Lime Down
Solar Park

Written Summary of the Applicant's Oral Submissions and Responses at Issue Specific Hearing 2 and Responses to Action Points

July 2026

Revision 1

Planning Inspectorate Reference: EN010168

Document Reference: EXAM/9.49

The Infrastructure Planning (Examination Procedure) Rules 2010

List of Contents

1 Summary of Oral Submissions at Issue Specific Hearing 2.....1

2 List of Actions for the Applicant and Other Parties following Issue Specific Hearing 258

Annex A Summary of Vegetation Gains and Losses

Annex B Hedgerow Height Plan

Annex C Hedgerows within the setting of the CNL

Annex D Augmented Zone of Theoretical Visibility (ZTV) – Full Scheme including the Cotswold National Landscape

Annex E Baseline Existing Solar Schemes with the Wiltshire Landscape Character Assessment (2005)

Annex F Burnthouse Farm 2011 Appeal Decision

Annex G Legal Submissions on CNL Duty

List of Tables

Table A-1 - Summary of Vegetation Gains and Losses

1 Summary of Oral Submissions at Issue Specific Hearing 2

Agenda item	Comment
1. Welcome, opening remarks and introductions	The ExA introduced the hearing and made some preliminary remarks.
2. Purpose of Issue Specific Hearing 2	Purpose of the hearing is to address matters raised by the ExA following its consideration of the application documents. The following parties then introduced themselves during ISH2: The Applicant: • Claire Brodrick, Partner at Pinsent Masons LLP (solicitors for the Applicant) • Will Threlfall, Senior Project Development Manager at Island Green Power • Christopher Jackson, Director of Landscape Architecture at Lanpro • William Barrett, Technical Director, Environment at AECOM Wiltshire Council • Odette Chalaby, Barrister Landmark Chambers (Counsel for Wiltshire Council) • Mark Goodwin, Senior Landscape Officer at Wiltshire Council • Will Harley, Landscape Consultant at WH Landscape Consultancy Stop Lime Down • Daniel Kozelko, Barrister at 39 Essex Chambers (Counsel for Stop Lime Down) • Celia Reynolds, Barrister at 39 Essex Chambers (Counsel for Stop Lime Down)

Agenda item	Comment
	• Carly Tinkler, Chartered Member of the Landscape Institute
2. Landscape Fabric	The ExA set the context for the discussion by noting that, following concerns raised by Wiltshire Council and Stop Lime Down, the ExA had asked the Applicant to identify the additional landscape fabric components that would constitute mitigation or enhancement. Wiltshire Council had raised concerns that the Applicant had not included all relevant components in its assessment and that a correct assessment should include both natural and man-made elements. The ExA asked Wiltshire Council to clarify the distinction between a landscape fabric assessment and a landscape character assessment. Mr Goodwin of Wiltshire Council responded to explain that built elements and land-use components are critical to understanding human influence and the overall coherence of the landscape. In his view, those elements inform the understanding of landscape fabric and influence the wider character of the landscape. The prevalence of fabric component changes influence wider character. Odette Chalaby explained that the distinction is that a landscape fabric assessment looks at the individual components of the landscape, including both green and man-made elements and perceptual experience. Landscape character assessment then considers how those components come together to create the overall character of the landscape. She noted that the Council's concern was that the assessment had not been undertaken properly because the change in land use, for example from agricultural land to solar use, had not been fully assessed. Odette Chalaby confirmed that Wiltshire Council will identify any precedent or support for assessing landscape fabric in the way it proposes, including inclusion of man-made components. Mr Jackson then responded on behalf of the Applicant. He explained that matters raised by Wiltshire Council on perception and change associated with infrastructure have been assessed as part of the Landscape Character

Agenda item	Comment
	Assessment. The Landscape Fabric Assessment has assessed the addition of the landscape elements associated with the scheme. The definition of Landscape Fabric is included on Page 48 of the Glossary of the agreed LVIA Methodology, set out in **ES Volume 3 Appendix 8-1 Landscape and Visual Impact Assessment Methodology [REP1A-006]** and at paragraph 8.7.16 of **ES Volume 1, Chapter 8 Landscape and Visual [REP3-025]** as: *"Landscape fabric is the individual tangible elements or features such as landform, woodland, hedges, tree cover, vegetation that make up a landscape or site. These can usually be described and quantified."* This definition has been used from the scoping stage, into the PEIR and to the application-stage LVIA. The LVIA Methodology and therefore the above definitions have been agreed with Wiltshire Council as set out in the **Statement of Common Ground with Wiltshire Council [REP2-025]**. Mr Jackson then explained how the LVIA arrives at the conclusion that there are moderate benefits to the landscape fabric. The scheme has been designed to minimise physical losses while delivering substantial new planting. The development is described as an overlay that can be reversibly removed at decommissioning, with infrastructure positioned to avoid existing landscape features such as hedgerows and trees. Although there would be limited losses (including 327 metres of hedgerow and 3 trees - 1 group and 2 individual), these are outweighed by substantial gains in new hedgerows and tree planting, increasing species diversity and providing long-term landscape benefits. The gains include 15.4km of new hedgerow and approximately 113,000 trees. Mr Jackson added that whilst introduction of large-scale infrastructure would result in adverse effects on landscape character, there may also be long-term beneficial effects associated with the landscape fabric as a result of mitigation, as is

Agenda item	Comment
	described in the Overarching National Policy Statement for Energy (NPS) EN-1 at para 5.10.5. In relation to the loss of ground cover, Mr Jackson distinguished the scheme from that of a quarry or residential scheme which removes the landscape. He stated that the proposal involves a change from agricultural use, rather than the loss of an existing ground cover habitat. He explained that the figures did not include access tracks or the relatively minor areas of hardstanding required for substations. He also noted that inverter locations were included within the wider 702.8ha figure, due to their small scale. Mr Jackson noted that the existing land was largely in arable production and that the access tracks and substations would largely be located within arable land, rather than within existing field margins or boundary features. He noted that access tracks would generally be within the arable fields themselves and set away from field boundaries by a 15m buffer. Mr Jackson highlighted the risk that the scheme is in an outline, it delivers maximum parameter areas there is no detailed scheme designed to set how much of the land within that would need to be removed. Mr Jackson confirmed that the Applicant would provide the quantified area of access tracks, substations/ hardstanding and any other relevant man-made components, and explain how these have been assessed in relation to landscape fabric. *Post Hearing Note:* *The Summary of Vegetation Gains and Losses is set out in Annex A of this written summary. In terms of how these components have been assessed in relation to landscape fabric, this is explained in paragraphs 8.5.12 and 8.5.13 of* ***ES Volume 1, Chapter 8 Landscape and Visual [REP3-025]****.* The ExA asked whether the quantified losses of trees and hedgerows were based on the maximum parameters. Mr Jackson confirmed that both tree and hedgerow

Agenda item	Comment
	losses had been assessed on a worst-case basis. He stated that the figure of 327m hedgerow loss represented the widest gaps through access points within the solar PV areas. He noted that the cable route corridor was dealt with separately in the relevant annex. The ExA queried whether the cable route corridor should also be included. Mr Jackson referred to the table in Annex C LV1.1 – Landscape Fabric – Quantifying Loss and Provision of the **Applicant's Response to the Examining Authority's First Written Questions [REP3-128]**, which quantified loss and provision, including at the cable route corridor. Mr Jackson explained there was no permanent hedgerow loss at the cable corridor route was because any loss would be replaced. He distinguished between permanent operational loss and temporary construction-stage loss. Ms Brodrick confirmed that the Applicant would submit the amount of hedgerow envisaged to be lost during construction and the amount to be replaced including the Cable Route Corridor so the permanent loss of hedgerow is clear. *Post Hearing Note:* *As described in paragraph 1.8.5 of the **Biodiversity Net Gain Assessment Report [REP3-085]**, hedgerow removal requirements within the Cable Route Corridor are anticipated to total approximately 1.4 km in length. Of these losses, the vast majority are expected to be reinstated / replanted on completion of cable installation works. The exception to this will be approximately 54 m of hedgerow in total as set out in paragraph 1.8.11 of **the Biodiversity Net Gain Assessment Report [REP3-085]**, at locations where removal will be required to create permanent access to the Solar PV Sites and thus will not be replaced following construction.*

Agenda item	Comment
	The ExA asked for clarification on how the Applicant is ensuring that the worst-case vegetation loss is avoided in the proposal. Ms Brodrick explained that operational maintenance access was expected to use existing farm accesses where possible, as described in paragraph 1.1.7 of the **Outline Landscape and Ecological Management Plan [REP3-100]**, paragraph 1.1.7. Some accesses would be created for construction, but it was not yet known what decommissioning requirements would be. The Applicant envisaged that equipment would be removed in situ and that ducts would not be removed, meaning the existing tracks are assumed to be enough. Ms Brodrick clarified that the scheme has mapped out the number of abnormal indivisible load movements and the routes to the site, including access points. However, the detailed movement of vehicles within the site had not yet been determined. She stated that the Applicant needed flexibility to use appropriate vehicles and that it was difficult to commit to minimising losses further without that detail. Ms Brodrick acknowledged the ExA's concern and indicated that the Applicant would consider how best to address what can be done to ensure a worst-case scenario can be avoided in a post-hearing submission, including by reviewing the wording in the management plans. *Post Hearing Note:* *The **Outline Ecological Protection and Mitigation Strategy [REP3-102]** sets out the maximum lengths of sections of hedgerow permitted to be removed for different elements of the Scheme. This includes a maximum of 10 m permitted for new internal access (paragraph 6.2.3), maximum 18 m for access from/to the existing highway network (paragraph 6.2.4), and maximum of 10 to 12 m for cable installation works (paragraph 3.4.3).*

Agenda item	Comment
	Ms Brodrick emphasised that the scheme is design-led and that practical considerations, such as the size and type of construction vehicles, would influence the final extent of access works. As such, some elements of the design may not be entirely within the Applicant's control. She stated that when the Applicant comes to discharge the final Landscape and Ecological Management Plan they will need to demonstrate how final hedgerow losses comply with that plan and as such the Applicant is mindful to ensure it can comply with the relevant plans as non-compliance would be an offence. She noted that the Applicant is also mindful of biodiversity net gain (BNG) considerations. Ms Brodrick concluded that the Applicant's position is that they have assessed the worst-case scenario. The ExA asked if there is a commitment to do less than the worst-case scenario envisaged. Due to the lack of detail known at this stage, the Applicant cannot make that commitment, but it would be revisited in the relevant management plan. Mr Jackson confirmed that its presentation of proposed planting did not clearly separate mitigation from enhancement, but maintained that its approach remains methodologically sound. Daniel Kozelko, representing Stop Lime Down, states that there should be a clear distinction between enhancement and mitigation and refers to GLIVIA 3 paragraph 3.39 and the GLIVIA Advice Note 2024 paragraph 4.4. There is no issue that fabric additions could be enhancements at the decommissioning stage but they cannot be considered enhancements at the operational phase. Mr Jackson responded that there is a crossover between the Landscape Fabric and Landscape Character assessments. The assessment of Landscape Fabric looks at the overall addition and losses associated with the Development, on the individual tangible elements or features such as landform, woodland, hedges, tree

Agenda item	Comment
	cover, vegetation that make up a landscape or site, whereas the assessment of effects on Landscape Character looks at the changes associated with the additional infrastructure but recognises that mitigation such as higher hedgerow heights can be an adverse effect on the character of an area. He clarifies that the Applicant's position is not that the beneficial effect in the Fabric assessment should be carried through as an enhancement into the Landscape Character assessment. The Landscape Character assessment looks at adverse impacts associated with the solar infrastructure and from the changes to landscape management such as the screening and enclosure as a consequence of the changes to hedgerow management. *Post Hearing Note:* ***ES Volume 1, Chapter 8 Landscape and Visual [REP3-025]*** *has been undertaken with consideration of the appropriate and relevant guidance and robustly assesses both the landscape and visual effects of the Scheme independently to ensure both the impacts and effects on the fabric and character of the landscape are taken into account as well as views and visibility.* *The methodology of the LVIA set out in* ***ES Volume 3 Appendix 8-1 Landscape and Visual Impact Assessment Methodology [REP1A-006]*** *was included within the initial Scoping Application and through consultation with Officers has been updated with feedback from Wiltshire Council and the Cotswolds National Landscape Board (CNLB) prior to the DCO Application.* *The LVIA Methodology has been agreed with both Wiltshire Council and the CNLB as set out within the* ***Statement of Common Ground with Wiltshire***

Agenda item	Comment
	Council [REP2-025] *and the* ***Statement of Common Ground with Cotswolds National Landscape Board [REP2-029].*** *Within the LVIA Methodology set out in* ***ES Volume 3 Appendix 8-1 Landscape and Visual Impact Assessment Methodology [REP1A-006]*** *section 1.6- Assessment of Landscape Effects sets out the Landscape Receptors which are assessed at construction, operation Year 1 and 15 and decommissioning phases of the Scheme.* *It notes that:* *"Landscape receptors are those parts of the receiving landscape that may be affected by the change. In LVIA identification of landscape receptors includes both:* *• the constituent elements of the landscape (the* ***Landscape Fabric****) being the individual tangible elements or features of the landscape, such as landform, woodland, hedges, tree cover, vegetation within the development area or site, for example which can usually be described and quantified,* *• the specific aesthetic or perceptual qualities and the* ***character of the landscape as a whole*** *in different areas."* *As such, the Landscape Fabric of the Site is considered as a landscape receptor which is assessed separately to impacts on Landscape Character and identified Landscape Character Areas.* *It is important to note, that the findings of the effects on Landscape Fabric do not influence the assessment of Landscape Character.*

Agenda item	Comment
	The definition of Landscape Fabric is included on Page 48 of the Glossary of the agreed LVIA Methodology and at paragraph 8.7.16 of ***ES Volume 1, Chapter 8 Landscape and Visual [REP3-025]*** *as:* *"Landscape fabric is the individual tangible elements or features such as landform, woodland, hedges, tree cover, vegetation that make up a landscape or site. These can usually be described and quantified."* *These are the natural elements within the Site, for example the lengths of hedgerow or areas of woodland and grassland within each individual site – essentially the 'green' elements, whereas Landscape Character is described in the LVIA Methodology Glossary (P48) as:* *"A distinct, recognisable, and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse."* *Key aspects that shape landscape character include:* *• Natural factors – hills, rivers, climate, vegetation.* *• Human elements – buildings, roads, farming patterns.* *• Cultural/historical influences – traditions, land management over time.* *• Visual appearance – colours, textures, scale, and openness.* *Landscape results from the interplay of the physical, natural and cultural components of our surroundings. Different combinations of these elements and*

Agenda item	Comment
	their spatial distribution create the distinctive character of landscapes in different places, allowing different landscapes to be mapped, analysed and described. *Character is not just about the physical elements and features that make up a landscape, but also embraces the aesthetic, perceptual and experiential aspects of the landscape that make different places distinctive.* *GLVIA3 sets out on Page 93 that 'An assessment of landscape effects should consider how the proposal will affect the elements that make up the landscape, its aesthetic and perceptual aspects, its distinctive character and the key characteristics that contribute to this.'* *GLVIA3 does not suggest that an LVIA should consider individual Landscape Character Areas (LCAs) or Landscape Character Types (LCTs) as individual Landscape Receptors, rather that LCAs / LCTs are used to identify the Baseline.* *Within LVIA, Landscape Character Assessments are used to determine the baseline character of the Site and its receiving landscape. The Landscape Institutes Guidelines for Landscape and Visual Impact Assessment Volume 3 (GLVIA3) discusses the identification of the receptors that will be affected by a development and notes at Paragraph 3.21:* *"In LVIA there must be identification of both:* *• landscape receptors, including* ***the constituent elements of the landscape****, its specific aesthetic or perceptual qualities and the character of the landscape in different areas; and*

