

**Byers Gill Solar
EN010139**

8.35 Residential Visual Amenity Assessment Technical Note

Planning Act 2008

APFP Regulation 5(2)(q)

Infrastructure Planning (Applications: Prescribed Forms
and Procedure) Regulations 2009

Volume 8

Deadline 8 – January 2025

Revision C01



Table of Contents

Page

1.	Residential Visual Amenity Assessment Technical Note	4
1.1.	Introduction	4
1.2.	Wider Policy Context	4
1.3.	GLVIA3 and RVAA Guidance	6
1.4.	RVAA in the planning process	7
1.5.	Applying the RVAA process to Byers Gill Solar	8
1.6.	Other residential amenity effects	10
1.7.	Summary and overall planning balance	10
Annex A: Landscape Institute Technical Guidance Note 2/19: Residential Visual Amenity Assessment (15 March 2019)		12
Annex B: Extracts from relevant decisions		13

1. Residential Visual Amenity Assessment Technical Note

1.1. Introduction

- 1.1.1. This document provides a response to queries raised during Issue Specific Hearing 8 (ISH8) on 14 and 16 January 2025. It seeks to clarify the position of the National Policy Statement (NPS) with regard to consideration of residential amenity and residential visual amenity (RVA), and provide clarification on how the Applicant has undertaken its residential visual amenity assessment (RVAA), reported in ES Appendix 7.6 [APP-137].
- 1.1.2. There are two separate concepts or groups of visual impacts that it is important to understand and distinguish between:
- Effects on landscape and visual amenity - impacts on public views and the public experience of them.
 - Effects on residential visual amenity - these are a subset of wider residential amenity. RVA is the experience of amenity in private residences affected by visual influences.
- 1.1.3. The planning process has long had a test for considering the relevance of impacts on RVA, known as the Lavender test after the Inspector who dealt with the point on a series of wind farm appeals in the late 2000s. The Lavender test is well understood, reflected in current guidance on conduct of RVAAs and has been applied by different decisions makers across different consenting regimes across the UK on a consistent basis.
- 1.1.4. Broadly, visual impacts on private residential amenity are not relevant to planning decisions based on the public interest. The exception is where impacts on RVA would make a home an unattractive place to live, when judged objectively in the public interest – described as the RVA threshold - which is not a threshold which is met for the Proposed Development.
- 1.1.5. The landscape and visual assessment (LVIA) for the Proposed Development, as reported in ES Chapter 7 Landscape and Visual [AS-028/29], does acknowledge that there are likely significant effects on visual amenity - the public experience of views in areas close to residential receptors - at a number of locations.

1.2. Wider Policy Context

- 1.2.1. Under Section 104 of the Planning Act 2008, the Secretary of State must decide an application in accordance with any relevant national policy statement (NPS).
- 1.2.2. Paragraph 5.10.16 and footnote 243 of NPS -1 establish the requirement for landscape and visual assessment under the NPS, with reference to the Landscape Institute (LI) Guidance (known as GLVIA3):

“5.10.16 The applicant should carry out a landscape and visual impact assessment and report it in the ES, including cumulative effects (see Section 4.3). Several guides have been produced to assist in addressing landscape issues.²⁴³”

“²⁴³ The Landscape Institute and Institute of Environmental Management and Assessment: Guidelines for Landscape and Visual Impact Assessment (2013, 3rd edition); Landscape and Seascape Character Assessments – see <https://www.gov.uk/guidance/landscape-and-seascape-character-assessments>; Countryside Council for Wales/Cadw (2007) Guide to Good Practice on Using the Register of Landscapes of Historic Interest in Wales in the Planning and Development Process; or any successor documents. “

- 1.2.3. GLVIA3 (published in 2013) deals with the assessment of effects on landscape and visual amenity. RVAA is referred to in passing (paragraphs 6.17 and 6.18). A separate guidance note was prepared in 2019 which now functions as the primary guidance for the assessment of residential visual amenity in all development contexts. That guidance is the Landscape Institute Technical Guidance Note 2/19: Residential Visual Amenity Assessment (15 March 2019) (as identified at paragraph 1 of the Applicant’s RVAA [APP-137]). A copy of that Technical Guidance Note (TGN) is included in full at Annex A to this note. The other guidance documents referred to in footnote 243 relate to certain types of assessment and do not relate to the consideration of visual effects or residential amenity.
- 1.2.4. NPS EN-1 refers to residential amenity in relation to landscape and visual impacts once, at 5.10.22 as highlighted during ISH8 by the ExA. Paragraph 5.10.22 deals with sources of landscape and visual effects which may arise not as a result of the physical form of a proposed development, but as a result of activities or emissions associated with the development.
- 1.2.5. For solar farms, this can be understood as a reference to glint and glare. For some developments, including for construction stages, the references to noise and light pollution make clear that these may cause landscape and visual effects. For some developments the references to policy paragraphs about air quality, dust, steam and smoke (sections 5.2 and 5.7 of EN-1) make clear that 5.10.22 also relates to considering visible emissions such as steam plumes and flares. This aspect of landscape and visual effects is also referred to at 5.10.2-3 and immediately in the context of 5.10.22 at the following paragraph 5.10.23. The reference to residential amenity in this context indicates that these possible source of effects should also be considered when dealing with residential amenity.
- 1.2.6. Residential amenity is discussed in relation to landscape and visual, construction and operational activities (including traffic, noise and light pollution and other emissions). Other aspects of residential amenity (beyond views) have been considered throughout various assessment work and supporting documents in the DCO application.
- 1.2.7. NPS EN-3 paragraph 2.10.157 under ‘Landscape, visual and residential amenity’ refers back to policy under NPS EN-1 section 5.10 and does not draw in any additional considerations.

1.3. GLVIA3 and RVAA Guidance

- 1.3.1. As set out by the Applicant during ISH8, LVIA covers two types of effect as set out at paragraph 2.21 of GLVIA 3:

“... the two components of LVIA are:

- 1. assessment of landscape effects: assessing effects on the landscape as a resource in its own right;*
- 2. assessment of visual effects: assessing effects on specific views and on the general visual amenity experienced by people.”*

- 1.3.2. These two aspects of LVIA are referred to in NPS EN-1 at 5.10.20 in relation to landscape effects, and 5.10.21 in relation to visual effects.

- 1.3.3. Effects on private views do not form part of LVIA, and that is made clear at paragraphs 6.17-6.18 of GLVIA3 which state that (emphasis added):

“In some instances it may also be appropriate to consider private viewpoints, mainly from residential properties. ... Effects of development on private property are frequently dealt with mainly through 'residential amenity assessments'. These are separate from LVIA ... Some of the principles set out here for dealing with visual effects may help in such assessments but there are specific requirements in residential amenity assessment.”

- 1.3.4. The RVAA guidance (LI TGN 02/19 – see Annex A) was issued in 2019 and is clearer on the separation between the LVIA and RVAA. The relationship between RVAA, LVIA and residential amenity are set out in the foreword as follows (emphasis added):

“... GLVIA3, published in 2013, is well established as providing 'best practice guidance' when undertaking landscape and visual impact assessment (LVIA). With respect to visual impact the focus of GLVIA3 and LVIA is on public views and public visual amenity.

Residential Visual Amenity Assessment (RVAA) is a stage beyond LVIA and focusses exclusively on private views and private visual amenity. ... A RVAA may be used by the decision maker when weighing potential effects on Residential Amenity in the planning balance.”

- 1.3.5. Further clarification can be found at paragraphs 2.3 to 2.5 of the RVAA guidance which indicate that (emphasis added):

“Decision makers, practitioners and others should consider RVAA alongside other relevant documents relating to Residential Amenity that may be provided in support of an application.

A LVIA prepared in accordance with GLVIA3 provides an appropriate starting point for a RVAA LVIA usually forms part of Environmental Impact Assessment (EIA).

