisford Estate and Stop Linton Wind Farm Action Group (if it wishes) to submit notes of what late information they have received, the date it was received, and how long would be reasonably required to consider it.

I will then make a decision on whether the inquiry should adjourn for a period before hearing evidence on those topics (of noise, ecology [bats] and hydrology).

*Philip Major*

3 February 2010.

### **Ruling number 2**

This ruling follows that made on 3 February and deals with the second request of Pampisford Estate, in its opening statement, requesting adjournment of the inquiry to allow more time for consideration of noise and ecological matters. The ruling takes account of the information given to me by the Pampisford Estate in response to the invitation noted at the end of the ruling of 3 February 2010. The ruling also takes into account the submissions made in reply to the Pampisford Estate information on behalf of Enertrag.

### **Ruling**

1. The Pampisford Estate is advised by expert practitioners.

It is clear to me that if it had ongoing concerns in regard to noise it would not have omitted it from the Statement of Case.

---

The Councils and Action Group are presenting noise evidence and this encompasses the area including property owned by Pampisford Estate. The matter will therefore be raised, and the Estate will be able to test the evidence relating to its own property.

I do not believe that there would be any prejudice to the Estate in following that course of action.

*Hence I will not adjourn noise evidence on the basis of the Estate's request.*

2. It is also clear to me that the Estate withdrew its objection and accepted the advice of its advisor that hydrology can be dealt with by condition(s). The Estate may see this as second best, but accepted that position as acceptable.

*Again I will not adjourn on the basis of the Estate's request.*

3. In relation to bats it would be my intention to hear evidence and to then decide on the basis of what experts tell me, and having heard their evidence tested, whether a further bat survey is necessary.

*So again I will not adjourn on the basis of the Estate's request.*

---

Having made that ruling it must be noted that an adjournment has been accepted as necessary by all parties for practical reasons.

I have considered the representations made, and I have further information on the likely level of public attendance and participation in the inquiry on 16 February 2010. It is significant. That will inevitably eat into the time available to hear other witnesses.

We also know that ecological witnesses, and Mr Kolvin (for the Action Group), are not available in the week commencing 22 February.

Hence I intend, regrettably, to adjourn hearing noise evidence to a future date, that being Monday 6 September 2010 at 1100 hours.

I will hear local residents and others, ecological evidence and planning evidence in the week commencing with Tuesday 16 February.

The timetable for the appeal will be adjusted accordingly.

*Philip Major*

12 February 2010.

### **Ruling No 3**

Ruling Made on 14 September relating to the application by the appellant to introduce new written papers relating to aviation in response to a 'minded to grant' letter, subject to a 'Grampian' condition, issued by the SoS in relation to another site.

1. It is open to the appellant to suggest conditions, in this case a 'Grampian' condition relating to development not progressing until suitable mitigation on air traffic control matters has been introduced.
2. However, I have heard no substantive evidence on mitigation by radar upgrade (as described in Mr Morelli's proof of evidence) or stealth technology. I have not had access to the information available to the Secretary of State in the case referred to. The final decision on that case is unknown.
3. There has been no testing of these points in the evidence of Mr Morelli on the basis that Mr Mould (for the appellant) indicated in February 2010 that it was no part of his instructions to seek a 'Grampian' condition based on stealth of Raytheon technology.
4. If I were to accept the Secretary of State's 'minded to grant' letter, and NERL's response, I would feel compelled to seek further evidence to deal with the matters of mitigation by stealth technology or radar upgrade in more detail.
5. That would unacceptably delay the inquiry process and I am not prepared to go down that road given that some 9 months have elapsed since the inquiry was adjourned in February. That should have been sufficient time for the matter to be progressed.
6. I have therefore decided that I will not accept the papers in evidence.

*Philip Major*

13 September 2010