Agenda item	Comment
	• visual receptors, that is, the people who will be affected by changes in views or visual amenity at different places." *As set out, within **ES Volume 1, Chapter 8 Landscape and Visual [REP3-025]** Landscape Fabric and Landscape Character are assessed independently as two separate receptors.* *The methodology used in the LVIA has been developed in response to the increasing number of large-scale solar farms where there is potential for large scale landscape change.* *By treating Landscape Fabric as a separate Landscape Receptor, the approach allows the physical landscape benefits of the Scheme (such as new hedgerows, woodland and meadows) at the Site level to be quantified without influencing the separate assessment on Landscape Character. Keeping this assessment independent of the assessment of Landscape Character avoids for any 'double counting'.* *It is noted, that within the Overarching National Policy Statement for Energy (NPS) EN-1 recognises at para 5.10.5 that: "Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation".* *Large Scale Solar developments are unusual in that due to the 'overlaid' nature of the development, the scheme can be delivered with minimal vegetative losses, and substantial vegetative gains. Conversely, if a scheme were to result in the opposite conclusions, e.g., substantial vegetative losses of a similar scale to*

Agenda item	Comment
	those gains provided by a large scale solar scheme, it would only be appropriate that this was recognised within the LVIA. *The LVIA takes account of this through the assessment on Landscape Fabric.* *The physical change in land use as a result of the development to the fabric of the landscape is from arable farmland to grassland (albeit below solar infrastructure). A solar scheme is essentially 'overlaid' across a landscape and is considered reversable (the infrastructure would be required to be removed at the end of the lifetime of the consent): This allows the important landscape features such as hedgerows, trees and watercourses to remain and continue to contribute to the landscape character of the receiving area. The introduction of ground mounted solar infrastructure does not change the physical fabric of the land within the Site to the same extent as a say a quarry scheme or a residential development for example.* *Therefore, it is quite possible to have relatively low adverse effects, or even beneficial effects on the landscape fabric of the site as little fabric is lost or there are substantial gains through new planting and conversely Significant Adverse effects on landscape character associated with the introduction of large scale solar infrastructure.* *With regard to the Scheme, it is the substantial gains, compared to the negligible losses set out below that are considered to result in the Beneficial Effects to Landscape fabric.*

Agenda item	Comment
	A full detailed list and break down has been included within Annex C LV1.1 Landscape Fabric – Quantifying Loss and Provision of the ***Applicant's Response to the Examining Authority's First Written Questions [REP3-128]****.* *The assessment of Landscape Character includes consideration of changes arising as a result of loss (or addition) of landscape components including changes to land management, introduction of new development and associated infrastructure and the loss to aspects such as tranquillity, and any perceptual, social environmental and historical considerations which would affect landscape character.* *The nature of solar developments results in infrastructure being 'overlaid' across the landscape and reversable. For example, developments for mineral extraction fundamentally change the nature of the landscape in which they operate, whereas solar projects, with the exception of the footprint of the buildings, are 'overlaid' across the landscape with only the posts interacting with the landform.* *This allows the important landscape features such as hedgerows, trees and watercourses to remain and continue to contribute to the landscape character of the receiving area. The strong framework of existing vegetation across the Scheme as well as the rolling topography of the Hullavington Rolling Lowland would provide the structure for the Scheme to be set comfortably and not become wholly intrusive within the landscape. The existing vegetation also acts as a backdrop for the panels and helps them integrate into the countryside surrounding.* *The Applicant would like to reiterate that* ***ES Volume 1, Chapter 8 Landscape and Visual [REP3-025]*** *does not identify beneficial effects to Landscape Character as a result of the implementation of the landscape scheme during the*

Agenda item	Comment
	construction period or operational lifetime of the Scheme, only to Landscape Fabric. *It is recognised that developments of this nature directly change the character of the landscape within the boundaries of the Site itself, with the individual fields proposed for infrastructure presenting as a solar array, a change from a 'greenfield' open agricultural farmland to renewables. The assessment of Landscape Character (and Visual Amenity) also recognises the adverse effects associated with the proposed high hedgerows required to provide screening of the Array and associated infrastructure.* *This change is what then ultimately indirectly impacts the character of the wider receiving landscape. It should be noted that this change is not limited to renewable projects, and that any development of a greenfield site would result in the same level of adverse impact at the site level.* *The Landscape Character change associated with the addition of the array and associated infrastructure, including the changes to land management is considered within the assessment of effects on Landscape Character.* *The LVIA acknowledges that there would be there would be an immediate change to the character of the Sites themselves and their immediate surroundings as they change from an area of arable farmland to solar infrastructure with the LVIA recording Significant Adverse effects on the character of the Landscape (including within the Lime Down Sites) through to the establishment of the Mitigation planting as a result of the Scheme and the change from agricultural land to a solar infrastructure.*

Agenda item	Comment
	However, the introduction of the solar arrays and other associated infrastructure would not become a defining feature on the landscape once operational, with the establishment of the landscape mitigation by Year 15 reducing adverse effects on Landscape Character to no longer Significant. Responding on behalf of Stop Lime Down, Carly Tinkler explained in their view what the correct process should be which is to start the process with an assessment of the overall character, identify receptors (including hard and soft, agreeing with Wiltshire Council), and then assess the effects on the fabric including both visual, non-visual effects, and the changes in perception. She argues this is a departure from the guidance and queries whether the Fabric assessment has been reinserted into the overall effect. Odette Chalaby stated that Wiltshire Council's concern was similar. The Applicant's assessment of landscape fabric was a partial assessment because it omitted man-made features and did not fully address perceptual change. Ms Chalaby referred to GLVIA 3, including paragraphs 5.35 and 5.49, noting that landscape elements should be considered in terms of the proportion lost or gained and the degree to which aesthetic or perceptual aspects are altered. She stated that it did not ultimately matter whether this was labelled as fabric or character, provided it was properly assessed. She further queried whether the worst case assessment of hedgerow loss includes the visibility splays as well as physical access points. Mr Harley on behalf of Wiltshire Council queried whether the assessment covers the entire study area as directed in paragraph 5.4 of GLVIA 3. *Post Hearing Note:* *The Applicant confirms that anticipated requirements for vegetation removal for visibility splays have been considered in determining hedgerow loss requirements*

Agenda item	Comment
	and assessment. This has taken into account traffic management measures set out within the ***Outline Construction Traffic Management Plan (CTMP) [REP3-108]****.* Mr Jackson clarified that neither GLVIA 3 nor the Technical Information Note define "Landscape Fabric". He explained that within the assessment of Landscape Fabric, the Applicant has assessed landscape fabric as changes to *individual tangible elements or features of the landscape* within the Order limits, while the landscape character assessment considered the wider study area, extending to 10km for cumulative assessment. Perceptual aspects raised by Stop Lime Down and Wiltshire Council are considered in the assessment of Landscape Character. Ms Tinkler raised concerns about how the Applicant would be incentivised to minimise hedgerow loss. She also queried what hedgerows would be replaced with. Ms Brodrick confirmed that arguments on ecology could be discussed at the ISH3 hearing. She also confirmed that the potential loss of hedgerow for visibility splays has been included in calculations. *Post Hearing Note:* *In terms of how control documents incentivise or secure the minimisation of hedgerow loss, the* ***Outline Ecological Protection and Mitigation Strategy (EPMS) [REP3-102]*** *sets out the maximum lengths of hedgerow that may be removed for different elements of the Scheme. This includes a maximum of 10 m for new internal accesses (paragraph 6.2.3), a maximum of 18 m for accesses to and from the existing highway network (paragraph 6.2.4), and a maximum of 12 m for cable installation works (paragraph 3.4.3). The* ***Outline EPMS [REP3-102]*** *also sets out measures to protect retained hedgerows through the installation and*

Agenda item	Comment
	maintenance of biodiversity protection fencing in Method Statement 2. Together, these measures ensure that hedgerow removal will be limited to the minimum extent reasonably practicable to facilitate construction of the Scheme. The ExA asked whether allowing existing hedgerows to grow to 4.5m could be considered a landscape benefit. The ExA queried whether the issue was that this was not an addition to landscape fabric, or whether the management of hedgerows to 4.5m could itself adversely affect landscape character. Wiltshire Council responded that allowing hedgerows to grow to 4.5m may benefit ecology, but a wholesale approach to increasing hedgerow height without understanding what it would screen or how it would affect perceptual aspects of landscape character may not be positive. He explained it cannot be considered an addition. The ExA referred to Annex D, provided as part of the **Applicant's Response to the Examining Authority's First Written Questions [REP3-128]** showing hedgerows to be managed to 4.5m and asked whether those figures included all hedgerows. The ExA questioned whether the provision may be overstated if some hedgerows do not require reinforcement. Mr Jackson explained that there are two separate management regimes: hedgerows managed up to 4.5m, primarily around the solar PV areas and parts of the cable route corridor; and hedgerows within the Cotswolds National Landscape management regime, maintained at either existing height or approximately 1.5m. Annex C, Landscape Fabric of the **Applicant's Response to the Examining Authority's First Written Questions [REP3-128]**, deals with combination of hedgerow reinforcement throughout the scheme looking at existing hedgerows, the management application within the OLEMP is to close up and to strengthen existing framework within the scheme. There are then additional hedgerows that

Agenda item	Comment
	will be planted for mitigation. Both new hedgerows and existing hedgerows managed to 4.5m are dealt with as mitigation. Ms Brodrick explained the nuance in the plan at Annex D where 4.5m hedgerows are proposed. The hedgerows are managed to the existing height and then can grow back. Mr Jackson explained that the scheme is an "up to" 4.5m scheme. He explained that if the panels are 3.5m, there is flexibility to manage the hedgerow at 3.5m. The worst-case is 4.5m to cover the 4.5m infrastructure. Mr Jackson confirmed that the worst-case in terms of the effect applies to all the hedgerows except those relating to Lime Down C. Ms Brodrick confirmed that the Applicant would resubmit the plan at Annex D with a note in the key to reflect the difference in height of hedgerows to give a better understanding of the visual implications on the landscape, as well as a comment to explain if there is any consideration of the amount of hedgerows needed at 4.5m. *Post Hearing Note:* *The Applicant has updated Annex D 'LV1.3 – Hedgerow Height Plan' of the* ***Applicant's Response to the Examining Authority's First Written Questions [REP3-128]*** *to amend the key to clarify that hedgerows will be managed 'up to 4.5m'. The updated plan is set out at Annex B of this document.* *The Applicant has prepared an additional plan, set out at Annex C of this document that shows hedgerows within the setting of the CNL.* Mr Jackson noted that the relevant policies such as the CLN nature recovery strategy are moving away from managed hedgerows and clipped forms to a more natural growth to support biodiversity. Understanding that the existing heights are a consequence of mechanical maintenance and that there is a general direction of being more relaxed towards management to support habitat and biodiversity.

Agenda item	Comment
	The ExA asked Wiltshire Council to elaborate on their concerns on Elm hedgerows and the effect of Dutch Elm disease and whether the content of the outline Landscape and Ecological Management Plan provides enough reassurance that existing hedgerows may not provide sufficient screening with an appropriate mix of species. Wiltshire Council confirmed it would provide further detail on this point. The ExA asked how there could be assurance of long-term legacy benefit if there is no ongoing management strategy for Landscape Fabric after decommissioning. Mr Jackson explained that following Decommissioning the land would be returned to landowner control. He explained that the Applicant is operating on the reasonable assumption that equivalent countryside protections would apply at that future time, and it may not necessarily be appropriate to require the land to its current baseline. He stated that large-scale landscape elements introduced by the scheme would likely be retained and protected. The Applicant's expectation was that the landscape would not be forced back to its current condition if that would be environmentally undesirable, particularly considering that the direction of travel is to promote a nature-recovery based system. Ms Brodrick clarified that the decommissioning requirements in the **Outline Decommissioning Strategy [REP3-096]** apply to the Applicant while it remains in control of the land. Once DCO obligations have been complied with, the land would be handed back to landowners. She stated that if landowners wished to remove additional vegetation after decommissioning, they would need to obtain any necessary consents under the law in force at that time, and as stated by Mr Jackson, the Applicant is operating on the reasonable assumption that the existing protections would remain in place. However, there would be no ongoing landowner obligation under the DCO to retain the vegetation.

Agenda item	Comment
	The ExA queried what would need to be included in an outline decommissioning strategy or DCO to ensure a positive decommissioning impact. Ms Tinkler responded on behalf of Stop Lime Down and agreed there is potential for benefit but is concerned that a new baseline assessment should be undertaken in the years prior to decommissioning. Ms Chalaby of Wiltshire Council echoed the query of how something can be considered a benefit if there is no control over the plan or activity. Ms Brodrick stated that to ensure decommissioning activities benefit from the screening provided by hedgerows, any reduction in hedgerow height would be carried out after decommissioning activities had taken place. She referred to Requirement 20 of the **draft DCO [REP3-005]**, and said that the Applicant must submit a decommissioning plan 12 months before decommissioning and obtain approval 10 weeks before decommissioning activities commence. She stated that wording had been added to the latest version of the decommissioning strategy requiring best practice for hedgerow management to be considered at that time. She added that if Wiltshire Council feel it is necessary, the Applicant can add further detail. *Post Hearing Note:* *The Applicant notes that the Wiltshire Council has been asked to "Confirm whether any alterations are sought to the wording of the outline Decommissioning Strategy or draft Development Consent Order (dDCO) to secure long term landscape benefit", by Deadline 4, which is action point (6) in the **Action Points from Issue Specific Hearing 2 [EV8-010]**. The Applicant will respond to the response from Wiltshire Council at Deadline 5.* Mr Jackson responded to the separate point on legacy detail. He explained that the LVIA assesses impacts up to the point of decommissioning. Legacy points do

Agenda item	Comment
	not influence the LVIA, however, the LVIA nods to likely retained elements and a direction of travel. Mr Kozelko queried whether the same position applied in relation to the section 85 duty for the CNL, and whether the Applicant was relying on legacy benefits. Ms Brodrick clarified that measures such as wildflower meadows apply only during the lifetime of the scheme, which the Applicant considers proportionate. Those benefits would stop at the completion of decommissioning. There is no ongoing commitment imposed on the landowner.
3. The Cotswolds National Landscape	The discussion focused on how the Applicant had defined and spatially delineated the setting of the CNL, and whether that approach was justified. The ExA began by asking the Applicant to identify, in spatial terms, the areas outside the CNL boundary that were considered to form its setting, referring in particular to the plan provided at Annex E of the **Applicant's Response to the Examining Authority's First Written Questions [REP3-128]**. The ExA noted that the Applicant had identified only certain parts of Sites A, B and C as falling within the setting, including specific fields such as A12, parts of A1 and A11, most of B12, and fields within Lime Down C such as C1, C6, C8, C9 and C10. The ExA queried why other fields—particularly C2, C3 and C4—had previously been treated is within the setting but were no longer included in that designation in the final scheme. In response, Mr Jackson explained that the Applicant's definition of the setting was not based solely on proximity to the CNL boundary, but rather on a more nuanced assessment of intervisibility and landscape experience, particularly in relation to key receptors within the CNL, such as Alderton Church and the Public Right of Way Luck 35. He stated that the Applicant had undertaken both site-based and desktop assessments to understand where development outside the CNL could influence views from within it. It was on this basis that fields C2, C3

Agenda item	Comment
	and C4 were originally identified as being within the setting, as development in those locations was considered capable of affecting the appreciation of views back towards the CNL from locations outside of the CNL. However, he explained that those fields were subsequently removed from the Scheme entirely as part of the design process, in order to avoid effects on the setting. By contrast, other parcels closer to the boundary, such as C1, C6, C8, C9 and C10, were retained within the Order limits but treated differently through the design, including the introduction of buffers, limited development and the use of landscape management and enhancement measures. He emphasised that this reflected a deliberate design approach: removing development in the most sensitive areas identified through intervisibility analysis, while managing effects in other areas through mitigation and alignment with the CNL's special qualities. The ExA queried whether this approach was consistent, noting that there may also be intervisibility from other areas, including land to the south, and questioning whether intervisibility had been applied selectively. Mr Jackson maintained that intervisibility had been tested comprehensively and that the Applicant's conclusions had been reached through a combination of desk-based analysis, site work, and engagement with the CNL Board. He reiterated that the key determinant of the setting was whether development could affect views to and from the CNL, in line with the definition used by the CNL Board: "…the area within which development and land management proposals, by virtue of their nature, size, scale, siting materials or design can be considered to have an impact, positive or negative, on the landscape, scenic beauty and special qualities of the Cotswolds AONB". and guidance in the Cotswolds Management Plan. Reference to and from the CNL have informed the approach and design and are a key factor in determining what the Applicant identifies as the setting. They have tested intervisibility with sectional work. They are working towards understanding