LVIA findings of significant (adverse) effects on outlook and /or on visual amenity at a residential property do not automatically imply the need for a RVAA”

- 1.3.6. Thus the combined guidance of GLVIA3 and LI TGN 02/2019 is clear that LVIA considers effects on landscape and public views. RVAA is an assessment which goes beyond that and doesn't form part of, but supplements an LVIA, informing the consideration of effects on residential amenity. However, it draws on the LVIA techniques and the findings of an LVIA for a particular project to inform the consideration of effects on the visual component of private residential amenity. This is termed 'residential visual amenity', described at paragraph 1.2 of the RVAA guidance as *"the overall quality, experience and nature of views and outlook available to occupants of residential properties, including views from gardens and domestic curtilage". Residential Visual Amenity is one component of 'Residential Amenity'.*"
- 1.3.7. More recently, the Landscape Institute published Clarifications on the GLVIA3 in 2024 which strengthen the distinction between the purposes of LVIA and RVAA. It states under 6(1) (emphasis added):

"Where required, a residential visual amenity assessment (RVAA) should consider effects on private amenity for people in their homes and gardens in more detail (as set out in TGN 02/2019 Residential Visual Amenity Assessment (RVAA)). The LVIA and RVAA may refer to and inform each other but are covered by separate guidance."

1.4. RVAA in the planning process

- 1.4.1. As set out above, there is a clear difference between visual amenity and residential visual amenity, and how they are considered within the planning process. Visual amenity accommodates public considerations which are relevant to the public interest considered by the planning regime. This is considered through the LVIA and effects are reported in relation to their significance, in line with EIA methodology and terminology.
- 1.4.2. Residential visual amenity is private, and there will only be limited circumstances in which impacts to it are relevant to that planning test. Those limited circumstances are avoiding overbearing or overwhelming effects on individual residential properties to a degree that it would not be in the wider public interests to consent the proposals.
- 1.4.3. This threshold for acceptability of visual effects on the living conditions of residential properties in the public interest has become widely known as the 'Lavender Test', named after Planning Inspector David Lavender who first set out a clear articulation of the way to consider this aspect of decision making for onshore wind farms. This established, through a series of decisions on onshore wind farms in 2009-2010, that there is a threshold at which residential amenity effects are relevant to the planning balance. Lavender identified that the visibility of turbines from a private residence is not in itself a reason to find a residential visual amenity impact unacceptable but rather that it is a judgement as to the extent to which it is so overwhelming, overbearing or oppressive that a home would be regarded by most people as an unattractive place to live, and it would not be in the public interest to proceed with the development.
- 1.4.4. This test was also clearly set out the Burnthouse Farm windfarm decision (APP/D0515/A/10/2123739) in 2011 in which that Inspector concluded that: *"No*

individual has the right to a particular view but there comes a point when, by virtue of the proximity, size and scale of a given development, a residential property would be rendered so unattractive a place to live that planning permission should be refused. The test of what would be unacceptably unattractive should be an objective test.”

- 1.4.5. The Inspector’s conclusions on this matter in relation to Burnthouse Farm were also explicitly accepted by the Secretary of State: *“For the reasons given at IR229-232, the Secretary of State agrees with the Inspector that serious harm to living conditions which might lead to a recommendation for planning permission to be refused, in the public interest, is a more stringent requirement than the identification of a significant adverse impact. He further agrees that when assessing the effect on visual outlook, it is helpful to pose the question ‘would the proposal affect the outlook of these residents to such an extent, i.e. be so unpleasant, overwhelming and oppressive that this would become an unattractive place to live?’ (IR232). “*
- 1.4.6. Forming this judgement and identifying whether any residential visual effects exceed that high threshold, is step 4 of the RVAA process as set out in the RVAA guidance (Annex A).
- 1.4.7. The RVAA guidance provides a definition of ‘Residential Visual Amenity Threshold’ in its glossary at page 17:

“The threshold at which the visual amenity of a residential property is changed and adversely affected to the extent that it may become a matter of Residential Amenity and which, if such is the case, competent, appropriately experienced planners will weigh this effect in their planning balance.”
- 1.4.8. This is a different assessment to the assessment of landscape and visual effects carried out in an LVIA. It uses a different, much higher and more stringent, threshold - reflecting the limited circumstances where private effects on RVA will be material to planning decision making.
- 1.4.9. Further examples of this process being applied in decision-making can be seen in decisions for other NSIP projects; including projects which are not wind farms, and recent wind farm decisions in Scotland and Wales, as illustrated by the extracts from decisions provided in Annex B. All of these examples illustrate a consistent application of the Lavender test across different consenting regimes in the UK.

1.5. Applying the RVAA process to Byers Gill Solar

- 1.5.1. The proposed RVAA approach was set out in the scoping report [APP-120] and no dissenting comments were received in the scoping opinion, as set out in the Applicant’s response to question LSV.3.3 at EXQ3 [REP7-010]. This scoping process established the use of the methodology set out in the RVAA guidance and the 100m study area. The scoping report was also clear that the RVAA would be *“a separate technical assessment”* (para 7.7.20) to the LVIA, also indicating under ‘visual effects’ at 7.7.9 that *“The LVIA will focus on effects on people in public places. Private amenity will be considered separately within the Residential Visual Amenity Assessment (RVAA)”*.

- 1.5.2. The RVAA [APP-137] applies the methodology set out in LI TGN 02/19 using a four-stage process. The first three stages lead to a result where properties which need to be considered for assessment are identified, baseline conditions and changes to views described and a judgement of the magnitude of impact as a result of changes to views from the home garden and other amenity areas of the property is made. This process can draw on the LVIA to inform the RVAA, and that approach is more typically taken where large numbers of homes fall within the study area and using the LVIA findings is helpful in reducing the numbers to be reviewed in detail. For the Proposed Development, the RVAA considers each home individually in reaching the magnitude judgement. Properties falling within step 3 do not necessarily meet the RVA threshold, but are the properties identified for further assessment.
- 1.5.3. Once the magnitude judgement has been made, the RVAA guidance is clear that step 4 of determining whether effects exceed the RVA threshold is only required where a home is identified as *“having the greatest magnitude of change”*.
- 1.5.4. The effects described and judged in the RVAA include all phases of the development including construction and early operation when effects would be at their greatest before mitigation planting matures.
- 1.5.5. For the Proposed Development, the homes identified in this list were Oat Hill Farm, Hilltop House and Cobby Castle Forge. Each of these homes would have relatively open and close views of the Proposed Development from some windows and parts of the garden. As discussed previously during ISH8, measures to reduce effects including a height reduction of solar areas and set back of panels has been incorporated into the design of the Proposed Development adjacent to each of these homes, as well as mitigation planting.
- 1.5.6. The final judgement to be made is whether effects reach the RVA threshold. This is a professional judgement, and the examples of ways in which an effect which exceeds the threshold may be described are set out within the RVAA guidance as follows: *“Some examples of descriptions and descriptors that might be used include: ‘blocking the only available view from a property’, or ‘overwhelming views in all directions’; and ‘unpleasantly encroaching’ or being ‘inescapably dominant from the property.’”*
- 1.5.7. In the case of Oat Hill Farm, Cobby Castle Forge and Hilltop House the design ensure that changes to views would not reach this stage of the Proposed Development seeming uncomfortable or intimidating as set out in the detailed analysis for each home within then RVAA. The RVAA concludes that none of those properties meet the RVA threshold.
- 1.5.8. In undertaking this assessment and setting out this judgement the Applicant acknowledges ongoing concerns of residents and is making no attempt to downplay the significant visual effects that will arise on communities (as assessed in the LVIA) and the marked changes to views that will arise from some homes. However in relation to residential visual amenity the *“more stringent requirement”* (as set out at 1.4.5 above),

for effects on private views to become a matter of public interest is not met in relation to the Proposed Development as concluded as paragraph 25 of the RVAA:

“14 individual properties have been considered in detail within this assessment with 3 (Oat Hill Farm, Hilltop House and Cobby Castle Forge) being identified as experiencing Substantial effects when considered in detail. In each case, it is not considered that the impact would be sufficient to reach the RVA threshold. The assessment concludes that in no case would the effects be of such nature and / or magnitude that they potentially affect living conditions at any property to the point that it becomes an unattractive place to live, when judged objectively in the public interest.”