Agenda item	Comment
	the significant effects associated within the landscape character change of scheme. They have mitigated across the boundaries of the array itself and sought to employ avoidance measures along the western boundary at Site C. Then they have tried to align the land management requirements within those fields with the setting of the CNL to the identified Special Qualities (SQs) as well as applying the duty to further the purposes of the CNL under section 85 of the Countryside and Rights of Way Act 2000 (CRoW Act). They have included mitigation of the significant adverse effects on the eastern side of the relevant fields where there is solar infrastructure but recognise that there will be effects on visual amenity until the mitigation is in place. There are a small number of receptors identified where this will be the case up to the establishment of mitigation planting. The Applicant has submitted a change application removing panels from field C9. Mr Jackson summarised that the CNL setting does not extend to all sites A, B and C, it is shown in parts, and the setting of CNL extends to where there are positive or negative effects on the CNL. The ExA requested clarification on whether the Wiltshire Council's view is that the CNL setting covers a wider area as it is based on a shared landscape and recreational connection which consequently links different parts of the CNL. Mark Goodwin confirms the interpretation. He explains that the setting matters should be informed by the SQs of the Area of Outstanding Natural Beauty (AONB). He submitted that the development would encroach and fragment the integrity of the deeply rural and coherent countryside. He confirmed Wiltshire Council would provide a further response at DL4. Mr Jackson responded that the landscape character of the Hullavington Lowland and the CNL are different. He agreed that Landscape Character should inform setting but character of landscape within the CNL is different. The Hullavington

Agenda item	Comment
	Lowland has a distinct lack of drystone walls, for example, whereas this is a distinguishing characteristic of CNL. The ExA asked Stop Lime Down to clarify their criteria for determining the setting of CNL. Ms Tinkler responded that the starting point is that the setting of a National Landscape includes any area where a development could have an impact on it, regardless of distance or significance. She emphasised that the key test is simply whether an effect exists at all, not how large that effect is. While intervisibility is an important factor in identifying where effects may arise, it is not determinative. This is assessed on whether there are views either from the CNL to that point or from that point to the CNL. The ExA asked for clarification from the Applicant on where it is possible to see the to and from the CNL. Mr Jackson reiterated that they have provided cross-sections and explored intervisibility between the scheme and the CNL which highlights areas of avoidance along the western side. Mr Jackson cautioned against an overly expansive definition, noting that adopting such an approach would lead to areas with no intervisibility or discernible relationship to the CNL, such as Field C23 situated behind woodland, being treated as part of its setting, which he considered unjustified. He explained the Applicant took a more nuanced assessment, alongside the CNL board and tested through sectional evidence. At the point at which mitigation is established, the significant effects would be reduced. Mr Jackson confirmed that in the areas considered to be CNL setting, there is no solar development, with the exception of a portion of Field A1, which would be set behind proposed mitigation planting. The ExA stated that it is not clear whether CNL considers the entirety of Lime Down A, B, and C to be within the setting. Ms Brodrick confirms that the Applicant

Agenda item	Comment
	will seek to clarify with the CNL board the plans which show the extent of the setting of the CNL and if there is indeed agreement. Following that clarification, there can be an update to the **Statement of Common Ground with the Cotswold National Landscape Board [REP2-029]**. *Post Hearing Note:* *The Applicant is meeting the Cotswold National Landscape Board on 13 July 2026 to discuss the setting of the Cotswold National Landscape, and will provide an updated version of the Statement of Common Ground at Deadline 5, that reflects the discussions held.* The discussion began with clarification around a change request to remove panels from Field C9, which the Applicant explained reflects ongoing engagement with the CNL Board. The ExA observed that documentation suggested agreement with the CNL Board to remove panels from the southern half of A1, whereas works plans provided at D3 still showed panels in that area, and requested an update on discussions with CNL. Mr Jackson confirmed that conversations with CNL are ongoing and there is no discussion to remove panels from the southern half of A1. Ms Brodrick clarified there was a typographical area on the side of the Applicant, and it should refer to the northern part of A1. She also clarified that the change application is not required for this removal of panels from a small area but rather as part of a wider change that was triggered by the compulsory acquisition regulations among other changes in relation to environmental assessments. In the event that there were further removal of panels as a result of ongoing discussions, it would just be an amendment to the works plans and a change application would not be necessary. Ms Brodrick stated that the Applicant would confirm its position in relation to the

Agenda item	Comment
	removal of panels from the northern part of Field A1 and communicate this to the ExA and CNL. *Post Hearing Note:* *As set out above, the Applicant is meeting the Cotswold National Landscape Board on 13 July 2026 to discuss the northern part of field A1, and will provide an updated version of the Statement of Common Ground at Deadline 5 that reflects the discussions held.* The ExA asked Wiltshire Council to expand on their reasons for the position that Lime Down A and the majority of Lime Down C would need to be removed from the development. Mr Harley responded that the Fosse Way route is approximately 5km and connects to sections of the CNL, affecting users of the route which are receptors. He submitted that the route is a key recreational route. He also outlined the impacts between Alderton Road and Widley's Farm. Mr Jackson responded that the Applicant had carried out a site visit at Widley's Farm which is Viewpoint 10, located on the boundary of the AONB, as set out in the **Draft Itinerary for an Accompanied Site Inspection [AS-016]**. The Applicant addressed views from this location during the Accompanied Site Inspection. Mr Kozelko agreed with Wiltshire Council that the area between the boundary of the CNL and Fosse Way should be removed. He submits that if there are major and moderate adverse effects, it is sufficient to remove the scheme. Ms Tinker added that it would be useful to have a ZTV from each site to understand the visibility of E to be certain of the visual effect on CNL.

Agenda item	Comment
	The ExA requested Wiltshire Council to clarify their position on removal of the scheme. Mr Goodwin, Wiltshire Council, responded that it is the scale of development and magnitude and the effect on the AONB setting. He emphasised the effect of the density of 5 solar farms and 500MW generating capacity in a high value landscape. Ms Brodrick responded that if this area (200MW) were to be removed it would not be in line with the NPS which refers consistently to what is proportionate and appropriate for design approaches. She reiterated the point on design choices and rationale on site selection and that the scheme is considered critical national priority infrastructure. Mr Jackson also responded to Ms Tinker's point on ZTVs and clarified that [APP-098] contains figures 8, 9, and 13 of augmented ZTVs which include site by site ZTVs. He added that ZTVs are a tool for understanding potential visibility and is not a binary assessment. They are not a definition of where a development could or could not be viewed in its entirety. Mr Jackson also responded on the Widley's Farm point and referred to Viewpoint 1 of the LVIA and the relevant photo montage, and stop 10 as set out in the **Draft Itinerary for an Accompanied Site Inspection [AS-016]**. The receptor in the LVIA is identified as [TR040] is identified as having moderate/minor adverse effect at construction in year one, reducing to minor neutral, following the establishment of the proposed landscape mitigation, as shown on the on the landscape and ecological mitigation plans. He stated that there are no views of the Fosse Way from Viewpoint 1. He clarified that the visual relationship has been discussed with the CNL board. Mr Jackson then confirmed that the Applicant would submit Lime Down D and E ZTVs with the CNL visible on the map, adjusting the scale/sheet size accordingly.

Agenda item	Comment
	Post Hearing Note: *A plan of the Augmented Zone of Theoretical Visibility (ZTV) showing the Scheme, including the boundaries of the CNL is set out at Annex D of this document.* The ExA explained that the CNL disagrees with Applicant's assessment of SQs and stated the need to explore this matter through written questions. However, SQs 9-12 would be dealt with at the hearing. In relation to SQ 9: Tranquillity, the CNL board provided comments at [REP3-154]. The Applicant will respond to #4 of Potential Main Issues For Examination #4 in writing. The ExA requested clarification on how the Applicant factored in visual impact of the amount of construction and decommissioning traffic within the CNL on quality of tranquillity. Mr Jackson responded that the Applicant considered visual receptors within the study areas which considers on visual change and visual amenity. Ms Brodrick explained that the Applicant is preparing further technical note on tranquillity for Deadline 5. The Applicant has provided traffic numbers of anticipated movements but will include further detail on those movements in terms of additional 40 Heavy Goods Vehicles movements' impact on tranquillity. In relation to SQ 10: Dark Skies, Ms Brodrick confirmed that the Applicant will communicate with CNL directly to confirm what further information they require and confirm that relevant information is contained in other management plans and there is no lighting strategy. *Post Hearing Note:* *As set out above, the Applicant is meeting the Cotswold National Landscape Board on 13 July 2026 to discuss dark skies and lighting, and will provide an*

Agenda item	Comment
	updated version of the Statement of Common Ground at Deadline 5, that reflects the discussions held. *The Applicant is aware that Wiltshire Council has been asked to confirm whether any alterations are required in relation to the* ***Outline Construction Environmental Management Plan [REP3-092]*** *and the* ***Outline Operation Environmental Management Plan [REP3-094]*** *and will therefore comment upon the points made at Deadline 5.* The ExA requested that Wiltshire Council confirm they are satisfied with the level of detail in the outline Operational Environmental Management Plan and the draft DCO. The ExA raised concerns about the Applicant's finding of adverse effects within the local study area in relation to SQ11: Distinctive Settlements, particularly around Sherston and Alderton, and whether these effects would extend to the CNL and its special qualities. Mr Jackson explained that given the avoidance areas, along the north sites of A, and B and western edge of site C, the significant adverse effects in the 1km study area are primarily related to the change in land use from agriculture to solar infrastructure, as discussed in agenda item 1. The LVIA position is that this change does not directly affect the CNL landscape and layers of proposed planting provide mitigation, noting that the development is barely discernible from within the CNL itself. It is the Applicant's view that the effect on SQ11 does not extend to the CNL. The ExA questioned the scale and location of proposed permissive paths, noting that the figure of 12.8km appeared to relate primarily to Sites B and C and seeking clarification on how much of this provision lies within the CNL. The ExA also highlighted concerns raised by the CNL Board that, although increased access may benefit the special quality of an accessible landscape, the experience

Agenda item	Comment
	of users could nonetheless be negatively affected by the presence of large-scale solar development, such that permissive paths might in practice contribute to adverse effects rather than benefits. Mr Jackson stated that it would be unusual for an LVIA to assess a permissive path delivered as a consequence of the scheme. In regard to the setting, it wouldn't be surrounded by this infrastructure, as they are in avoidance fields. Where PRoW exist within infrastructure fields, offsets of 15 meters from the public right of way to the fence line, a further 4 meters from the fence line to the solar infrastructure have been applied. *Post Hearing Note:* *The Applicant confirms the total 12.8 km figure is all permissive routes proposed as part of the Scheme.* *The length of permissive paths falling directly within the setting of the Cotswold National Landscape (as defined in Annex E of the* ***Applicant's Response to the Examining Authority's First Written Questions [REP3-128]****) is 1.5 km. The total length of these pertinent routes (on Lime Down A, B and C), is 3.8 km.* The ExA noted that the Secretary of State (SoS) is under a statutory duty, when determining the application, to seek to further the purposes of conserving and enhancing the natural beauty of the CNL, including where development lies outside the designated boundary but affects its setting. The ExA also observed that the CNL Board considers that the Applicant has sought to further those purposes, particularly through measures such as wildflower meadow creation and habitat provision for ground-nesting birds. Ms Chalaby, Wiltshire Council, emphasised that the section 85 imposes a duty on the decision-maker, not the Applicant, and submitted that, supported *Wardhurst*

Agenda item	Comment
	Parish Council, is that conserving natural beauty in practice requires avoiding harm. Wiltshire Council's position is that the scheme does harms the CNL and its setting, and therefore engages the section 85 duty. Nonetheless, relying on authority such as *New Forest National Park Authority* (paragraphs 61-63), she acknowledged that the SoS could still lawfully grant development consent, provided that the decision-maker properly weighs the extent of harm and determines whether consent remains justified in the planning balance. She indicated that Wiltshire Council would provide further submissions on how that balancing exercise should be undertaken. Mr Kozelko, Stop Lime Down, argued that the duty cannot be complied with in this case because of the scale of harm identified. In response, Ms Brodrick agreed that the duty rests on the SoS, but stated it is also relevant to the Applicant as a statutory undertaker. She emphasised that the section 85 duty does not operate in isolation and must be applied alongside other statutory obligations, particularly section 104 of the Planning Act 2008, which requires decisions to be taken in accordance with the relevant National Policy Statements unless exceptions apply. She also referred to DEFRA guidance, noting that the duty is framed in terms of taking reasonable, proportionate steps, and does not prevent the SoS from discharging other statutory functions. Ms Brodrick relied on recent decision-making, including the SoS's decision in the North Falls offshore wind project, to illustrate how the duty is applied in practice. She submitted that the correct approach is to consider whether the Applicant has taken appropriate, reasonable and proportionate measures to avoid, mitigate and, where possible, enhance the CNL, having regard to the scale and nature of the scheme. She emphasised that the project is classified as Critical National Priority infrastructure, and argued that further design changes, such as removing additional areas of development, would materially reduce generating capacity and

Agenda item	Comment
	therefore would not be proportionate in the context of national energy policy objectives. She concluded that the Applicant would provide further legal submissions addressing the points raised by the Wiltshire Council and Stop Lime Down, including analysis of the authorities relied upon. *Post Hearing Note:* *The Applicant has provided legal submissions on the CNL Duty in response to the matters raised at Annex G.*
4. Landscape character	
4.1 Landscape character assessments	The ExA noted that at ExQ1 they asked the applicant about their approach of assessing and reporting the landscape character effects relative to a study area that is a distance offset from the order limits. The applicant's response was noted, but given the Council's response and concerns from other representations regarding the effect on the Limestone Lowland landscape type, applicant is to provide commentary of how the Limestone Lowland Landscape type and its subdivided landscape character areas would be affected. This should include reference to the key characteristics, inherent landscape sensitivities, and broad management objectives set out in the landscape character type description. Mr Jackson on behalf of the Applicant referenced the position and will take away that action point to respond to in writing. *Post Hearing Note:* *The Applicant will provide an assessment of the Limestone Lowlands landscape type and how its sub-divided Landscape Character Areas would be affected including reference to the key characteristics, Inherent landscape sensitivities and*

Agenda item	Comment
	broad management objectives at Deadline 5. The ExA noted that in respect of the Norton Village response to ExQ1 LV 1.8, the Applicant stated that the wider setting of the village is only perceived on the minor roads leading to and from the village on higher ground, and on the higher ground any of the minor roads leading to and from the village, the visual assessment acknowledges that there are some significant adverse effects. The ExA asked whether the combination of the significant visual effects on their approach to the village, and the significant landscape character effects to the study area that includes the area of Norton Village, suggest that the setting would experience significant adverse effects. Mr Jackson on behalf of the Applicant queried the use of the term 'setting', as typically he defines heritage assets or recognised defined areas such as the national landscape as having a setting. But would a village or an individual property have a defined setting, and how would it be defined. The ExA asked the Applicant to display **ES Volume 2, Figure 3-4-1 to 3-4-2 Landscape and Ecology Mitigation Plan [REP1-029]** and **ES Volume 2, Figure 3-4-4.1 and 3-4-4.2 Landscape and Ecology Mitigation Plan [REP3-037]**. The ExA asked how the village sits in relation to the proposed layout of the development, The ExA wants to understand the effects on that settlement group of the effects of the setting. Mr Jackson on behalf of the applicant responded to LV 1.8 stating that there should be care when defining settings, particularly with settlements. The Norton villages are located within a fold in the landscape, which drops into a shallow valley which predominantly holds the village, with some arterial roads that stem away from it, and rural farm buildings and sheds, but the nucleus of the settlement of focused in the lower valley fold, predominantly surrounded by woodland. Those