1.6. Other residential amenity effects

1.6.1. NPS EN-1 and EN-3 include various references to ‘amenity’. This includes:

- Landscape and visual amenity
- Amenity of communities – dust, odour, light, noise etc
- Amenity space (e.g. Open space)
- Residential amenity

1.6.2. Residential amenity is discussed in relation to landscape and visual, construction and operational activities (including traffic, noise and light pollution and other emissions). Other aspects of residential amenity (beyond views) have been considered throughout various assessment work and supporting documents in the DCO application. These include:

- Glint & glare [APP-106]
- Noise & vibration [APP-034]
- Socio-economic [APP-032]
- Traffic and transport [APP-035]
- In combination effects [APP-160]
- Outline CEMP [REP5-012/13]
- Construction Dust Assessment [APP-108]
- Statement of Statutory Nuisance [APP-167]

1.6.3. This work meets the various policy requirements, as detailed within the Policy Compliance Document [APP-164] and summarised in the Planning Statement [APP-163]. No residual significant effects, with proposed mitigation and management measures are reported in relation to those topics that would amount to impacts on amenity or residential amenity. Measures to mitigate potential sources of nuisance as identified in the Statement of Statutory Nuisance [APP-167] are secured via relevant management plans.

1.7. Summary and overall planning balance

1.7.1. In a scenario that the ExA reaches a different conclusion to the RVAA presented by the Applicant, and concludes that residential visual amenity effects do exceed the RVA

threshold, the Applicant would return to paragraph 4.2.15 of NPS EN-1. This states that “*Where residual non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts*”.

- 1.7.2. Residual impacts relating to residential visual amenity would not constitute impacts relating to Habitats Regulations Assessment (HRA) or Marine Conservation Zones (MCZ), and would not represent ‘the most exceptional circumstances’ such that these effects would outweigh the urgent need for critical national priority (CNP) infrastructure.
- 1.7.3. It is therefore the Applicant’s conclusion that even if – contrary to the Applicant’s findings in the RVAA [APP-137] there were residual effects relating to residential visual amenity, this should not lead to consent being refused on the basis of those residual impacts.

Annex A: Landscape Institute Technical Guidance Note 2/19: Residential Visual Amenity Assessment (15 March 2019)

Residential Visual Amenity Assessment (RVAA)

Technical Guidance Note 2/19

15 March 2019

Foreword

1. Introduction
2. Purpose of RVAA
3. Undertaking a RVAA
4. Methodology
5. Summary and Conclusions

Glossary

Appendix 1 – Planning Precedent

This Technical Guidance Note has been prepared in support of landscape and other appropriately qualified professionals who are engaged in RVAA. It is not prescriptive but aims to improve standards and it promotes a logical approach which should contribute to well informed decision making.

Foreword

The third edition of the Guidelines for Landscape and Visual Impact Assessment, GLVIA3, published in 2013, is well established as providing ‘best practice guidance’ when undertaking landscape and visual impact assessment (LVIA). With respect to visual impact the focus of GLVIA3 and LVIA is on public views and public visual amenity.

Residential Visual Amenity Assessment (RVAA) is a stage beyond LVIA and focusses exclusively on private views and private visual amenity. RVAA has become more common particularly when development proposals are the subject of a planning appeal. A RVAA may be used by the decision maker when weighing potential effects on Residential Amenity in the planning balance.

This Technical Guidance Note is prepared in support of landscape and other appropriately qualified professionals who are engaged in RVAA. It is not prescriptive but aims to improve standards. It promotes a logical approach which should contribute to well informed decision making.

I wish to express my thanks to all those who responded to the consultation draft, contributed by offering suggestions and submitted examples of RVAA*.

Marc van Grieken FLI

* Examples of RVAAs and their presentation tools may be added to the LI website or included in a revised edition of this note.

1. Introduction

Context

- 1.1 This Technical Guidance Note has been prepared to assist landscape professionals when undertaking Residential Visual Amenity Assessments (RVAA). People's visual amenity is defined in Guidelines for Landscape and Visual Impact Assessment – Third Edition, 2013 (GLVIA3)¹ as:

“the overall pleasantness of the views they enjoy of their surroundings”

- 1.2 In this document, Residential Visual Amenity means: ‘the overall quality, experience and nature of views and outlook available to occupants of residential properties, including views from gardens and domestic curtilage’. Residential Visual Amenity is one component of ‘Residential Amenity’.

Views and visual amenity in the planning process

- 1.3 The planning system is designed to act in the public interest when making planning decisions. Nevertheless, effects on private interests are considered by planners in the ‘planning balance’. This includes weighing effects on Residential Amenity.
- 1.4 Residential Amenity comprises a range of visual, aural, olfactory and other sensory components. Development can cause effects on one or more components of Residential Amenity, for example effects of noise, dust, access to daylight, vibration, shadow flicker, outlook and visual amenity. Sometimes this is referred to as ‘living conditions’.
- 1.5 Changes in views and visual amenity are considered in the planning process. In respect of private views and visual amenity, it is widely known that, no one has ‘a right to a view.’ This includes situations where a residential property’s outlook / visual amenity is judged to be ‘significantly’ affected by a proposed development, a matter which has been confirmed in a number of appeal / public inquiry decisions. (see also **Appendix 1 Planning Precedent**).
- 1.6 It is not uncommon for significant adverse effects on views and visual amenity to be experienced by people at their place of residence as a result of introducing a new development into the landscape. In itself this does not necessarily cause particular planning concern. However, there are situations where the effect on the outlook / visual amenity of a residential property is so great that it is not generally considered to be in the public interest to permit such conditions to occur where they did not exist before.
- 1.7 Appeals / public inquiries often consider the visual amenity component of Residential Amenity. Notably there have been many decisions relating to wind energy developments, perhaps not

¹ Guidelines for Landscape and Visual Impact Assessment, Third edition, Landscape Institute and Institute of Environmental Management and Assessment, 2013

surprising given the height and size of modern wind turbines. A selection of decision extracts is included as background information in **Appendix 1**.

- 1.8 Judgements formed in respect of Residential Visual Amenity should not be confused with the judgement regarding Residential Amenity because the latter is a planning matter. Nor should the judgement therefore be seen as a 'test' with a simple 'pass' or 'fail'.
- 1.9 Landscape professionals should confine their judgement to Residential **Visual** Amenity. The final judgement regarding effect on Residential Amenity (which to greater or lesser extent may be informed by the judgement formed by the landscape professional in respect of Residential **Visual** Amenity) is a planning matter and requires weighing all factors and likely effects (positive as well as negative) in the 'planning balance'. This is a matter for qualified planners and not for landscape professionals.

2. Purpose of RVAA

- 2.1 The purpose of RVAA is to provide an informed, well-reasoned answer to the question: ‘is the effect of the development on Residential Visual Amenity of such nature and / or magnitude that it potentially affects ‘living conditions’ or Residential Amenity’? In this guidance this is referred to as the Residential Visual Amenity Threshold.
- 2.2 The Residential Visual Amenity Threshold remains a constant irrespective of the type and nature of the development being assessed in the RVAA. However, the factors which might contribute to the threshold being reached, or the way in which these are expressed, may be different for different types of development (for example, one might use terms such as ‘overwhelming/overbearing’ for tall structures, or ‘overly intrusive’ for a development overlooking a garden or principal room). Determining whether the threshold has been reached requires informed professional judgement. It is the process by which informed professional judgement is engaged to reach a conclusion regarding the Residential Visual Amenity Threshold that is the subject of this Technical Guidance Note. It is important that assessors communicate their conclusions in a measured, rational manner. In keeping with recommendations in GLVIA3 this should be done using succinct narrative as opposed to a numerical tabular assessment format. Tables summarising narrative can, however, be very helpful.
- 2.3 It should be noted that RVAA does not consider, or provide information on, the other components of Residential Amenity referred to above such as noise and air quality. Decision makers, practitioners and others should consider RVAA alongside other relevant documents relating to Residential Amenity that may be provided in support of an application.

RVAA and EIA

- 2.4 A LVIA prepared in accordance with GLVIA3 provides an appropriate starting point for a RVAA. LVIA usually forms part of Environmental Impact Assessment (EIA).
- 2.5 LVIA findings of significant (adverse) effects on outlook and /or on visual amenity at a residential property do not automatically imply the need for a RVAA. However, for properties in (relatively) close proximity to a development proposal, and which experience a high magnitude of visual change, a RVAA may be appropriate, and may be required by the determining / competent authority. The scope of a RVAA is normally agreed with the determining / competent authority.