Agenda item	Comment
	roads have been assessed as having an effect associated with the delivery of the Lime Down project, and within the study area the applicant has identified a significant adverse effect of the character of the landscape surrounding the settlements of Norton. The ExA asks Wiltshire Council their view on how to assess the effect to Norton village and the setting definition, to which Mr Harley responded that the applicant should look at a reasonably wide setting, with a recommendation to pull the development areas back from the village itself, so the rural setting and effect of the village is maintained without the need for solar. Mr Harley pointed to the route towards Fosse way (B9). Mr Harley is to draw this to assist the ExA. Mr Kozelko welcomes this if it were to be done. The ExA asked the Applicant whether that clarifies the concerns, and whether they have any initial comments. The Applicant noted that there is no indivisibility from the core of the settlement of Norton to the solar array, which is one of the key factors assessed with the justification for the juxtaposition of the scheme in relation to the settlement. With site B9, he noted an existing strong hedgerow that runs along there, with occasional field access within the hedgerow, with proposals for reinforcement to strengthen it. The LVIA acknowledges and recognises the major moderate, significant adverse effects to users of that road as they pass by the array. Mr Jackson further noted that there are two fields along Norton Road outside of the order limits that surround the settlement to the south help provide separation from the array and the settlement. Panels within the north of D20 and D21 are likely to be the most noticeable from the road leading west from Norton. However, considering there is a large ridge, and a ridge line that runs along the North East, Southwest, across fields D20 and D21 at that point views of the wider array would

Agenda item	Comment
	be restricted. He explained that given the vegetation cover that surrounds Norton, the existing offset, the pushback away and lack of limits along Norton Road in this location, there are going to be adverse effects until the mitigation measures have established alongside the roads out on the North. The ExA clarified with Wiltshire Council that it is B9 where there are concerns with the high hedgerows, which has an effect on character. Mr Jackson on behalf of the applicant noted that the fence line around field B9 would be a minimum of 15 metres from the hedgerow, and a further 4 metres between the fence and the nearest panel infrastructure to allow the maintenance and management access around the edge. At the closest point, the panels would be 19 metres from the hedgerow. The ExA queried the height of the hedgerow at 4.5 metres, and Mr Jackson on behalf of the Applicant confirmed that is correct, but that Wiltshire Council's position is to push the infrastructure away from the road, but it is already pushed back 19 metres. Once hedgerows are reinforced, established and grown up to 4.5 metres, then that would mitigate views of the arrays to the north west of the road. The ExA again queried the height of the hedgerow, and Mr Harley added that there is other infrastructure between the panels and hedgerows, with the entirety needing to be moved back to allow a lower hedgerow and more open views across the landscape. There is not the same aspect of openness, which affects the character. The ExA queried the fence line which is shown to group several fields together into one. 9 separate fields of solar panels are grouped into 3 fenced enclosures. A similar approach was taken in Lime Down A to E. The ExA asked whether the effect on the historic field pattern has been considered, whether there would need to be a physical break in the hedgerows for the fence to pass through, and

Agenda item	Comment
	practically would that lead to different maintenance regime inside and outside the fence line which would undermine the hedgerow being a visibly continuous field boundary. How does the approach effect how the character of the landscape and field pattern of the landscape is understood. Mr Jackson on behalf of the Applicant responded that the fence line would not remove hedgerows in their entirety. If the worst-case scenario occurred with 4.5metre high hedgerows, the fence lines are a maximum parameter of 2.5 metres, so the hedgerows are always going to be taller than the fence line. If they crossed at 90 degrees to each other, the fence line would go through the hedge and the hedge would grow around and over the fence line. The ExA queried whether there would be an undesired effect on maintenance regime between the inside and outside of the fence line, to which Mr Jackson on behalf of the applicant responded that they will be maintained both externally and internally. Ms Brodrick on behalf of the applicant further noted that the management plans require management of all those areas within and outside of the fence line. There are buffer areas and the requirement to do this is in the management plans, but those buffer areas are maintained to a different criterion than for instance what has been placed on the other side of the fence line. The ExA queried whether the security requirements would mean that the hedgerow would need to be cut back from either side of the fence line so that there was not a reachable point where the fence could be easily climbed over due to the hedge being against it, to which the Mr Jackson on behalf of the applicant responded that they will take the point away to confirm, but they noted the point that there may be an additional gap in the hedgerow to facilitate a continuous fence line.

	Post Hearing Note: *The installation of stock-proof fencing through existing hedgerows will be undertaken using a low-impact methodology that avoids permanent loss of hedgerow habitat. Where fencing is required to pass through (i.e. perpendicular to) a hedgerow, the approach will be to create only a temporary working gap of sufficient width (typically approximately 1 m) to enable the fence wire to be threaded or unrolled through the hedgerow.* *This will be achieved through retaining woody stems wherever practicable, with selective pruning or temporary tying back of branches undertaken in preference to cutting. Where the removal of individual stems is unavoidable, this will be limited to the minimum necessary to facilitate installation.* *Following installation, any temporarily displaced branches should be repositioned, and the hedgerow allowed to regenerate naturally around the fence line. Any cut stems or limbs will be trimmed cleanly to encourage healthy regrowth. The temporary gap is anticipated to close naturally through vegetative growth over subsequent growing seasons, ensuring there is no reduction in the screening or ecological function of any affected section of hedgerow.* Mr Kozelko had a concern about the setting aspect on the Norton footpath, and the significant effect, to which the ExA responded that they requested the Applicant to provide typical cross sections and photo montages so they can better understand the experience there. Mr Jackson confirmed they will be submitted at Deadline 5. *Post Hearing Note:* *The Applicant will provide information on how the listed cumulative developments affect the Limestone Lowland and Hullavington Rolling Lowland Character Area impacted by cumulative developments in addition to an explanation of whether the*

Agenda item	Comment
	key characteristics of the character types would be so changed by the cumulative developments as to transform it into a different landscape type at Deadline 5. *A plan of the Baseline Existing Solar Schemes with the Wiltshire Landscape Character Assessment (2005) is set out at **Annex E** of this document.*
4.2 The legacy landscape	The ExA referred to **ES Volume 1, Chapter 8 Landscape and Visual [REP3-025]** which states that where significant long-term effects on public receptors remain at year 15 primarily due to the examples pointed out by Stop Lime Down, mitigation is not proposed as it would not be appropriate to the landscape character of the legacy landscape. The ExA referred to the concerns around the height of hedgerows and the detrimental impact of the landscape character and queried how they could be reinstated back to a position closer to the baseline at decommissioning. The ExA asked at the point of decommissioning what would be protected by legislation and what consideration has the applicant given to any mitigation measures that could be removed/reinstated to baseline condition at the mitigation point. Mr Jackson on behalf of the applicant responded that there is a requirement in the **Outline Decommissioning Strategy [REP3-096]** regarding hedgerow management, decommissioning and how that would take place over a 2-year period. The hedgerow limits would be assessed to consider the best ecological land management practices at the applicable time of decommissioning. Whether that is to push it back to the baseline position today or whatever that baseline position may be at the point of decommissioning. The applicant noted that they need to be mindful of the layout of the mitigation so that the scheme post decommissioning isn't left with a fragmented landscape pattern or field pattern that it is based on the need for visual screening now or during the operational time of the scheme, but beyond that there would be a relic of removed infrastructure.

Agenda item	Comment
	The applicant is trying to avoid a fragmented/break up of fields by using diagonal hedgerow. If there is a square field and a footpath runs through it, then you can with mitigation run a new hedgerow along either side. But at decommissioning, the infrastructure would be removed, and legislation may protect the hedgerow and there would be a wide track left through the middle of the field, which could be perceived to be as an incongruous element within the landscape that is disrupting the character of the landscape at decommissioning. Using those offsets from infrastructure creates a wide margin and the LVIA recognises the visual harm and significant adverse effects, which are associated with those public rights of way that pass through the fields of infrastructure and panels. The applicant maintained that it is important to maintain the long-term landscape character and legacy landscape rather than to mitigate the short-term harm for the operational phase of the scheme. The ExA refers to fields D13, D16 and D17 are an example of that with a public right of way, they asked would the new hedgerow be permanent and left at decommissioning, why was this considered appropriate in this location and not elsewhere. Mr Jackson on behalf of the applicant responded that it's an example of a way for the proposed permissive path along the Brook, the applicant is seeking to increase the wet woodland and wet tusky grassland, that would help widen that margin and expand it out. There is a slight rise in the land where the footpath is and where the hedgerow is. It was deemed appropriate in this situation that there would be a very scenic and rural location, but in the long term, it would be protected and separated from the agricultural practices that would take place within that agricultural field in D13, post decommissioning. The applicant noted that their expectation is that the corridor and margin would be retained, so the hedgerow in this location was deemed appropriate so that the farming practices in the future would be separate away from the Gauze Brook.

Agenda item	Comment
	The ExA noted Wiltshire Council's written representation suggesting a secondary hedgerow at the gate entrance to reduce visibility and asked whether they agree with the applicant's position, to which Mr Goodwin responded that the effects of vehicle access points have not been fully detailed, they used an example of quarry mitigation to explain that the character of the road can be retained and that it will be a long term substantial effect, but despite that, removing short sections or retaining them as a slight anomaly to character is not particularly harmful in the scheme of things. Stop Lime Down added that they agree with both sides. Mr Jackson commented on these statements, using the term hedgerow hook, where the hedgerow at the access point has a hook which comes up and around into the field, to allow vehicles to come in and to screen the visibility, if it comes along further than the width of the access. The applicant believes it is incongruous; it is a trade-off between the visibility through access point and impact of change. Typically, where there is an access, it is oblique to the direction of travel, to the side where drivers and vehicles should be looking straight ahead, it is also transient. Looking at the Fosse way there are only 4 ways where there are solar fields behind proposed access points, so few and far between in the scale of development. He further noted that they need to be mindful that the mitigation itself does not lead to adverse effect. ExA queried about the visibility splays, and whether they can be reduced for operational access and how it is secured, to which Ms Brodrick on behalf of the applicant responded that the access widths are required for the construction phase, and then a narrower width for the operational phase. It is the same access, but after construction some are retained for operation with a narrower width, it's the management plans that state what is retained during operation. There would not be a scenario where there is a wider access during the operational phase.

Agenda item	Comment
4.3 Cumulative landscape character effects	ExA noted that Stop Lime Down highlighted in its response to ExQ1 LV1.24 that the guidelines for landscape visual impact assessment, noting paragraph 7.28, talking about changes in the and landscape character having major effects on key characteristics, perhaps transforming it into a different type. The ExA asked the applicant to provide commentary on the most relevant landscape character types (Limestone Lowlands, and Hullavington Rolling Lowland) and a description of how the key characteristics of character areas would be affected and whether it would be so changed by cumulative solar developments in the area where it transforms it into a different character type (to provide in writing but welcome a response now). Mr Jackson on behalf of the applicant responded asking whether they want to apply the landscape character assessment to those areas referenced above? ExA confirmed and asked whether large scale solar becomes a key characteristic, and whether it diminishes the other key characteristics of those landscape character types? Mr Jackson on behalf of the applicant asked again whether cumulative means the long and short list in the cumulative sites? The ExA has a follow up question about that, and which developments have been included in the assessment of the cumulative effects on landscape character. The ExA asked whether it includes solar development or other developments such as BESS, residential, road infrastructure etc, and new developments not existing developments which are the baseline? Mr Jackson on behalf of the applicant responded that there is a long list of cumulative developments that are generated, which is refined down to the short list. With the landscape visual impact assessment, paragraph 7.10 LVIA 3, the focus on cumulative assessment will be an additional effect of the project in conjunction with other developments of the same type. The applicant has taken the short list identified through a consultation with Wiltshire Council and sieved

Agenda item	Comment
	that to identify similar nature developments, so any form of renewable development on the short list was taken forward on cumulative assessment within the LVIA. On residential, it was only identified as an additional receptor, where occupants would be affected in a future state by the scheme. Once the short list is identified the Applicant identified 14 Cumulative Developments of a similar nature to the Scheme. The applicant further explained that there were no cumulative development sites within 1 km study area, 1 cumulative assessment site within the 2km study area, which was an EIA screening assessment for a 20MW solar farm, north of Corston where there was an existing solar scheme. There were 2 cumulative assessment sites within the 5km study area, being CD sites 221 and 243, the latter is for a solar farm at Redbarn about 3.3km from Lime Down to the south, and the former was a solar scheme located to the south of the M4 and 3.8km south of Lime Down. The remainder are in the 10km wider study area. The applicant explained that the initial assessment went to 5km and then to 10km area at the request of Wiltshire Council, the applicant has since produced technical notes to support the sequential visibility tests in the area. Ms Chalaby queried whether development of Lime Down could tip the balance of the key characteristics that are changed, which requires an assessment of what is in the baseline (which cannot be ignored). Mr Kozelko agreed with this, inviting comment on the fact that paragraph 7.10 includes developments of the same type, like road improvements and electrical infrastructure. Ms Brodrick on behalf of the applicant responded that Wiltshire Council have changed their approach as they initially agreed with the applicant the long list and short list, they are saying today that today there are a number of unknown elements to be included in the assessment. She queried whether Wiltshire Council could clarify their position of the short list of developments for purposes of the cumulative assessment. This is

Agenda item	Comment
	new development, not existing development that forms part of the baseline. In **ES Volume 1, Chapter 21 Cumulative and In-Combination Effects [APP-073]**, she asked whether Wiltshire Council are saying that the list is no longer correct, or are Wiltshire Council referencing existing development that forms part of the baseline. The ExA wants an assessment/commentary relative to the characteristics of the relevant landscape character types of the development in combination with cumulative other developments, other renewable developments. The current assessment does not give the ExA a picture of how the character types are affected. Ms Brodrick on behalf of the applicant responded that they note the ExA, but were clarifying that the shortlist contains different types of development in the cumulative chapter, but wanted to clarify whether the list of developments in the shortlist is no longer sufficient for them, as it includes residential, commercial, mixed use, energy. Ms Chalaby confirmed that Wiltshire Council would confirm its position at Deadline 4. Mr Jackson on behalf of the applicant noted that the existing solar developments, and renewable developments form part of the existing baseline. The LVIA had been undertaken against the existing baseline. The cumulative assessment looked at the long and short list. It then considered the cumulative schemes from short list of the same nature in the cumulative assessment. There is a baseline identification, then baseline plus Lime Down, and then there is Baseline, plus Lime Down, plus cumulative sites. He further noted that with the defined boundary of Landscape Character Areas or Types that one of the issues and reasons for the approach to the study area methodology, which Wiltshire Council agreed to before this, was that there is a risk of using it to water down the assessment based on the scale of what that receptor becomes. Looking at the national character areas, they're an extremely large and broad area of land. Lime Down is a small development within a much larger space. There is a risk of saying the

Agenda item	Comment
	fundamental characteristics of this large area remain intact. The level of harm would stay the same. The larger the line/area, the greater the risk is watering down the area of effect. This is noticeable where the scheme lies on one boundary and the neighbouring area suffers indirect effects, and the applicant may be accused of saying that they forcing the scale of the harm to be comparatively watered down. Regardless of the scale of lines drawn on the plan, the level of harm stays the same, it is how it is being reported. That is the reason for the study areas. It is unusual that with Lime Down it sits within one landscape character type. This will only occupy 3.41% of the Hullavington rolling lowland, which is a small percentage. The applicant does not want to dismiss it. Ms Clarke (an interested party) noted clear gaps at B9 and B6 that give long views of the CNL across the low flat area, which will be changed notwithstanding the hook mechanism the applicant suggested. Ms Clarke confirmed she would submit an annotated plan. Mr Goodwin highlighted concerns to cumulative landscape assessment in the Limestone lowland type, highlighting from the start of this process the concerns of clustering of solar developments within this specific landscape type. He noted it was critical that existing and proposed forms of development including Bess that are cumulatively assessed. Mr Jackson confirmed this would be addressed in the Limestone Lowland assessment to be provided. He directed that they have set out the existing and cumulative development schemes along with the Lime Down scheme in the cumulative assessment drawings, so it has undertaken an assessment on landscape character, based on the existing scheme and cumulative schemes, including solar, electrical cable connections.
5. Visual impact	

Agenda item	Comment
5.1 Visual impact in the construction phase	The ExA queried the impact in the construction phase in relation to material stockpile parameters. Soil stockpiles will be excavated and used for restoration works at decommissioning. ExA asked the applicant the realistic worst-case estimate of soil quantity and define the location and parameters. Mr Jackson on behalf of the applicant responded that during construction phase, the stockpiling would be lower than the 4.5 metre parameter for the solar PV infrastructure. Worst case assessment is that the Scheme would be constructed 'all and everywhere' at the same time approach. He acknowledged that the scheme will be constructed in phases over 24 months, but that the assessment states that it all happens at the same time over the entire 24-month period. The applicant assumed that the subsoil and topsoil would fit within the parameter. ExA asked that if the applicant knows the material and cubic volume, where will it be stored and what are the parameters locate that, such as footprint, height, angle of slope. Ms Brodrick on behalf of the applicant responded that the level of detail required is not available, but that the applicant has effectively assessed a parameter box, with a maximum 4.5 metre height, and the soil storage would be located within that area internally (solar panel area). This is the worst case, not suggesting that there will be 4.5-metre-high storage areas. That level of detail will be provided as part of the detailed design and discharge of the outline management plan and soil resources management plan. Once provided to the LPA, they will specify exactly where the soil storage is and what that will look like, for the soil storage that is required for the lifespan of the project, and the applicant will confirm that then that there are no new or different effects in respect of the environmental statement. The ExA asked what parameters and principles could be included to give them and the council some reassurance. Ms Brodrick on behalf of the applicant

Agenda item	Comment
	responded that the management measures for the stockpiling would be primarily related to the good management of those materials. It is looking at the most appropriate way to store that material, rather than the methodology, ensuring that it is stored correctly. The details in relation of volume and location will be in the final management plan. The ExA wants more detail, such as footprints, angle of slope, Ms Chalaby confirmed they query this too and whether it is feasible with evidence of that. Ms Brodrick on behalf of the applicant responded that they will take this away and see what further information they can provide indicatively. *Post Hearing Note:* *The **Outline Soil Resources Management Plan [EN01068/APP/7.15]** (Revision 3) has been updated to include the principles for location soil stockpiles and the maximum parameters for soil stockpiles. The **Outline Construction Environmental Management Plan [EN010168/APP/7.12]** (Revision 5) has also been updated in order to align with the **Outline Soil Resources Management Plan [EN01068/APP/7.15]** (Revision 3).* She noted the different elements and that the applicant is doing further work on hydrology and the permeable and non-permeable elements of the site. The applicant will review the information in the application for soil storage and see what they can provide as to the different types of optionality for soil storage. Because the layout of the site, the soil storage being divided up or one central location has not been determined but this will be thought about. ExA commented that the applicant referenced other documents, they will also need to be updated to ensure consistency. Ms Brodrick on behalf of the applicant confirmed they will be, should documents be changed.

Agenda item	Comment
	Mr Kozelko had concerns about topsoil and Miss Tinkler had concerns about storage of arable topsoil for 60 years. Ms Brodrick on behalf of the applicant noted that they are not suggesting there would be bunds of that height, it was the maximum parameter for LVIA perspective. The scheme does not propose mass topsoil stripping and storage of all of the topsoil within the site. ExA noted the construction programme and impact of concurrent multi-site working, noting the applicants 'everything everywhere' approach. There is 18 months of cable route corridor works, is that from one end to the other or multi-site working? Ms Brodrick on behalf of the applicant responded it depends, could be either end working towards the middle, one end to the other, or multiple routes along the corridor, it is not known yet how it is constructed. ExA asked if a month is a realistic worst case for visual impact, or an estimate as to what it would be. Mr Jackson on behalf of the applicant responded that a month is a worst-case scenario, flexibility may be required with things like weather conditions. But with specific individual fields, then there are rough guides. Drill points may need to be done at specific times or a bit longer. The ExA noted that until there is a finalised programme, the applicant cannot tie much down. Ms Brodrick on behalf of the applicant added that some activities need to be done in a certain window with different ways of working. Mr Barrett on behalf of the applicant stated that the times taken will vary. Mr Jackson on behalf of the applicant confirmed that it comes down to the 'all and everywhere' assessment. To ensure that there is a worst case, it is a full 24-month period as a construction phase, from day 1. He added that it is more nuanced, but without a detailed programme in front of them that is the worst case. The ExA asked if the applicant could work on sections concurrently, or work in a field, skip a few fields. Ms Brodrick on behalf of the applicant responded that it

Agenda item	Comment
	depends on the activity, such as for duct laying will not be concurrently, whereas cable laying will be. It also depends on how quickly it needs to be carried out.
5.2. Sequential visual effects	The ExA noted that there were sequential visual effects on McMillan Way, Whitewalls Way, Sherston Walk 2, and Foss Way. The ExA asked at ExQ1 asked for intra and inter project effects, which will be provided at deadline 4. ExA asked what the parties are concerned about. Mr Harley was concerned about only taking main roads routes and not the important minor road routes. They confirmed they will look into the routes they are concerned about. ExA asked Stop Lime Down about the routes requested, to which Mr. Kozelko responded that they will provide a markup on a map, Ms Tinkler from Stop Lime Down explained that they want to share with the applicant, and to discuss the local knowledge regarding the routes. Mr Jackson on behalf of the applicant noted that LVIA is undertaken as sequential assessment where a single receptor passes multiple sites in the Lime Down scheme. The sequential assessment for the popularised routes is considered, based on table 7.1 GLVIA 3, which sets out requirements for sequential visibility and sequential effects which can be assessed for regular routes like popular paths and roads. He noted that the applicant expanded their assessment to include the additional requests from Stop Lime Down and Wiltshire council. Should more local routes be brought forward they are happy to respond to that. ExA noted that the Council found receptors missing from the intra project effects that the applicant assessed. Mr Harley noted it was the intra cumulative effects but with the information they will provide, it may overcome concerns. Ms. Tinkler confirmed its about understanding where people are going and why, and that the levels of the effects are understated.

Agenda item	Comment
	The ExA noted that when the additional routes are provided and the applicants respond to the additional routes, the effects of that should be set out.
5.3. Residential visual amenity	The ExA noted the property at Grain Store Barn, they note where the residential receptors that are heritage assets are classified as high value, but those that are not heritage assets are classified as low value receptors. The ExA queried whether this created an overlap on assessment of heritage impacts and visual impacts. Mr Jackson noted that the heritage value associated to that property is being used to establish the value. Landscape and visual impact assessment is not concerned with views from private receptors, that is not the role of the LVIA, which is concerned with public visual amenity. However, it is not unusual within the landscape and visual impact assessment, for an assessment on residential properties, but if changes to views are to be considered in the LVIA, it is more about how it is appreciated from the settlements rather than individual properties. Given the Aldred's case law position from 1610 that no one has a right to a view, it is a balance between how to not have every single residential property as a high value and high sensitivity receptor, as through EIA this would likely mean any change would lead to significant effects and any change near a private dwelling would be significant adverse, which would give a skewed view of development. There is clear precedent that views from individual private properties are not a binding material planning consideration until it becomes an issue where the development is of such a detrimental impact. He further noted case law is tested in the Burnthouse Farm windfarm decision from July 2011. The test of what would be unacceptably unattractive should be objective. There needs to be a degree of harm over and above an identified substantial adverse effect to the case in the category of refusal in the public interest, changing the outlook from the property is not sufficient. The value judgement is to identify and pick the properties that are of a more public interest,

Agenda item	Comment
	there is a higher value. There should be a consideration of those assets within the LVIA and the scheme should respond through the iterative design process and accommodate those more sensitive properties through the layout. The Development applies a buffer of 50-metre from properties. The ExA asks the applicant to submit the Burnthouse Farm into examination, the applicant confirms. *Post Hearing Note: The Applicant has included Burnthouse Farm (2011) appeal decision at Annex F of this written summary.* Ms. Tinkler was confused as to why the receptor value for Grain Store Barn is low, Mr Jackson on behalf of the applicant explained that the landscape value is not high, it is medium to high, so it is not a high value landscape. It comes back to it being an ordinary residential property, with nothing elevating it within its position within the landscape. The ExA commented on the visual assessment sheet submitted at Deadline 3, showing the magnitude of change. Should the open views to the south be a consideration in assigning a lower magnitude of change. Mr Jackson on behalf of the applicant noted that there are major moderate adverse significant effects at construction in year one, with moderate minor adverse effects in year 15. There is a continuous recognition of the adverse effects from the visual receptor. The applicant noted that they do not want to blur the lines between the RVAA and LVIA, the LVIA leans on guidance from RVAA that recognises that when assessing views from private dwellings, the focus should be on principal habitation rooms, as the normal arrangement of residential properties the upper floors are where people sleep. The ground floor is the focus. Proposed mitigation was discussed, which is the offset distance, the hedgerow to the eastern boundary of the scheme (edge of C15), new planting (C14, C16), and hedgerow

Agenda item	Comment
	reinforcement (C17, C18). There is a recognition that there are adverse effects over that property for the lifetime of the scheme. ExA noted that people can live/work in upper floors of dwellings, which was a home. The ExA queried whether the first-floor window to the rear would be considered in terms of magnitude from that view, and what the change would mean. Mr Jackson on behalf of the applicant responded that on year 15 the position is that the property is located 214 metres to the solar panels, in excess of the 50 metres typically applied. The views from the rear aspect are onto panels within fields C14 and C15. Applicant's position that assessment is robust as it stands, is of a low magnitude, not a medium magnitude. Prior to mitigation established there would be a greater visibility of the array from upper floors. The property is currently being used as an upstairs office for that current occupier but there is no expectation that would be how it would be maintained and used and occupied in perpetuity. He further explained that the house is typically built to have the living spaces downstairs and not upstairs, and it is that the occupiers choose to use it to take advantage of the upstairs room in that certain style. He reiterated that it is the distances, offsets, approach to mitigation, large area of scrub that is being proposed and hedgerow reinforcement which do not justify the magnitude of change. The ExA asked if the views of the other properties were assessed from visiting, or rather a presumption? Mr Jackson on behalf of the applicant responded that unless clear and obvious that the home was constructed in a different manner, then the approach is to view residential properties from public locations and desktop and to assess it as such. The applicant went to a few properties but only on invitation for near neighbour meetings. ExA noted that there is not a requirement for a full residential visual amenity assessment, they ask the applicant to explain using the RVAA guidance, that the

Agenda item	Comment
	approach that the only effects at year 15 onwards, of the highest magnitudes that would trigger the need for the RVAA. Mr Jackson on behalf of the applicant responded that the Landscape Institute provided a technical guidance note 02/2019, on residential visual amenity assessment. The four stages of the RVAA, are informed by the GLVIA 3 principles and processes. Step 1 is to identify study area and properties to be assessed which is what the applicant has done. Step 2 to establish the baseline which the applicant confirms. Step 3 to assess change to visual immunity of properties, identify properties requiring further assessment. Step 4 is to provide a detailed assessment of individual properties identified in step 3. The Applicant confirms the individual processes for the individual steps, and that in the final step only when the properties where the largest magnitude effect has been identified, a further judgment is required. Using that wording from the RVAA guidance note will be used to understand whether a RVAA should or should not be carried out as a result of the findings of the LVIA. The ExA asked where in the RVAA guidance that it is only year 15 onwards that the applicant should be looking at. Mr Jackson on behalf of the applicant confirmed that it does not say either way, it is a matter of judgment. The technical guidance note does not state at what point the RVAA should be triggered, it is professional judgment and through experience on previous DCOs, it is the long term residual significant effects on residential properties, that is the trigger. The RVAA threshold is extremely high test. Just because a property has an LVIA significant effect, it does not necessarily mean that there is an RVAA threshold breach. Mr Kozelko noted that RVAA guidance is very high, the concern is that the applicant only uses low, medium, high, but within the framework where a 5-point scale was used etc, they accept for the purpose of this guidance, high is not enough to engage the RVAA guidance. They disagree with the 15-year point

Agenda item	Comment
	referred to above. Wiltshire Council believe that threshold for RVAA for Grain Store has not been reached, this is a change of view.
6. Design and parameters	ExA began with the design principles and parameter document, they asked the council whether there is sufficient design details secured within the design principles and parameters control document to ensure that future consenting under requirement 5 will give the Council enough input over the final design of work numbers 1-3, 5. Mr Goodwin has minor suggestions to design parameters and commitments, which he explained in detail. The ExA asked the applicant to respond on whether they are happy to update the design principles and preference to include what Wiltshire Council stated (Council to submit this at deadline 4). Ms Brodrick on behalf of the applicant noted that they will consider whether the design principles and parameters is the correct document, they will be provided but perhaps the point about visibility splays would be more appropriate to go in another management plan, such as in outline CEMP. There is not pushback necessarily on points made, rather where it would be added. The applicant requested the Council to send this earlier so it can be incorporated sooner. *Post Hearing Note:* *The **Design Principles and Parameters [EN010168/APP/7.4]** (Revision 4) has been updated to include a commitment to use rounded posts with an agricultural appearance for deer stock fencing.* *Section 6.3 (bullet points 2 and 3) of the **Outline Construction Traffic Management Plan [EN010168/APP/7.22]** (Revision 4) has been updated to include the commitments requested from Wiltshire Council in relation to solar PV access tracks, BESS and substation access points and visibility splays.*

Agenda item	Comment
	ExA noted the colour and materials, where Stop Lime Down requested an environmental colour assessment, Ms Tinkler noted what the assessment should include, noting that the context of the background should be noted to understand the best colour match, which they want at an early stage. The ExA noted the BESS container needs to be agreed with the LPA. They suggested that an informal version of an environmental colour assessment is appropriate. Ms Brodrick on behalf of the applicant responded that there is reference to colour to other elements, such as conversion units. The Applicant's position is that the exact colour will be subject to manufacturer's specifications, what is available and whether any safety requirements. Where there is a choice of colours, those conversations will be had with the LPA. In some scenarios, there is no option for colour choice. The ExA asked the Applicant to confirm an informal environmental colour assessment with the LPA, Ms Brodrick on behalf of the applicant responded that in the scenario where there is a choice available of the Bess units, then they can have those conversations. The ExA noted a commitment to colour but not a commitment to approval of that colour, they asked if the applicant could commit to an informal environmental colour assessment to be approved by the LPA. Ms Brodrick on behalf of the applicant responded that the applicant will give further consideration to the wording, but the principle of having a discussion about where there are a different type of colours available, the applicant is happy to provide information about the background colours to facilitate those conversations. The applicant will have done the work to establish the background colour, but in terms of a broad colour assessment across the whole site, that is not something, only where colours could be chosen. The Applicant will consider wording and take it from there.