3. Undertaking a RVAA

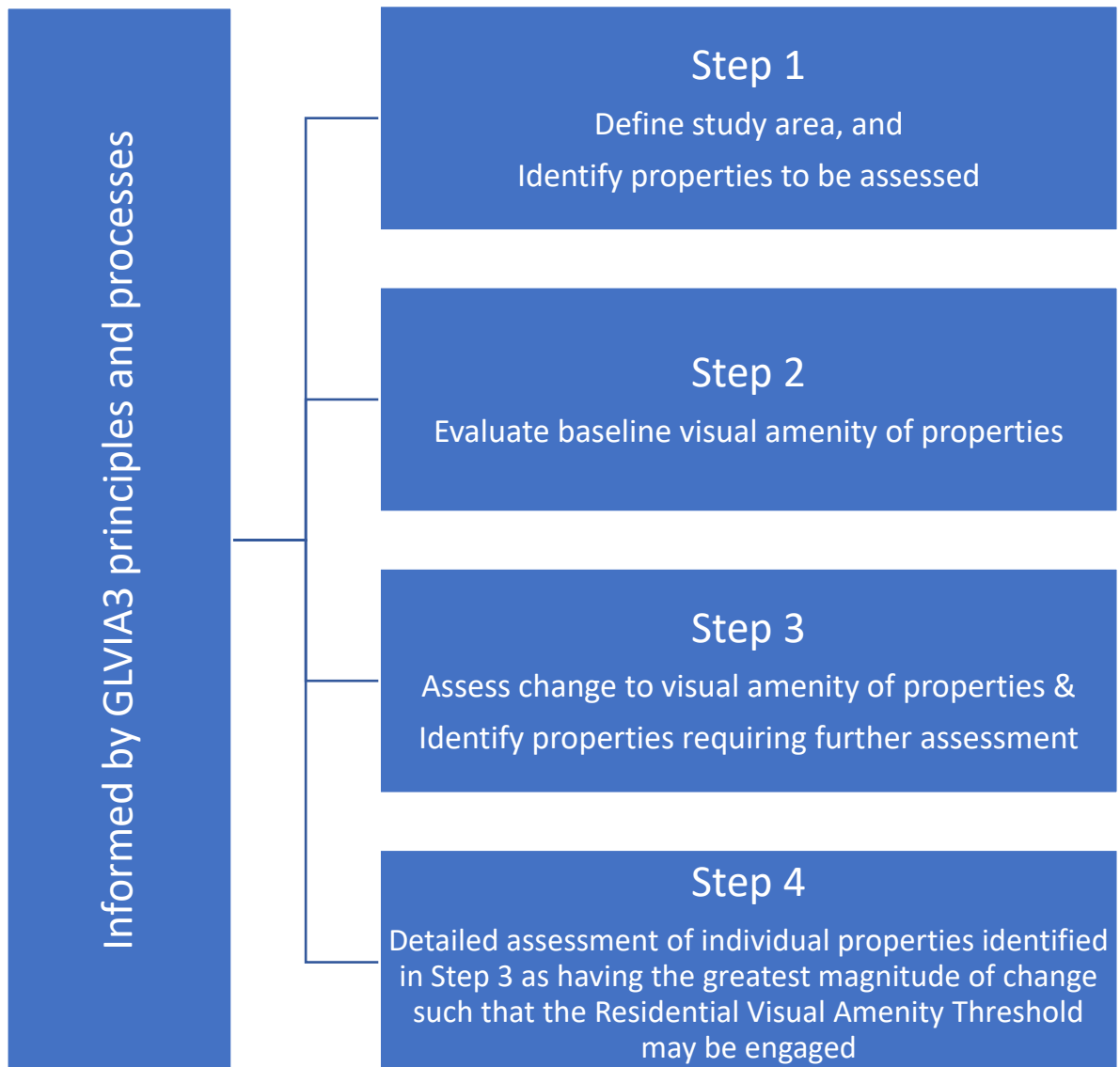
Approach

- 3.1 In terms of general approach RVAA should provide a transparent, objective assessment, grounded in GLVIA3 principles and processes, evaluating and assessing the likely change to the visual amenity of a dwelling resulting from a development. RVAA requires assessors to draw a conclusion whether the effect of the development on visual amenity and / or views from the property reaches the Residential Visual Amenity Threshold. Forming such a judgement requires experience in addition to thorough and logical evaluation and reasoning. Experience may be gained, for example, through peer review of the assessment by another landscape architect, or by visiting completed developments and checking if the changes in views and visual amenity were as predicted. Another form of reviewing one's judgement may be through analysing the information and reasoning used by planning Inspectors (England, Wales and Northern Ireland) and Reporters (Scotland) in reaching their findings and conclusions when they ascertain if the Residential Visual Amenity Threshold has been reached. However, assessors should not stray into the realms of planning balance.

Process

- 3.2 This guidance recommends that a full RVAA comprises four 'steps' and in situations where all four are engaged this will typically involve some iteration of the third and fourth steps. The first three steps fall broadly within the normal scope of LVIA consisting of an assessment of the magnitude and significance of visual effect (in the EIA context) and change to visual amenity likely to be experienced by occupants at those individual residential properties which were identified while scoping the RVAA.
- 3.3 The fourth and final step of RVAA requires a further assessment of change to visual amenity examining whether the Residential Visual Amenity Threshold is likely to be, or has been, reached. Whether or not this final step is engaged depends on the circumstances specific to the case. It will generally be clarified either during pre-application consultations relating to the accompanying LVIA, or subsequent to it during the RVAA. In any event RVAA should be considered supplementary to LVIA following on from, and informed by, the latter's findings and conclusions.
- 3.4 Consultation with the determining / competent authority is recommended to ensure that the scope of a RVAA accompanying an application is agreed in advance. In practice, a RVAA is generally only justified when the effect on Residential Visual Amenity could reach the Residential Visual Amenity Threshold.
- 3.5 The RVAA process is summarised below in **Figure 1 RVAA Process** and described in more detail in the following Methodology section.

Figure 1 RVAA Process



The relationship between GLVIA3 and this RVAA guidance

- 3.6 The RVAA approach and methodology set out in this document accords with GLVIA3 principles and processes. Paragraph 6.1 (page 98) of GLVIA3 states:

“An assessment of visual effects deals with the effects of change on views available to people and their visual amenity. The concern here is with assessing how the surroundings of individuals or groups of people may be specifically affected by changes in the content and character of views as a result of the change or loss of existing elements of the landscape and/or introduction of new elements.”

- 3.7 However, it should be stressed that, RVAA is distinct from LVIA as noted in GLVIA3 at paragraph 6.17 (pages 107 and 109), which states:

“Effects of development on private property are frequently dealt with mainly through ‘residential amenity assessments’. These are separate from LVIA although visual effects assessment may sometimes be carried out as part of a residential amenity assessment, in which case this will supplement and form part of the normal LVIA for a project. Some of the principles set out here for dealing with visual effects may help in such assessments but there are specific requirements in residential amenity assessment.”

- 3.8 RVAA is concerned specifically with the effects of change to the views and visual amenity available to people at their place of residence. As explained above the key difference between RVAA and LVIA is that RVAA focuses on private visual amenity at individual properties whilst LVIA focusses on public amenity and views. In relation to private property and residential receptors GLVIA3 states at paragraph 6.36 (page 114):

“The issue of whether residents should be included as visual receptors and residential properties as private viewpoints has been discussed in Paragraph 6.17. If discussion with the competent authority suggests that they should be covered in the assessment of visual effects it will be important to recognise that residents may be particularly susceptible to changes in their visual amenity - residents at home, especially using rooms normally occupied in waking or daylight hours, are likely to experience views for longer than those briefly passing through an area. The combined effects on a number of residents in an area may also be considered, by aggregating properties within a settlement, as a way of assessing the effect on the community as a whole. Care must, however, be taken first to ensure that this really does represent the whole community and second to avoid double counting of the effects”.

- 3.9 It should be noted that ‘combined effects on a number of residents’ referred to above, by means of ‘aggregating properties within a settlement’ is a matter of LVIA and not of RVAA.

4. Methodology

- 4.1 The recommended four RVAA steps should provide a transparent, robust framework and reporting structure for the assessment, one which is grounded in established GLVIA3 principles and processes, as summarised below.