Agenda item	Comment
	Post Hearing Note: Please refer to the Applicant's response to Action Point 22 at Section 2 (List of Actions for the Applicant and Other Parties following Issue Specific Hearing 2) of this written summary. Mr Kozelko welcomed those comments and just notes that it wants the council to have the information. Wording to include 'in keeping'. Mr Goodwin noted concern of approving or not, where there are limited colour options to approve. Ms Brodrick on behalf of the applicant noted that they would focus on safety when choosing an option. The Bess units will be surrounded by a 2-metre bund and a 3 metre acoustic fence, if white is the only available unit or the only safe unit, the Council when considering the detailed design will consider all the elements like the screening, under requirement 5, it's the design. She noted that the applicant will want to utilise the most efficient and safest BESS units that are available. ExA noted the community liaison group, with the design approach document (DAD), the ExA asked the applicant if it would be appropriate for the emerging design decisions to include a community liaison group and if so, how that engagement could be secured, recorded and feed into the discharge of requirements? Ms Brodrick on behalf of the applicant responded that they will take this point away as they are conscious about the timing of this, when procurement decisions would need to be made and ordering equipment, or rather whether it is an information giving exercise. *Post Hearing Note: Please refer to the Applicant's response to Action Point 23 at Section 2 (List of Actions for the Applicant and Other Parties following Issue Specific Hearing 2) of this written summary.* Ms Brodrick noted that the applicant welcomes a discussion with Wiltshire Council about the specific terms of reference for the community liaison group because it has been generic.

Agenda item	Comment
6. Review of issues and actions arising	
7. Close of hearing	

2 List of Actions for the Applicant and Other Parties following Issue Specific Hearing 2

Number	Responsible party	Action	Submission deadline	Applicant's response / commentary
1.	Applicant	Update the loss of landscape fabric components table, provided in response to ExQ1 LV1.1, to include loss of natural ground cover types.	Deadline 4	Addressed in the post hearing note at agenda item 2 and at Annex A of this written summary.
2.	Wiltshire Council	Provide reference to any Nationally Significant Infrastructure Project assessments where the assessment of landscape fabric has included both man made and natural components in character assessment.	Deadline 4	N/A
3.	Applicant	Confirm the amount of hedgerow loss in the construction phase for the Cable Route Corridor.	Deadline 4	Addressed in the post hearing note at agenda item 2 of this written summary.
4.	Applicant	Confirm how the control documents incentivise or secure the minimisation of hedgerow loss.	Deadline 4	Addressed in the post hearing note at agenda item 2 of this written summary.

Number	Responsible party	Action	Submission deadline	Applicant's response / commentary
5.	Applicant	Submit a revised hedgerow height plan, provided in response to ExQ1 LV1.3, to differentiate between hedgerows that are proposed to be managed to a height of 4.5m to mitigate visual impact and those which will be kept to the existing heights.	Deadline 4	Addressed in the post hearing note at agenda item 2 and at Annex B of this written summary.
6.	Wiltshire Council	Confirm whether any alterations are sought to the wording of the outline Decommissioning Strategy or draft Development Consent Order (dDCO) to secure long term landscape benefit.	Deadline 4	N/A
7.	Wiltshire Council	Confirm whether any alterations are sought to the wording of the outline Landscape and Ecological Management Plan to provide enough reassurance that existing hedgerows that may not provide sufficient screening (for example Elm hedgerows) will be appropriately reinforced.	Deadline 4	N/A
8.	Applicant and Cotswolds National Landscape Board	Confirm whether there is agreement, through an update to the Statement of Common Ground with the CNLB, on: • the extent of the setting of the CNL;	Deadline 4	As noted in the post hearing note at agenda item 3, the Applicant is meeting the Cotswold National Landscape Board on 13 July 2026 to discuss the setting of the Cotswold National Landscape, and will provide

Number	Responsible party	Action	Submission deadline	Applicant's response / commentary
		• layout of panels in field A1; and • whether there is sufficient information in the control documents to mitigate impacts to the dark skies special quality of the Cotswolds National Landscape (CNL).		an updated version of the Statement of Common Ground at Deadline 5, that reflects the discussions held.
9.	Applicant	Provide a ZTV drawing that shows Lime Down D and E and the CNL (across multiple sheets if necessary.	Deadline 4	Addressed in the post hearing note at agenda item 3 of this written summary.
10.	Applicant	Explain how the visual impact of increased construction traffic within CNL would impact on the special quality of tranquillity.	Deadline 4	Addressed in the post hearing note at agenda item 3 of this written summary.
11.	Wiltshire Council	Confirm whether any alterations are sought to the control documents in relation to proposed lighting as set out in the outline Construction Environmental Management Plan and outline Operation Environmental Management Plan.	Deadline 4	N/A
12.	Applicant	Confirm the length of permissive paths within the extent of the setting of the CNL.	Deadline 4	Addressed in the post hearing note at agenda item 3 of this written summary.

Number	Responsible party	Action	Submission deadline	Applicant's response / commentary
13.	Applicant and Wiltshire Council	Provide details of cases which support the position of each party on how the duty to further the purposes of the CNL under s85 of the CRoW act should be applied.	Deadline 4	Addressed in Annex G.
14.	Applicant	Provide an assessment of how the Limestone Lowland landscape type and its sub-divided Landscape Character Areas would be affected including reference to the: • key characteristics; • Inherent landscape sensitivities; and • broad management objectives	Deadline 4	As noted in in the post hearing note at agenda item 3 of this written summary, the Applicant will provide an assessment of the Limestone Lowlands landscape type and how its sub-divided Landscape Character Areas would be affected including reference to the key characteristics, inherent landscape sensitivities and broad management objectives at Deadline 5.
15.	Applicant	Provide an assessment of how the key characteristics of the relevant landscape character types (Limestone Lowland and Hullavington Rolling Lowland) would be impacted by cumulative developments. Explain whether the key characteristics of the character types would be so changed by the cumulative	Deadline 4	As noted in in the post hearing note at agenda item 3 of this written summary, the Applicant will provide information on how the listed cumulative developments affect the Limestone Lowland and Hullavington Rolling Lowland Character Area impacted by cumulative developments in addition to an

Number	Responsible party	Action	Submission deadline	Applicant's response / commentary
		developments as to transform it into a different landscape type.		explanation of whether the key characteristics of the character types would be so changed by the cumulative developments as to transform it into a different landscape type at Deadline 5.
16.	Wiltshire Council	To submit a marked-up plan to show the reduction of development they seek to reduce impact of Norton Village setting.	Deadline 4	N/A
17.	Applicant	Confirm if there could be security concerns in future that may require further hedge removal where the fence passes through the hedge line.	Deadline 4	Addressed in the post hearing note at agenda item 4.1 of this written summary.
18.	Applicant	In relation to the long-term soil stockpiles during operation provide: • indicative information of how the stockpiles could be accommodated within Lime Down A to E; • the visual impact of the stockpiles; and • maximum parameter commitments such as footprint, height and angle of slope.	Deadline 4	Addressed in the post hearing note at agenda item 5.1 of this written summary.

Number	Responsible party	Action	Submission deadline	Applicant's response / commentary
19.	Wiltshire Council and Stop Lime Down	Mark up on a plan the minor routes where an intra-project sequential visual assessment should take place.	Deadline 4	N/A
20.	Applicant	Submit the Burnt House Farm (2011) appeal decision.	Deadline 4	Provided at Annex F of this written summary.
21.	Applicant	Update the Design Principles and Parameters document (and any other management plans) to accommodate the commitments that Wiltshire Council requested.	Deadline 4	Addressed in the post hearing note at agenda item 6 of this written summary.
22.	Applicant	Confirm whether the Design Principles and Parameters could be updated to include a commitment to provide an informal environmental colour assessment to the local authority in order to agree proposed colour for all components where there is currently a commitment relating to the choice of colour (BESS containers, switch rooms, conversion units, and control buildings or containers) as well as the acoustic barrier surrounding the BESS.	Deadline 4	The Applicant has considered the Landscape Institute Technical Information Note 18-4 Environmental Colour Assessment which is an informative document aimed at increasing awareness of, and promote interest in, the Environmental Colour Assessment (ECA) process. The note aims to raise awareness of ECA, encourage landscape practitioners to develop methods and skills in this area. The main objective of ECA is to create a "palette" of colours for a given area: based on the baseline (natural, cultural, built colours) which then

Number	Responsible party	Action	Submission deadline	Applicant's response / commentary
				informs selection of materials, surfaces and finishes for future development. However, given the nature of the Scheme, there is limited opportunity to influence the palette of colours being proposed, although, the **Design Principles and Parameters [REP3-083]** commits to the use of subdued, non-reflective tones, subject to manufacturers specifications, for conversion units, BESS containers, control buildings and CCTV and monitoring equipment. This approach will aid absorption of these components within the landscape, with colours to be agreed with the relevant planning authority under Requirement 5 of the **draft DCO [REP3-005]** prior to construction. As part of the discharge of requirement process, the Applicant would undertake informal consultation before submitting applications to discharge requirements, which provides an

Number	Responsible party	Action	Submission deadline	Applicant's response / commentary
				opportunity for the relevant planning authority to provide feedback on the proposed colours. See the response to Action 23 below for the Applicant's proposed mechanism for CLG involvement in that informal consultation.
23.	Applicant	Confirm if there is an opportunity for emerging detail design decisions to involve the community liaison group and if so how that engagement would be secured, recorded and feed into the discharge of requirements.	Deadline 4	The Applicant has updated the **Design Principles and Parameters [EN010168/APP/7.4]** (Revision 4) to include a commitment that subject to manufacturer specifications the acoustic barrier will be carefully selected in subdued, non-reflective tones to sit as discreetly as possible within the landscape. In relation to the Community Liaison Group (CLG), the intention is that it provides a formal forum for local issues to be raised during construction, planned replacement and decommissioning, and whilst the design will be shared with the CLG, it will be for information rather than on the basis of seeking feedback. Given the nature of the Scheme, there are limited opportunities to influence

Number	Responsible party	Action	Submission deadline	Applicant's response / commentary
				design, particularly as the Scheme itself is constrained by the **Works Plans [REP3-004]** and the parameters set out in the **Design Principles and Parameters [REP3-083]**. Furthermore, the detailed design itself is subject to approval by the relevant planning authority under Requirement 5 of the **draft DCO [REP3-005]**. As part of the discharge of requirement process, the Applicant would undertake informal consultation before submitting applications to discharge requirements, which provides an opportunity for the relevant planning authority to provide feedback on design matters. The Applicant considers there would be opportunity for this informal consultation process to be captured within a post-consent Planning Performance Agreement. As part of that process, the Applicant considers there could be a mechanism where such discussions with Wiltshire Council could be communicated to the CLG. The

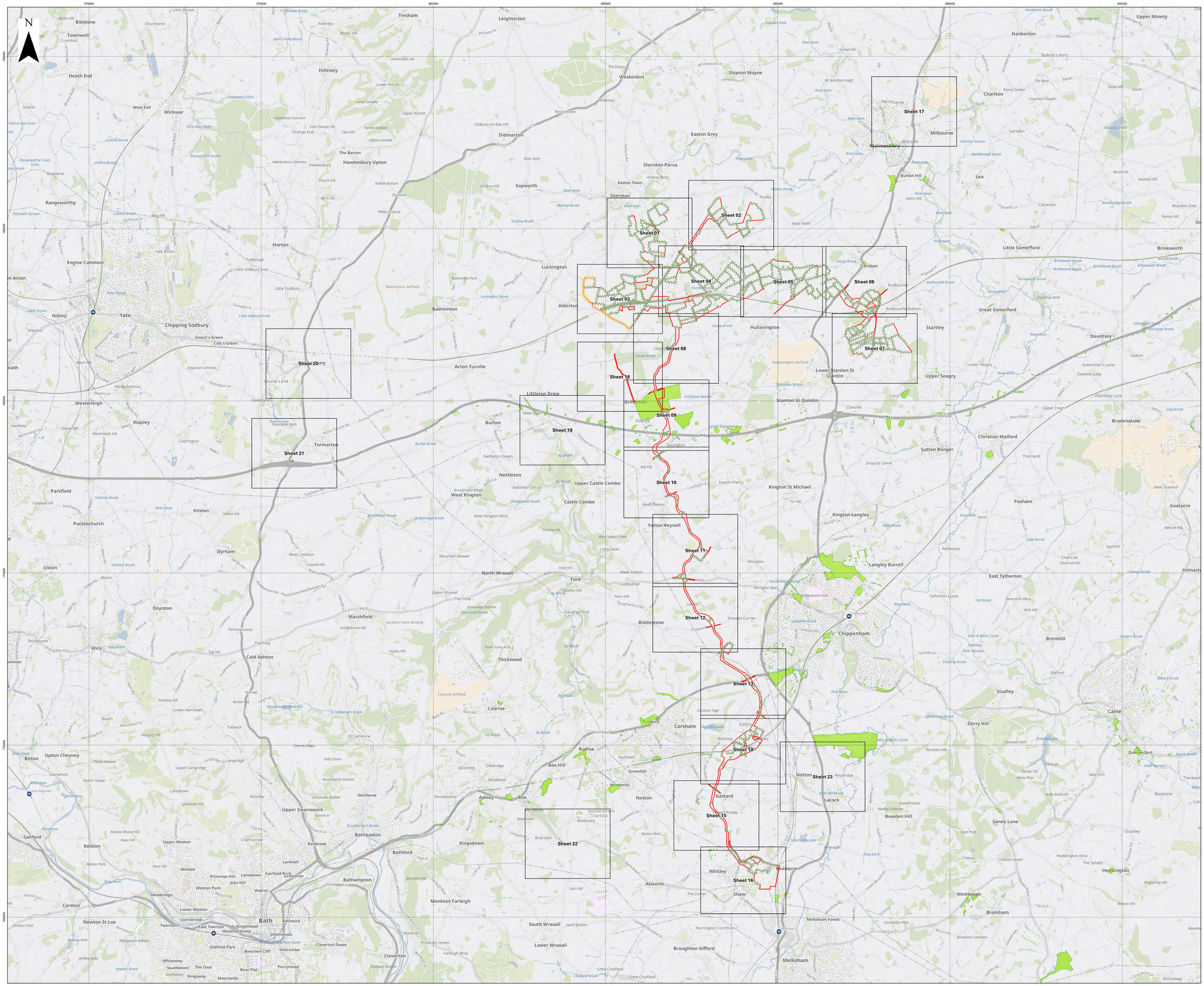
Number	Responsible party	Action	Submission deadline	Applicant's response / commentary
				Applicant will explore this further with Wiltshire Council. This approach aligns with the **Design Approach Document [APP-268]** that states "Future design development will be overseen by a technical design team, and emerging design decisions will be communicated to the local community via a Community Liaison Group."

Annex A Summary of Vegetation Gains and Losses

Table A-1 - Summary of Vegetation Gains and Losses

Losses			
	Solar PV Sites	**Cable Route Corridor**	**Total permeant loss**
Hedgerows	346m within PV Sites	54m of permeant loss. Approximately 1.4km of 'temporary' loss.	400m
Trees	3 (1 group, 2 Trees)	201 (69 Groups, 132 Trees)	204
Temporary loss of Agricultural Land to Hardstanding	Access Tracks: 109,463m2 Substations: 98,131m2 BESS: 27,058m2 Conversion Units: 6,450m2 Total: 24.1ha		0
Gains – All located within Solar PV Areas			
Hedgerows	15.49km		
Trees	(up to) 113,508		
Ground Cover	702.55ha (the ground cover calculations exclude the Access Tracks, Substations and BESS)		
Reintroduction of Historic Ponds and New Ponds	14		
Residual			
Hedgerows	15.09km		
Trees	113,304		
Ground Cover	701.91ha		
Reintroduction of Historic Ponds and New Ponds	14		

Annex B Hedgerow Height Plan



Island GREEN POWER

Lanpro

Key

- Order Limits
- Index Sheet
- Hedgerows to be managed up to 4.5m height
- Hedgerows managed at c1.5m (or as existing if greater)
- Tree Preservation Order (TPO)

Layers: Lanpro, 2026; IGP, 2026
Base map: Reproduced from Ordnance Survey digital map data © Crown copyright 2026. All rights reserved. License number 0100031673
Contains OS data © Crown Copyright and database right 2026. Contains data from OS Zoomstack

0 1 2 3 4 km

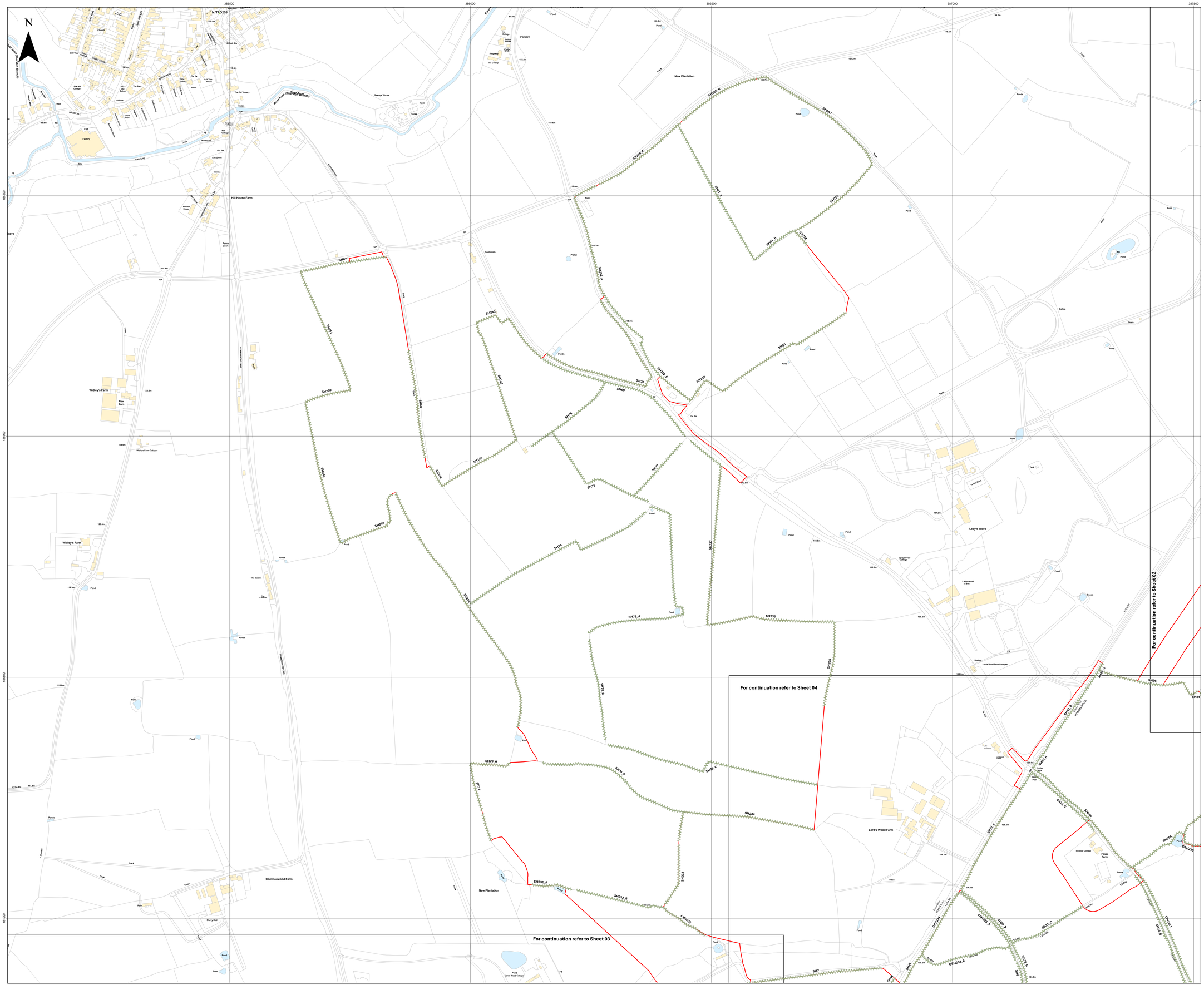
Scale: 1:35,000@ A0

APFP Regulation: 5(2)(o)	Application Doc No. EN010168/EXAM/2.7
Ref: P4443_LPR_ZZ_XX_DR_Z_EXA_0369	Date: 08/07/2026
Drawn by: BH	Checked by: JB

Hedgerow Height Plan

Index Plan
Revision A

Lime Down Solar Park



Key

- Order Limits
- Sheet Index
- Hedgerows to be managed up to 4.5m height
- Tree Preservation Order (TPO)

Layers: Lanpro, 2026; IGP, 2026
Base map: Reproduced from Ordnance Survey digital map data © Crown copyright 2026. All rights reserved. License number 0100031673

0 100 200 300 Metres

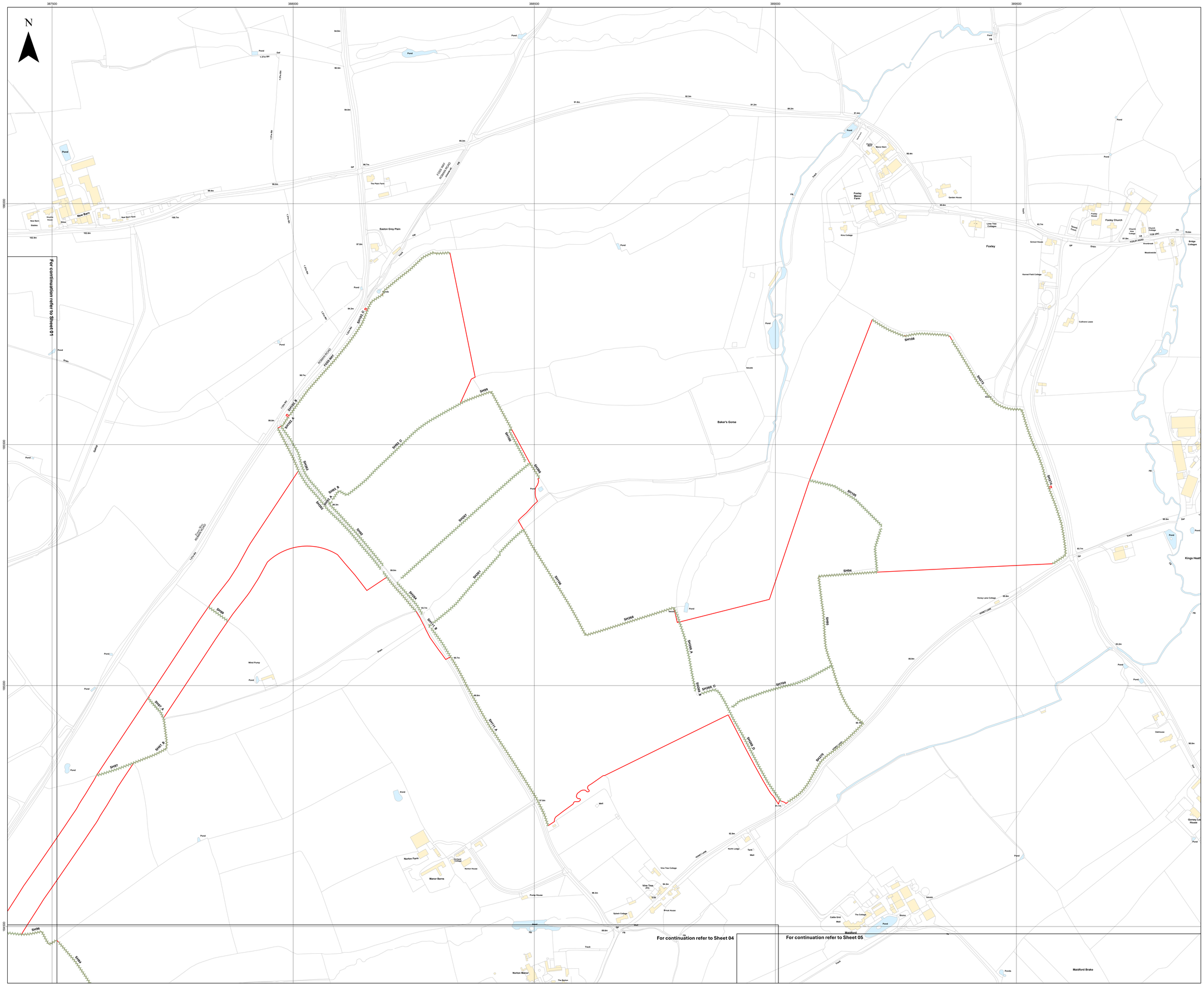
Scale: 1:2,500@ A0

APFP Regulation: 5(2)(o)	Application Doc No. EN010168/EXAM/2.7
Ref: P4443_LPR_ZZ_XX_DR_Z_EXA_0369	Date: 08/07/2026
Drawn by: BH	Checked by: JB

Hedgerow Height Plan

Sheet 1 of 23
Revision A

Lime Down Solar Park



Island GREEN POWER

Lanpro

Key

- Order Limits
- Sheet Index
- Hedgerows to be managed up to 4.5m height

Layers: Lanpro, 2026; IGP, 2026
Base map: Reproduced from Ordnance Survey digital map data © Crown copyright 2026. All rights reserved. License number 0100031673

0 100 200 300 Metres

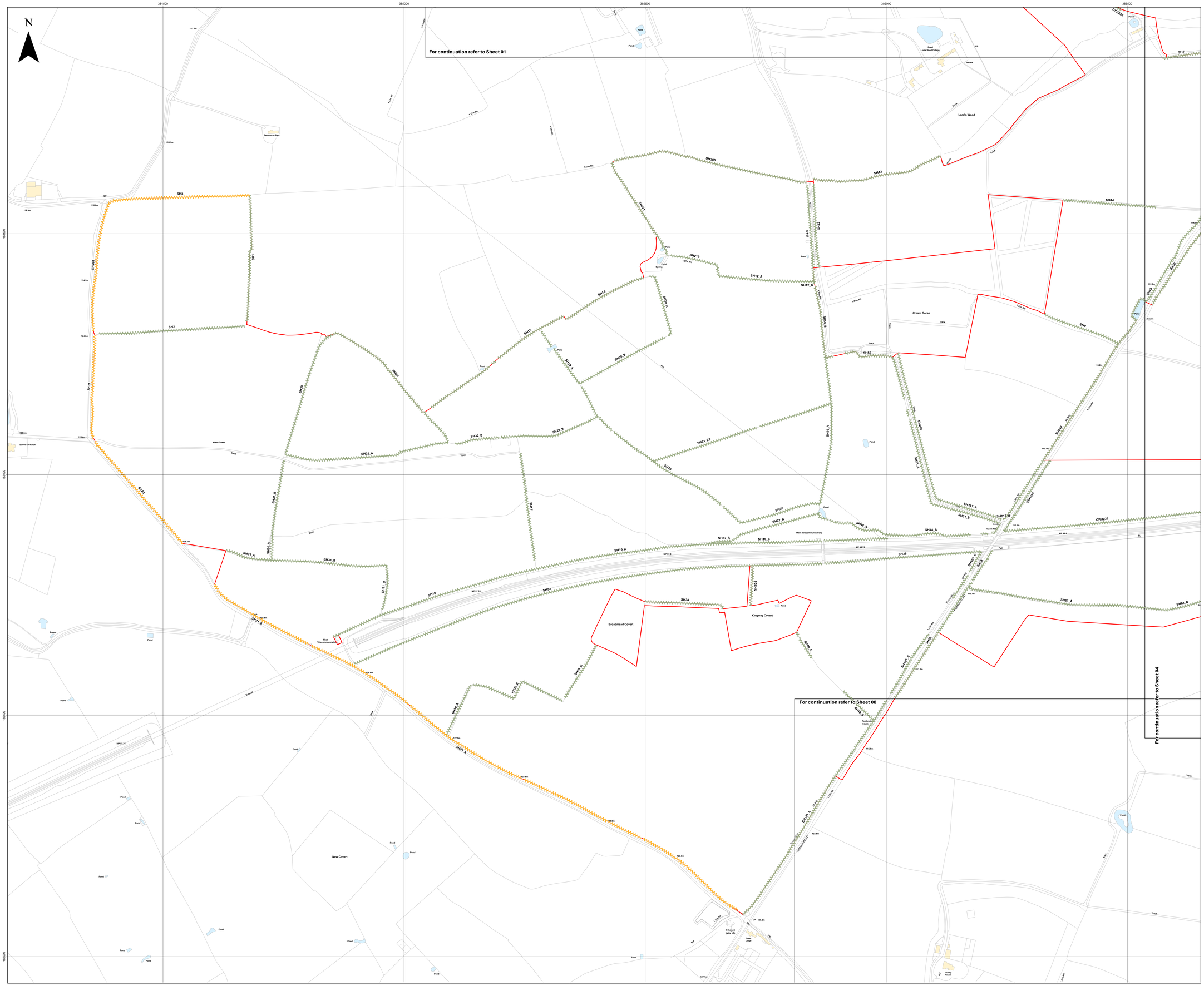
Scale: 1:2,500@ A0

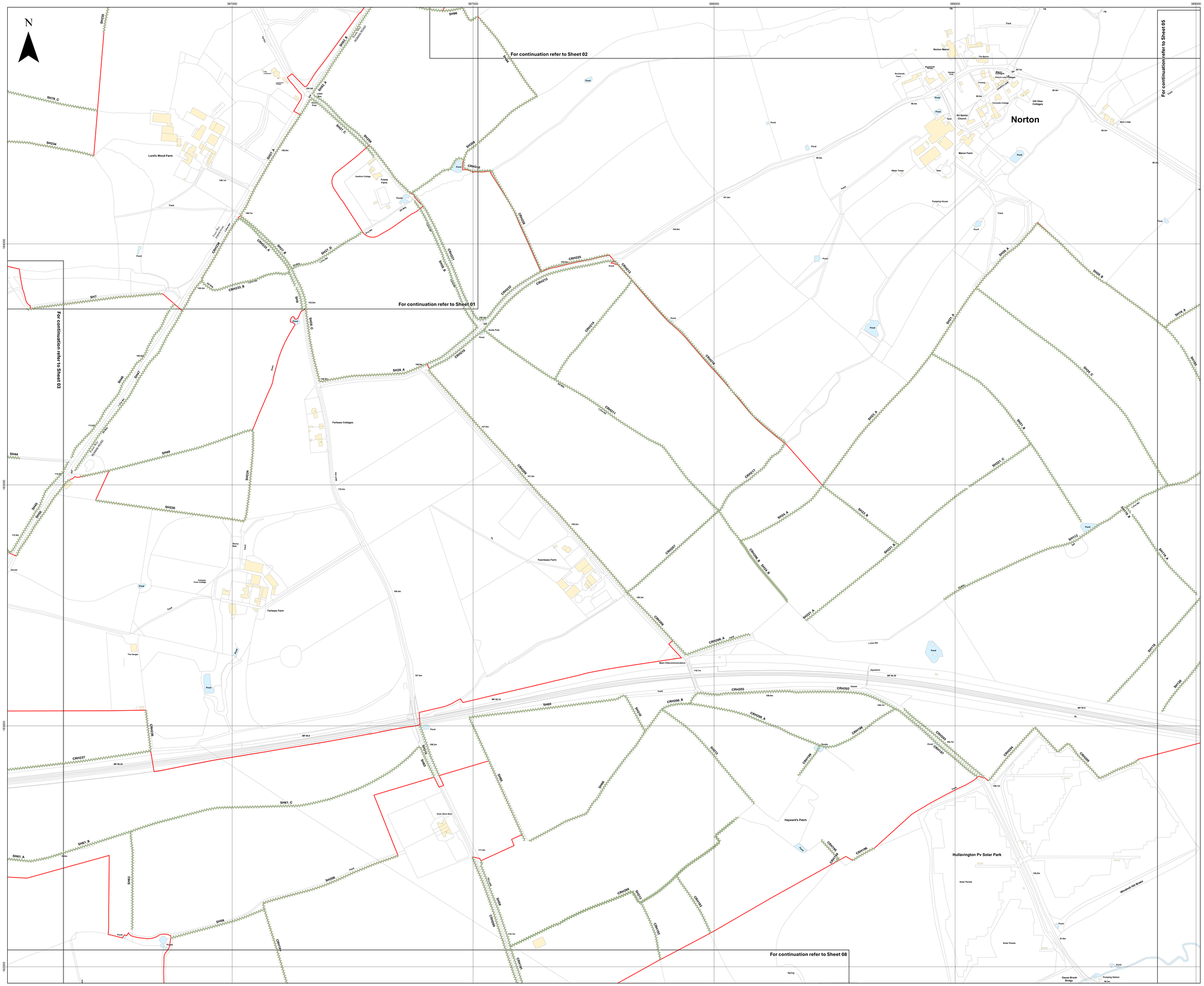
APFP Regulation: 5(2)(o)	Application Doc No. EN010168/EXAM/2.7
Ref: P4443_LPR_ZZ_XX_DR_Z_EXA_0369	Date: 08/07/2026
Drawn by: BH	Checked by: JB