RVAA Steps

1. Definition of study area and scope of the assessment – informed by the description of the proposed development², defining the study area extent and scope of the assessment with respect to the properties to be included.
2. Evaluation of baseline visual amenity at properties to be included having regard to the landscape and visual context and the development proposed.
3. Assessment of likely change to visual amenity of included properties in accordance with GLVIA3 principles and processes.
4. Further assessment of predicted change to visual amenity of properties to be included forming a judgement with respect to the Residential Visual Amenity Threshold.

- 4.2 The RVAA steps are described in more detail as follows.

Step 1 – Definition of study area and scope of the assessment

- 4.3 The type and nature of development proposal and its likely effects informs the determination of both the need for, and the scope of, a RVAA. The description of the development should provide a robust, transparent basis for defining the extent of the study area and the scope, including which properties to include in the assessment. Mapping techniques such as Zone of Theoretical Visibility (ZTV) analysis are useful in this regard. The description of the development will be substantially the same as that used in the LVIA, but may be more focussed on a more limited geographic area.
- 4.4 There are no standard criteria for defining the RVAA study area nor for the scope of the RVAA, which should be determined on a case-by-case basis taking both the type and scale of proposed development, as well as the landscape and visual context, into account.
- 4.5 As a starting point the study area will typically be established using the general approach recommended in GLVIA3 (see Chapter 6, paragraph 6.2, page 98) and using such aids as ZTV mapping³. This should focus on identifying the properties to be included for assessment and should be proportionate to the proposed development in question having regard to the

² Type and nature of the development having regard to scale, form, massing etc and existing landscape context.

³ GLVIA3, paragraph 5.2, page 70, and paragraphs 6.2, page 98, and 6.7-6.12, pages 101-103 etc.

landscape and visual context. Simply being able to see a proposed development from a property is no reason to include it in the RVAA.

- 4.6 Over the last few years a large number of RVAAs have been prepared, especially relating to wind energy proposals. Local Planning Authorities (LPA) have frequently requested 'study areas' of up to 3 or even 5 km. The logic for these (exceptionally) large study areas was based on certain findings of LVIAs which identified significant visual effects from 'settlements' or from clusters of residential properties within this range. This fails to recognise that RVAA is a stage beyond LVIA. Consequently, many RVAAs, including those of windfarms with large turbines (150m and taller), have included disproportionately extensive study areas incorporating too many properties. This appears to largely be based on the misconception that if a significant effect has been identified in the LVIA adjacent to a property at 2.5km it will also potentially lead to reaching the Residential Visual Amenity Threshold.
- 4.7 When assessing relatively conspicuous structures such as wind turbines, and depending on local landscape characteristics, a preliminary study area of approximately 1.5 - 2 km radius may initially be appropriate in order to begin identifying properties to include in a RVAA. However, other development types including potentially very large but lower profile structures and developments such as road schemes and housing are unlikely to require RVAA, except potentially of properties in very close proximity (50-250m) to the development. For example, when assessing effects of overhead transmissions lines, generally only those properties within 100 – 150 metres of the finalised route are potentially considered for inclusion in a RVAA.
- 4.8 Properties are normally assessed individually, but if their outlook and / or views are in all aspects the same (for example if a development is visible from the rear gardens only of a small row of houses) they could be assessed as one (group). This will be at the discretion of the assessor and will require a clear explanation of the reason for the grouping or clustering.

Step 2 – Evaluation of Baseline Visual Amenity

- 4.9 The next step involves describing and evaluating the baseline visual conditions at the properties to be included, informed as appropriate by desk study and fieldwork. Fieldwork is briefly discussed at the end of this section.
- 4.10 The existing (or baseline) visual amenity of a residential property should be described in terms of the type, nature, extent, and quality of views that may be experienced 'in the round' (see glossary) from the dwelling itself, including its 'domestic curtilage' (domestic gardens and access drives).
- 4.11 When evaluating the baseline, it is recommended that the following aspects are considered:
- the nature and extent of all potentially available existing views from the property and its garden / domestic curtilage, including the proximity and relationship of the property to surrounding landform, landcover and visual foci. This may include primary / main views from the property or domestic curtilage, as well as secondary / peripheral views; and

- views as experienced when arriving at or leaving the property, for example from private driveways / access tracks.
- 4.12 In accordance with GLVIA3 residents at home are considered, amongst ‘visual receptors’, to be the most ‘susceptible’ to change⁴ and to attach most value to their private, views and visual amenity. They are therefore considered to be most sensitive⁵.

Step 3 – Assessment of likely change to visual amenity of properties

- 4.13 The third step in the process assesses the magnitude and significance of likely visual effect at the included properties. Effects are examined in accordance with GLVIA3 principles and processes⁶, considering the ‘nature of the receptor’ (‘sensitivity’ comprising ‘value’ and ‘susceptibility’) with the ‘nature of effect’. The assessment findings may be recorded in both narrative and tabular form as appropriate, but the conclusion should be fully explained. The aim of Step 3 is to identify those properties requiring further assessment in Step 4 in relation to the Residential Visual Amenity Threshold judgement.
- 4.14 Considerations which provide a framework for describing and evaluating the predicted magnitude of visual change and related visual amenity effects which may lead to the property being considered in Step 4 include:
- Distance of property from the proposed development having regard to its size / scale and location relative to the property (e.g. on higher or lower ground);
 - Type and nature of the available views (e.g. panoramic, open, framed, enclosed, focused etc.) and how they may be affected, having regard to seasonal and diurnal variations;
 - Direction of view / aspect of property affected, having regard to both the main / primary and peripheral / secondary views from the property;
 - Extent to which development / landscape changes would be visible from the property (or parts of) having regard to views from principal rooms, the domestic curtilage (i.e. garden) and the private access route, taking into account seasonal and diurnal variations;
 - Scale of change in views having regard to such factors as the loss or addition of features and compositional changes including the proportion of view occupied by the development, taking account of seasonal and diurnal variations;
 - Degree of contrast or integration of new features or changes in the landscape compared to the existing situation in terms of form, scale and mass, line, height, colour and texture, having regard to seasonal and diurnal variations;
 - Duration and nature of the changes, whether temporary or permanent, intermittent or continuous, reversible or irreversible etc.; and

⁴ GLVIA3, paragraph 6.33

⁵ Ibid, paragraphs 6.31-6.36

⁶ Footnote ‘13’ (first instance) missing in consultation draft?

- Mitigation opportunities – consider implications of both embedded and potential further mitigation.
- 4.15 This step will typically involve both desk study and detailed fieldwork but is unlikely to require visits to individual properties which, for the purposes of this step, can generally be assessed from the nearest publicly available vantage / access point. Where this is not feasible then visits to certain individual properties (or clusters of) may be appropriate.
- 4.16 Step 3 should conclude by identifying which properties should be assessed further in the final step in order to reach a judgement regarding the Residential Visual Amenity Threshold.

Step 4 – Forming the RVAA judgement

- 4.17 The final step of RVAA involves a more detailed examination of the predicted effects on the visual amenity at those properties identified for further assessment in the previous step.
- 4.18 There is an important distinction between this concluding step of RVAA and the preceding one. In Step 3 the assessor has reached a conclusion with respect to magnitude and (EIA) significance of visual effect, and the change in visual amenity at the property. In this final step, and only for those properties where the largest⁷ magnitude of effect has been identified, a further judgement is required. This concluding judgement should advise the decision maker whether the predicted effects on visual amenity and views at the property are such that it has reached the Residential Visual Amenity Threshold, therefore potentially becoming a matter of Residential Amenity. This judgement should be explained in narrative setting out why the effects are considered to reach the Residential Visual Amenity Threshold. Equally, judgements should explain why the threshold has not been reached.
- 4.19 The Residential Visual Amenity Threshold judgement should be communicated in a coherent manner, using text with clear descriptions, employing terminology which is commonly understood and descriptors which may have previously been used. Assessors should ensure that their judgements are unambiguous and have a clear, rational conclusion. Some examples of descriptions and descriptors that might be used include: ‘blocking the only available view from a property’, or ‘overwhelming views in all directions’; and ‘unpleasantly encroaching’ or being ‘inescapably dominant from the property’. It may also be useful to employ bespoke graphics such as annotated aerial photographs and wireframe visualisations to aid this further assessment in Step 4.
- 4.20 The key point regarding Step 4 is that the judgement required in this final, concluding step goes beyond the assessment undertaken in Step 3 which is restricted to judging the magnitude and significance of visual effect, typically as a supplement to the accompanying LVIA.

⁷ In line with GLVIA3 best practice (page 38, paragraph 3.27, point 2), visual impact magnitude is expressed on a sliding scale from minimum to maximum, typically using descriptors such as negligible, small, medium and large. Being a continuum, each of these has its upper and lower limits. It is important for assessors to keep in mind that RVAA is only concerned with those properties in the highest magnitude category.

Fieldwork and Associated Activities

- 4.21 In keeping with advice on LVIA set out in GLVIA3 it is standard practice to carry out fieldwork and use various tools when undertaking a RVAA. Fieldwork will be focussed on those properties identified for inclusion in the RVAA in Step 1; for those properties included in Step 4 it may also include visiting those properties subject to occupier consent. It requires prior preparation (desk study) and appropriate tools and materials such as drawings, maps and visualisations etc. Dependent on assessment scope and consultation feedback more than one visit may be required. Fieldwork will typically include the following:
- **Fieldwork** – Initial fieldwork may be used during Steps 1-3 to evaluate and assess the general visual amenity of the included properties, based on assessment scope and consultation feedback. The scoping of properties from publicly accessible locations is usually appropriate. The initial fieldwork would typically form the basis for identifying those dwellings to be assessed in more detail in Step 4, namely those which may require detailed inspection of views and visual amenity, both from inside the property as well as from its garden and general curtilage;
 - **Visualisation** – Preparation of suitable graphic and / or visual material such as ZTVs and wirelines may be appropriate for use during fieldwork and as an aid to assessment, in addition to aiding presentation of RVAA findings. Depending on the circumstances and consultation responses, and feedback from determining / competent authorities, the type and nature of visualisations may vary. In any event visualisations should be proportionate to the development proposal in question and appropriate to the project phase / assessment stage, and considered in the context of relevant best practice guidance including LI Technical Guidance Note 02/17⁸ Such visualisations may be shared with residents at the appropriate stage when documents become publicly available, or as agreed between the parties and their clients; and
 - **Property Inspection** – the purpose of the property inspection is to gather information pertinent to the assessment of Residential Visual Amenity. There are no standard protocols for property inspections but best practice dictates that they should be arranged between the parties on a case by case basis with the involvement of the determining / competent authority as and when appropriate. In the event that access to private property cannot be obtained, and having employed best endeavours to do so, assessment can and should be undertaken from appropriate publicly accessible locations.
- 4.22 Communication with local residents needs to be carefully planned and executed with sensitivity, demonstrating respect for residents' privacy. It is recommended that site visits and property inspections be conducted in pairs. Assessors should make it clear to residents that, although he/she is unable to comment on the findings during the site visit, the RVAA report will be made publicly available at the appropriate stage in the planning process.
- 4.23 Residents of private property are likely to be concerned regarding potential visual effects and change to the visual amenity of their homes. This concern is reflected in RVAA best practice which, as with LVIA and in line with advice in GLVIA3, considers residential receptors to be of

⁸ 'Visual representation of development proposals', Landscape Institute Technical Guidance note 02/17 (31 March 2017)

the highest visual sensitivity (high susceptibility and high value)⁹. It is important that residents are made aware of this and how to make representations to the decision maker / competent authority regarding the proposed development in order to express any concerns felt.

Seasonal and Diurnal Considerations

- 4.24 Seasonal and diurnal variation (including lighting impacts) are factors that need consideration when assessing the visual amenity baseline and the likely visual effects resulting from a development proposal. Both these aspects form part of the evaluation factors / objective considerations set out in Step 3 of the RVAA process and should be dealt with in line with advice contained in GLVIA3 (refer paragraph 6.12, page 103 and paragraph 6.28, page 112).

Cumulative Considerations

- 4.25 Cumulative impacts on the landscape and visual resource are matters to be addressed in the LVIA of a proposed development in accordance with recommendations in GLVIA3 (refer Chapter 7). As a rule, future cumulative visual effects are not assessed in RVAA, the focus of which concerns effects on existing visual amenity. Existing cumulative development will form part of the baseline visual amenity considered in Step 2 of RVAA; future cumulative development is generally not a RVAA consideration. However, in certain circumstances, it may be appropriate to consider a particular cumulative proposal which is effectively already part of the existing landscape baseline. For example: where an extension to an existing development is consented, or under construction, but not yet built; or where two developments are proposed simultaneously. Such circumstances should be dealt with on a case by case basis in consultation with the competent / determining authority.

RVAA Presentation Techniques

- 4.26 Examples of RVAA graphics and presentation techniques generally can be found on the Directorate for Planning and Environmental Appeals (DPEA) website¹⁰ (for Scotland) and the Planning Inspectorate¹¹ and Department for Communities and Local Government websites¹² (for England & Wales). Going forward practitioners may add examples of RVAAs and presentation tools to the LI website subject to client approvals and anonymising of individual properties. Meanwhile the aforementioned websites contain examples of RVAAs in the public domain made available by planning and other decision-making authorities.

⁹ However, it is important to note that, RVAA is distinct from LVIA in that its ultimate purpose is to provide a further assessment of residential visual amenity concluding with a judgement in relation to the Residential Visual Amenity Threshold taking any previous LVIA as the starting point, as explained in Section 3 Undertaking a RVAA above.

¹⁰ <http://www.dpea.scotland.gov.uk/>

¹¹ <https://acp.planninginspectorate.gov.uk/>

¹² <https://www.planningportal.co.uk/>

5. Summary and Conclusions

- 5.1 The purpose of carrying out a Residential Visual Amenity Assessment (RVAA) is to form a judgement, to assist decision makers, on whether a proposed development is likely to change the visual amenity of a residential property to such an extent that it becomes a matter of 'Residential Amenity'. Potential effects on Residential Amenity are a planning matter and should not be judged by landscape architects.
- 5.2 The threshold at which a residential property's visual amenity becomes an issue of Residential Amenity has sometimes been described as the point when 'the effect(s) of the development on the 'private interest' is so great that it becomes a matter of 'public interest''. The planning system is only concerned with public interest. In certain circumstances, however, the effect of the development is so great that it is not in the public interest to create or allow 'such conditions' where they did not exist before. This is sometimes referred to as the 'public interest test'. However, this is a legal / planning term and not recommended for use by landscape practitioners. This guidance uses the term Residential Visual Amenity Threshold.
- 5.3 The recommended approach to undertaking a RVAA is grounded in principles and process set out in GLVIA3. The recommended method for undertaking a RVAA involves four steps. It follows a structured assessment process employing a range of objective criteria to underpin the ultimate professional judgement regarding the Residential Visual Amenity Threshold. The aim is to identify those residential properties whose visual amenity has the potential to be affected to the largest magnitude of impact. Properties with the highest magnitude of effect are assessed further culminating in a professional judgement as to whether the Residential Visual Amenity Threshold is likely to be reached at this property or not.
- 5.4 There are no hard and fast rules or criteria for making this judgement, but it does require objective, logical evaluation and reasoning, and must be explained in clear and common language. A RVAA judgement so executed will contribute to well informed decision making.

Glossary

The following glossary of terms commonly used in relation to RVAA is intended to supplement that provided in GLVIA3.

Planning balance

When forming a judgement if a development is acceptable or not, all relevant planning matters pertaining to the proposed development (both planning benefits and disbenefits) will be given, greater or lesser, weight in forming the judgement. This is often referred to as the ‘planning balance’.

‘In the round’

‘In the round’ means the combined or all-round visual amenity experience at, or from a property. Visual amenity is *“the overall pleasantness of the views they enjoy of their surroundings”* (paragraph 2.20, page 21; GLVIA)

Judgement

Judgement in RVAA (as in LVIA) means: the considered, well-reasoned, informed and dispassionate opinion of the qualified professional (refer GLVIA3 paragraphs 2.21-2.26, pages 21-22).

Outlook

The outlook of a property incorporates the views from, and visual amenity of, all aspects of the building and its domestic curtilage. Different ‘aspects’ of a property’s outlook may be identified and assessed, namely its ‘main’ or ‘front’ aspect, as opposed to its ‘side’ or ‘rear’ aspects.

Overbearing

The Department for Communities and Local Government online planning portal defines ‘overbearing’ as *“the impact of a development or building on its surroundings, particularly a neighbouring property, in terms of its scale, massing and general dominating effect”*¹³.

Principal room

The principal room(s) of a residential property is a living room, or one fulfilling the same primary use role. In some properties this room may not be located on the ground floor, but on an upper storey. A conservatory may also fulfil a living room / primary use role depending on the circumstances and the internal arrangement of the residence.

¹³ https://www.planningportal.co.uk/directory_record/412/overbearing

Domestic curtilage

The domestic gardens and access drives / roads immediately surrounding a residential property including patios, terraces, courtyards and forecourts. The domestic curtilage does not extend to surrounding paddocks and other peripheral land / outbuildings within the property ownership, or to public or private approach roads.

Public interest

The ‘public interest’ is a legal term which the Merriam Webster online law dictionary defines as “the general welfare and rights of the public that are to be recognized, protected, and advanced”¹⁴. The Law Society online legal glossary defines it as “the overall welfare of the general public.”¹⁵

Residential Amenity

The Merriam Webster online law dictionary defines ‘amenity’ as “the quality of being pleasant or agreeable”, and further in relation to property as “the attractiveness and value of real estate or of a residential structure.”¹⁶

Residential Visual Amenity

The overall quality, experience and nature of views and outlook available to occupants of residential properties, including views from gardens and domestic curtilage. It represents the visual component of Residential Amenity.

Residential Visual Amenity Threshold

The threshold at which the visual amenity of a residential property is changed and adversely affected to the extent that it may become a matter of Residential Amenity and which, if such is the case, competent, appropriately experienced planners will weigh this effect in their planning balance.

Scenic quality

The quality of a view in terms of ‘scenery’; the scenic attributes of a view.

Significant effect / Significantly affected

When undertaking an LVIA as part of an EIA the assessor is required to report on all effects and to identify ‘significant’ effects. A LVIA should explain which of the range of effects reported are ‘significant’ in the context of EIA and why.

¹⁴ <https://www.merriam-webster.com/dictionary/interest#legalDictionary>

¹⁵ <https://www.lawsociety.org.uk/for-the-public/legal-glossary/#P>

¹⁶ <https://www.merriam-webster.com/dictionary/amenity>

Visual amenity

The overall pleasantness of the views available to people of their surroundings which provide an attractive visual setting or backdrop for the enjoyment of activities of those living, working and recreating, visiting or travelling through an area (GLVIA3 Glossary, page 158).

Visual effects

Effects on specific views and on the general visual amenity experienced by people (GLVIA3 Glossary, page 158).

Visual impacts

The action which results in / causes the effect. For example, introducing a built structure into an undeveloped landscape will have an impact on the landscape and views which will be experienced by people as effects on local landscape character and visual amenity. It is the purpose of LVIA to judge the magnitude and significance of the resulting landscape and visual effects (see next entry)

Visual impacts versus effects

GLVIA3 distinguishes between landscape and visual impacts and effects. Paragraph 1.15 (page 9) *“This guidance generally distinguishes between the ‘impact’, defined as the action being taken, and the ‘effect’, defined as the change resulting from that action, and recommends that the terms should be used consistently in this way.”*

Appendix 1 – Planning Precedent

Introduction

- A1.1 This Appendix is intended to provide some background to the RVAA guidance with reference to inquiry / appeal decisions that illustrate how Inspectors and Reporters have reached conclusions in respect of Residential Visual Amenity.

Judgement

- A1.2 In the Baillie decision Reporter David Russell concluded that assessing effects on private visual amenity is ultimately a matter of judgement¹⁷:

“Any assessment of acceptability in these circumstances relies on judgement rather than measurement.”

- A1.3 And:

“Given that I have found that this wind farm, because of its visual prominence and proximity, would have a significant detrimental impact on the visual amenity of some of the people living nearby, and as the impact would be long term, that interpretation would appear to preclude the granting of consent for this application. However, the guidance also confirms that proposals are to be considered on a case by case basis, and I consider that this inevitably requires a judgement to be reached on the acceptability of the impacts identified.”

Reasoning

Clocaenog Forest Windfarm

- A1.4 In the Clocaenog Forest windfarm Report of Findings in para 4.237¹⁸, the inspector concludes:

However, for three properties there is a risk that residential amenity would be affected to such a degree that the PPW standard of "good neighbourliness" would not be achieved and there would be conflict with Policy NTE/7 of the CLDP, and VOE 9 of the DLDP. This level of impact, which could make a property an unattractive place in which to live, has been found to be against the public interest and therefore unacceptable in Inspectors' appeal decisions²⁶⁶, and permission has been refused. I therefore consider that the adverse impact on the residential amenity of the three dwellings is important and relevant matter to be weighed against the benefits of the project under s104(7) of the PA2008.

- A1.5 The subsequent decision letter by the Secretary of State¹⁹ concludes:

“The Secretary of State agrees that the arguments in this case and in respect of this particular issue are finely balanced. He agrees with the ExA's view that it is not possible

¹⁷ Erection of wind farm at Bardnaheigh Farm, Westfield, by Thurso (Baillie). Case reference IEC/3/105/3, 17th August 2009

¹⁸ Clocaenog Forest Wind Farm, Examining Authority's Report of Findings and Conclusions and Recommendation to the Secretary of State for Energy and Climate Change, Wendy J Burden BA(Hons) DipTP MRTPI Examining Authority Clocaenog Forest Windfarm DCO

¹⁹ Decision letter 12 September 2014, 12.04.09.04/217C, paragraph 4.14

to mitigate the impacts of the wind farm on the three properties in question. He considers the matter has been considered appropriately during the examination of the application and that residential amenity is not an issue of sufficient magnitude to justify the withholding of consent given the benefits of the Development. In these circumstances, he considers that the interference with the human rights of the occupants of the three properties would be proportionate and justified in the public interest.”

Burnthouse Farm Windfarm

- A1.6 At the Burnthouse Farm windfarm inquiry²⁰ Inspector Jill Kingaby stated at paragraph 119 of her report that:

“No individual has the right to a particular view but there comes a point when, by virtue of the proximity, size and scale of a given development, a residential property would be rendered so unattractive a place to live that planning permission should be refused. The test of what would be unacceptably unattractive should be an objective test.”

- A1.7 At paragraph 120 of the Burnthouse Farm report the Inspector comments further on the threshold for determining unacceptable effects on visual amenity:

“There needs to be a degree of harm over and above an identified substantial adverse effect to take a case into the category of refusal in the public interest. Changing the outlook from a property is not sufficient.”

- A1.8 In the conclusions on her report Inspector Kingaby addressed the living conditions of neighbouring occupiers and stated that:

“The methodology for assessing the visual impact on residential occupiers was considered fully at the Inquiry. I accept that the approach used by Inspectors in the Enifer Downs, Poplar Lane and Carland Cross Appeals and elsewhere should not be regarded as a mechanistic ‘test’ and has no status in terms of being part of statutory documentation or planning policy or guidance. However, it seems to me that a logical, transparent and objective approach to assessing visual impact should be adopted”.

- A1.9 The Inspector also observed that judging serious harm to living conditions which might lead to a recommendation for planning permission to be refused in the public interest is a more stringent requirement than identifying of a significant adverse effect in EIA, stating:

“I consider that when assessing the effect on visual outlook, it is helpful to pose the question ‘would the proposal affect the outlook of these residents to such an extent i.e. be so unpleasant, overwhelming and oppressive that this would become an unattractive place to live?’”

- A1.10 Inspector Kingaby’s recommendations were endorsed by the Secretary of State (SoS) and summarised in the SoS decision letter dated 6 July 2011 at paragraphs 10 and 11.

²⁰ Burnthouse Farm Windfarm, SoS Decision (APP/D0515/A/10/2123739) 6th July 2011

Langham Windfarm

A1.11 In the Langham Windfarm appeal decision²¹ the Inspector stated that

“The planning system controls development in the public interest, and not in the private interest. The preservation of open views is a private interest, which the planning regime is not intended to protect. But public and private interests may overlap. The issue is whether the number, size, layout and proximity of wind turbines would have such an overwhelming and oppressive visual impact on a dwelling and its amenity space that they would result in unsatisfactory Living Conditions, and so unacceptably affect amenities and the use of land and buildings which ought to be protected in the public interest.”

Enifer Downs Windfarm

A1.12 The issue of Residential Visual Amenity was first addressed by Inspector Lavender in the Enifer Downs appeal decision²² in which he observed that:

“when turbines are present in such number, size and proximity that they represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as an unattractive and thus unsatisfactory (but not necessarily uninhabitable) place in which to live.”

A1.13 In coming to his decision Inspector Lavender considered the extent to which:

- the visual experience from the dwelling and garden may be comparable to “actually living within the turbine cluster” rather than a turbine cluster being present close by; or
- the experience of the turbines is “unpleasantly overwhelming and unavoidable”.

Carland Cross Windfarm

A1.14 In the subsequent Carland Cross decision²³ Inspector Lavender elaborated and qualified his position stating:

“The planning system is designed to protect the public rather than private interests, but both interests may coincide where, for example, visual intrusion is of such magnitude as to render a property an unattractive place in which to live. This is because it is not in the public interest to create such living conditions where they did not exist before. Thus I do not consider that simply being able to see a turbine or turbines from a particular window or part of the garden of a house is sufficient reason to find the visual impact unacceptable (even though a particular occupier might find it objectionable).”

²¹ Langham Windfarm, Appeal Decision APP/D2510/A/10/2130539. 29th September 2011

²² Enifer Downs Windfarm, Appeal Decision APP/X2220/A/08/2071880. 28th April 2009

²³ Carland Cross Windfarm, Appeal Decision APP/D0840/A/09/2103026 19th Jan 2010

Preston New Road Exploration Works (Appeal A)

A1.15 In the Preston New Road (Appeal A) fracking development appeal case²⁴ the Secretary of State agreed with the Inspector stating in the decision letter:

“For the reasons given at IR12.117-12.120, the Secretary of State agrees with the Inspector that the proposal would not affect the outlook of any residential property to such an extent that it would be so unpleasant, overwhelming and oppressive that it would become an unattractive place to live (IR12.118).”

²⁴ Preston New Road Exploration Works Secretary of State Decision (Appeal A) (APP/Q2371/W/15/3134386), 6th October 2016

© March 2019
Landscape Institute
107 Grays Inn Road
London WC1X 8TZ

www.landscapeinstitute.org

Document history

Drafted by Marc van Grieken FLI 6 Sep 2017
Prepared for consultation 13 September 2018
Edited and final draft by Marc van Grieken and Gavin David CMLI Dec 2018-March 2019
Finalised for publication by Simon Odell CMLI 14 March 2019

Annex B: Extracts from relevant decisions

Annex B Other examples of decisions in relation to Residential Visual Amenity

The document to which this Annex is attached briefly describes the genesis and application of the 'Lavender Test' and RVAA, citing some key decisions which were relevant in establishing the methods currently set out in the guidance.

The examples below are not exhaustive but are included to illustrate the continued pattern of reporting and decision making across the UK, including for other NSIPs and as recently as December 2024:

Swift (APP/E3715/A/14/2227479) – Onshore wind farm of 4 turbines of up to 126.5m tip height (Recovered Appeal – Refused 2016)

Inspectors' Report (paras 270-271):

"It is an accepted principle in planning that there is no 'right to a view' in the way that a particularly cherished view from a private property can be protected from development that would have an adverse effect on it. In this case, wind turbines would be visible from a number of private properties to a greater or smaller extent dependant on distance and orientation. Residents are assessed as having a high level of sensitivity in their homes, generally higher in main living and outdoor relaxation areas than utility rooms or hallways. In some cases, a direct view from a bedhead or bath could be significant, as could a focussed view through a stair window. Whether the wind turbines would be unacceptably intrusive or overbearing is a matter of fact and degree at each property.

Due to a combination of room use together with screening by buildings or vegetation, orientation and distance, there would be no properties where the visual impact of the turbines would make any property an unpleasant place to live or where the turbines would have an unacceptably overbearing presence. That is not to say that some occupiers will not find their main outlook significantly altered. The occupiers of Ringwood at Moorbarns farm would notice a very distinct change in their existing rural view from all the main living areas across the Swift valley in which turbines would become a new distracting focus. Despite this, the turbines would not be so close, at about 950m to T3, as to dominate their day to day lives. Heavy goods traffic on the A5 is also partially visible and this also detracts. The change would be detrimental but would not be unacceptable...."

Secretary of State, para 18:

"The Secretary of State has considered the Inspector's analysis at IR270-271 and agrees the change would be detrimental to the residential amenity of the neighbouring properties but not unacceptable."

Hornsea Project Three - offshore wind farm (NSIP – Consented 2020)

[Examination Report](#) paragraph 12.4.27:

"We have also considered the effect on the residential visual amenity of the occupiers of residential properties in the vicinity of the HVDC convertor/ HVAC substation. The proposed structure(s) would be visible from the windows and gardens of several properties. However, taking account of the substantial separation distance from the site to the residential properties, we do not consider that the visual impact would be such as to result in any significant overbearing or oppressive effects upon the occupiers. In coming to this view, we have not taken account of the Applicant's proposed optional mitigation of tree planting to provide screening from properties to the southwest and southeast of the site."

Dragon Energy (CAS-01859-K1M7Y6) – Onshore wind farm of 3 turbines of up to 149.9m tip height (Development of National Significance - Consented October 2024)

[Inspectors Report](#), para 126: “Although the Residential Visual Amenity Assessment (RVAA) appended to the ES contains an error in its summary, the applicant has subsequently clarified that 4no. individual properties and 4no. groups of properties would experience a ‘Large / Medium’ magnitude of change. However, it reinforces the conclusion that none of the properties assessed would experience the highest magnitude of change such that further consideration of individual properties is required to identify whether the RVA threshold would be reached. Consequently, I do not consider that the impact would be so significant on any property as to make the places unpleasant in which to live.”

Twyn Hywel (DNS/3272053) – Onshore wind farm of 14 turbines of up to 200m tip height (Development of National Significance - Consented November 2024)

[Inspectors Report](#), para 66: “A . The views from residential properties described above are stationary views, most relevant to individual residents and therefore a matter of private amenity (i.e. relating to the living conditions associated with a dwelling). Paragraph 5.2 of the Landscape Institute’s Technical Guidance Note 2/19 Residential Visual Amenity Assessment (RVAA) states that ‘The threshold at which a residential property’s visual amenity becomes an issue of Residential Amenity has sometimes been described as the point when ‘the effect(s) of the development on the ‘private interest’ is so great that it becomes a matter of ‘public interest’, the public interest being the overall welfare of the general public. Whilst significant visual effects are acknowledged in accordance with the RVAA guidance the impacts of the Proposed Development are not considered to be so great as to be a matter of public interest..”

[Welsh Minister’s Decision Letter](#), paragraph 10: “The Environmental Statement (ES) includes a Residential Visual Amenity Assessment (RVAA). The Inspector states none of the properties or property groups within 2km of the proposed turbines would become an unpleasant place to live, the relevant test in relation to residential visual amenity. (IR 213-214)”.

Clauchrie (WIN-370-3) - Onshore wind farm of 18 turbines of (Section 36 wind farm in Scotland – Refused 2023)

[Inquiry Report](#), paragraphs 3.119 and 10.15:

“Three individual properties, Ferter, Shallochwell and White Clauchrie, exist within two kilometres of the proposed development. These are the properties discussed in the applicant’s residential visual amenity assessment (RVAA) (Technical Appendix 6.4 to the EIA Report), and I agree that there are no other properties which might possibly experience an unacceptably overbearing effect from the proposed wind farm. In considering residential visual amenity I note that the planning system does not exist to protect private views, and that it is rather concepts such as whether properties will become dominated or overwhelmed by wind turbines that are often applied.”

“Residential property at Ferter (and to a somewhat lesser extent Shallochwell and White Clauchrie) would suffer a visual impact that would negatively affect the quality of life of residents. But this would not be so severe as to dominate the experience of living at Ferter (or any other property) or be an overwhelming visual presence.”

In refusing Clauchrie, Scottish Ministers did not dissent from the Reporter’s approach to this matter.