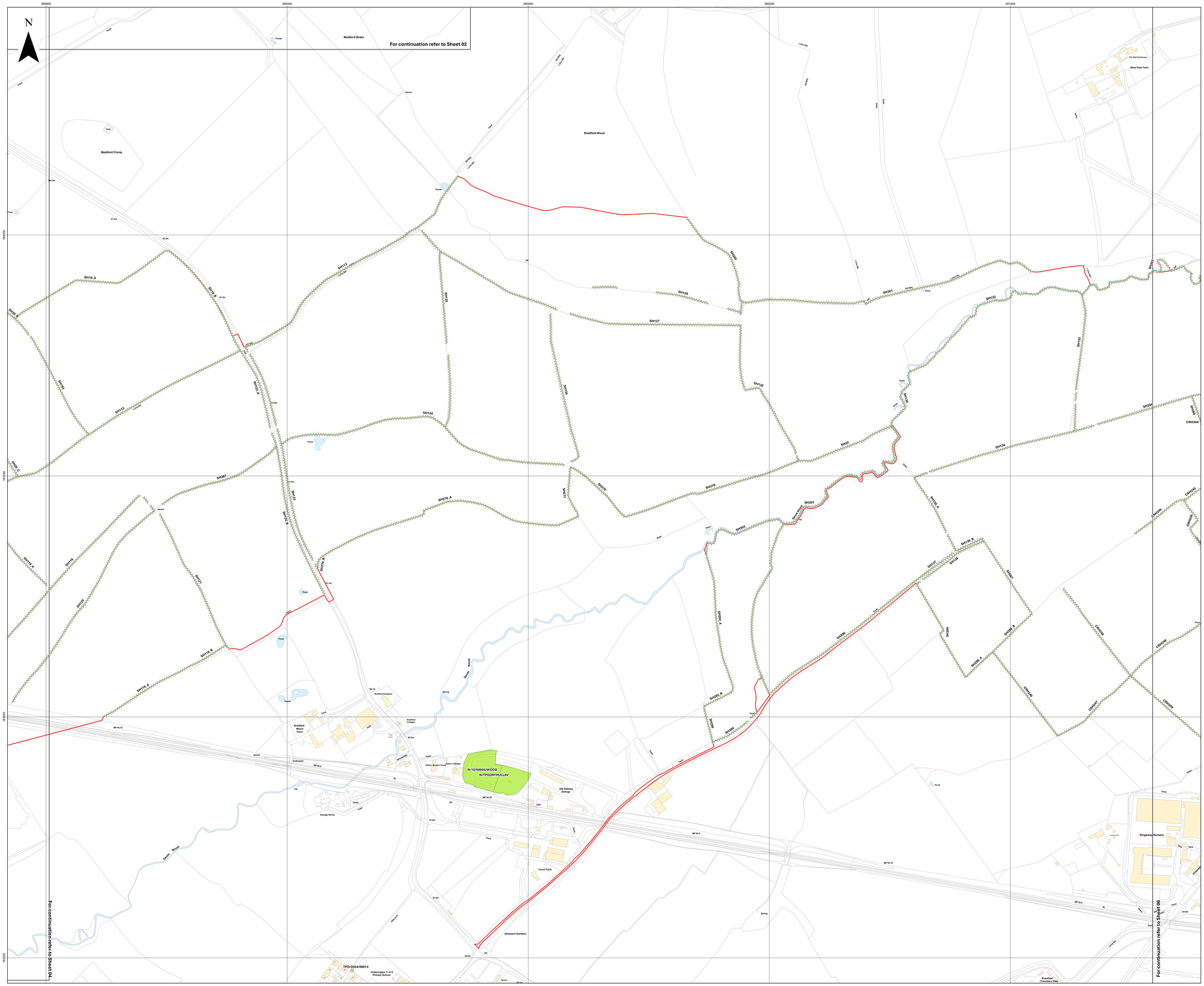
Hedgerow Height Plan

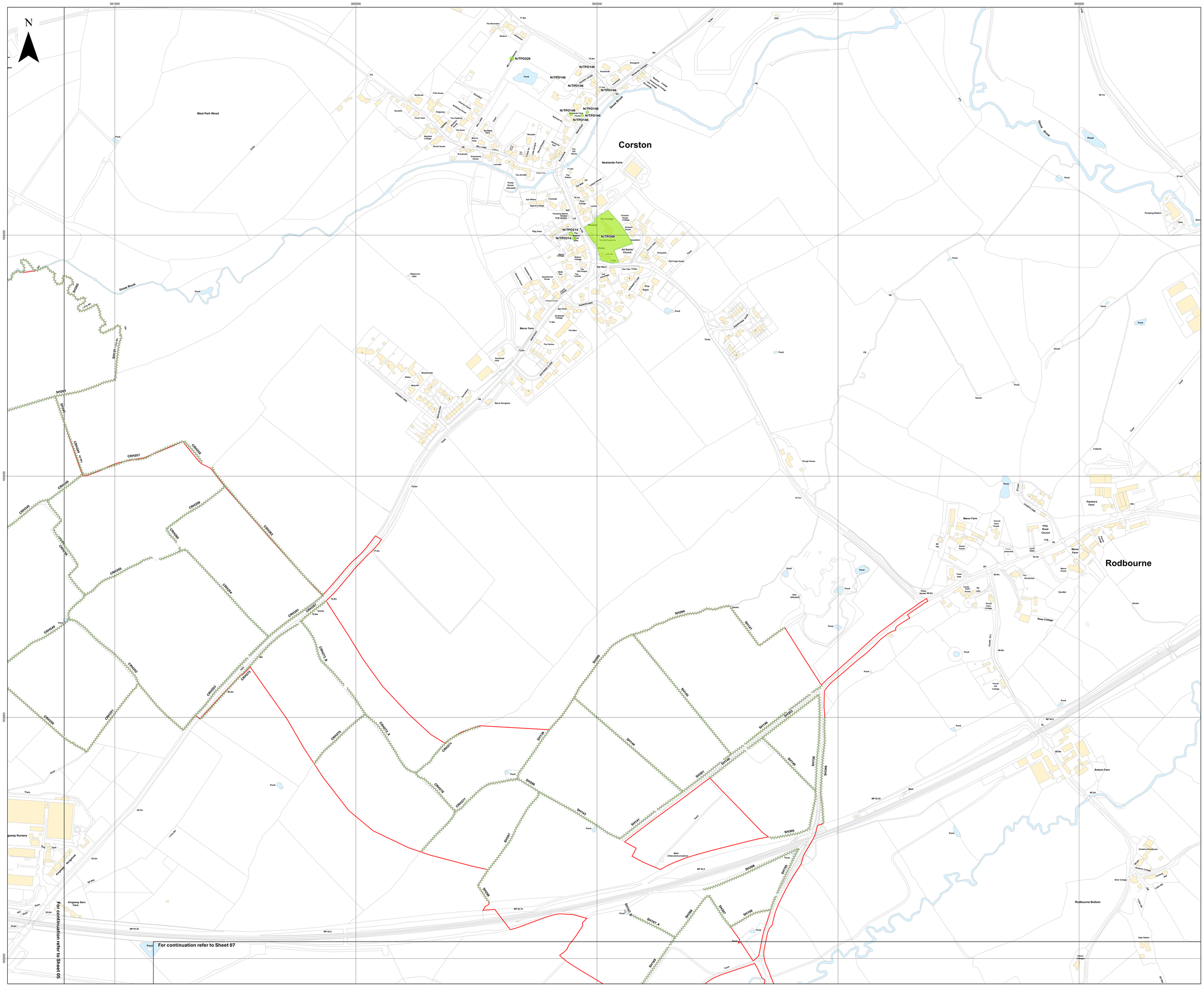
Sheet 2 of 23
Revision A

Lime Down Solar Park


384500
385000
385500
386000
386500
183000
182000
181000
N
For continuation refer to Sheet 01
For continuation refer to Sheet 08
For continuation refer to Sheet 04
SH3
SH2
SH23
SH24
SH1
SH200
SH201
SH43
SH44
SH219
SH12_A
SH12_B
SH14
SH15
SH29
SH30
SH32_B
SH33_A
SH31_B2
SH36
SH37_B
SH37_A
SH16_A
SH16_B
SH33
SH34
SH16_A
SH48_A
SH48_B
SH38
SH117_C
SH117_B
SH117_A
SH117_D
SH117_E
SH117_F
SH117_G
SH117_H
SH117_I
SH117_J
SH117_K
SH117_L
SH117_M
SH117_N
SH117_O
SH117_P
SH117_Q
SH117_R
SH117_S
SH117_T
SH117_U
SH117_V
SH117_W
SH117_X
SH117_Y
SH117_Z
SH117_AA
SH117_AB
SH117_AC
SH117_AD
SH117_AE
SH117_AF
SH117_AG
SH117_AH
SH117_AI
SH117_AJ
SH117_AK
SH117_AL
SH117_AM
SH117_AN
SH117_AO
SH117_AP
SH117_AQ
SH117_AR
SH117_AS
SH117_AT
SH117_AU
SH117_AV
SH117_AW
SH117_AX
SH117_AY
SH117_AZ
SH117_BA
SH117_BB
SH117_BC
SH117_BD
SH117_BE
SH117_BF
SH117_BG
SH117_BH
SH117_BI
SH117_BJ
SH117_BK
SH117_BL
SH117_BM
SH117_BN
SH117_BO
SH117_BP
SH117_BQ
SH117_BR
SH117_BS
SH117_BT
SH117_BU
SH117_BV
SH117_BW
SH117_BX
SH117_BY
SH117_BZ
SH117_CA
SH117_CB
SH117_CC
SH117_CD
SH117_CE
SH117_CF
SH117_CG
SH117_CH
SH117_CI
SH117_CJ
SH117_CK
SH117_CL
SH117_CM
SH117_CN
SH117_CO
SH117_CP
SH117_CQ
SH117_CR
SH117_CS
SH117_CT
SH117_CU
SH117_CV
SH117_CW
SH117_CX
SH117_CY
SH117_CZ
SH117_DA
SH117_DB
SH117_DC
SH117_DD
SH117_DE
SH117_DF
SH117_DG
SH117_DH
SH117_DI
SH117_DJ
SH117_DK
SH117_DL
SH117_DM
SH117_DN
SH117_DO
SH117_DP
SH117_DQ
SH117_DR
SH117_DS
SH117_DT
SH117_DU
SH117_DV
SH117_DW
SH117_DX
SH117_DY
SH117_DZ
SH117_EA
SH117_EB
SH117_EC
SH117_ED
SH117_EE
SH117_EF
SH117_EG
SH117_EH
SH117_EI
SH117_EJ
SH117_EK
SH117_EL
SH117_EM
SH117_EN
SH117_EO
SH117_EP
SH117_EQ
SH117_ER
SH117_ES
SH117_ET
SH117_EU
SH117_EV
SH117_EW
SH117_EX
SH117_EY
SH117_EZ
SH117_FA
SH117_FB
SH117_FC
SH117_FD
SH117_FE
SH117_FF
SH117_FG
SH117_FH
SH117_FI
SH117_FJ
SH117_FK
SH117_FL
SH117_FM
SH117_FN
SH117_FO
SH117_FP
SH117_FQ
SH117_FR
SH117_FS
SH117_FT
SH117_FU
SH117_FV
SH117_FW
SH117_FX
SH117_FY
SH117_FZ
SH117_GA
SH117_GB
SH117_GC
SH117_GD
SH117_GE
SH117_GF
SH117_GG
SH117_GH
SH117_GI
SH117_GJ
SH117_GK
SH117_GL
SH117_GM
SH117_GN
SH117_GO
SH117_GP
SH117_GQ
SH117_GR
SH117_GS
SH117_GT
SH117_GU
SH117_GV
SH117_GW
SH117_GX
SH117_GY
SH117_GZ
SH117_HA
SH117_HB
SH117_HC
SH117_HD
SH117_HE
SH117_HF
SH117_HG
SH117_HH
SH117_HI
SH117_HJ
SH117_HK
SH117_HL
SH117_HM
SH117_HN
SH117_HO
SH117_HP
SH117_HQ
SH117_HR
SH117_HS
SH117_HT
SH117_HU
SH117_HV
SH117_HW
SH117_HX
SH117_HY
SH117_HZ
SH117_IA
SH117_IB
SH117_IC
SH117_ID
SH117_IE
SH117_IF
SH117_IG
SH117_IH
SH117_II
SH117_IJ
SH117_IK
SH117_IL
SH117_IM
SH117_IN
SH117_IO
SH117_IP
SH117_IQ
SH117_IR
SH117_IS
SH117_IT
SH117_IU
SH117_IV
SH117_IW
SH117_IX
SH117_IY
SH117_IZ
SH117_JA
SH117_JB
SH117_JC
SH117_JD
SH117_JE
SH117_JF
SH117_JG
SH117_JH
SH117_JI
SH117_JJ
SH117_JK
SH117_JL
SH117_JM
SH117_JN
SH117_JO
SH117_JP
SH117_JQ
SH117_JR
SH117_JS
SH117_JT
SH117_JU
SH117_JV
SH117_JW
SH117_JX
SH117_JY
SH117_JZ
SH117_KA
SH117_KB
SH117_KC
SH117_KD
SH117_KE
SH117_KF
SH117_KG
SH117_KH
SH117_KI
SH117_KJ
SH117_KK
SH117_KL
SH117_KM
SH117_KN
SH117_KO
SH117_KP
SH117_KQ
SH117_KR
SH117_KS
SH117_KT
SH117_KU
SH117_KV
SH117_KW
SH117_KX
SH117_KY
SH117_KZ
SH117_LA
SH117_LB
SH117_LC
SH117_LD
SH117_LE
SH117_LF
SH117_LG
SH117_LH
SH117_LI
SH117_LJ
SH117_LK
SH117_LL
SH117_LM
SH117_LN
SH117_LO
SH117_LP
SH117_LQ
SH117_LR
SH117_LS
SH117_LT
SH117_LU
SH117_LV
SH117_LW
SH117_LX
SH117_LY
SH117_LZ
SH117_MA
SH117_MB
SH117_MC
SH117_MD
SH117_ME
SH117_MF
SH117_MG
SH117_MH
SH117_MI
SH117_MJ
SH117_MK
SH117_ML
SH117_MM
SH117_MN
SH117_MO
SH117_MP
SH117_MQ
SH117_MR
SH117_MS
SH117_MT
SH117_MU
SH117_MV
SH117_MW
SH117_MX
SH117_MY
SH117_MZ
SH117_NA
SH117_NB
SH117_NC
SH117_ND
SH117_NE
SH117_NF
SH117_NG
SH117_NH
SH117_NI
SH117_NJ
SH117_NK
SH117_NL
SH117_NM
SH117_NN
SH117_NO
SH117_NP
SH117_NQ
SH117_NR
SH117_NS
SH117_NT
SH117_NU
SH117_NV
SH117_NW
SH117_NX
SH117_NY
SH117_NZ
SH117_OA
SH117_OB
SH117_OC
SH117_OD
SH117_OE
SH117_OF
SH117_OG
SH117_OH
SH117_OI
SH117_OJ
SH117_OK
SH117_OL
SH117_OM
SH117_ON
SH117_OO
SH117_OP
SH117_OQ
SH117_OR
SH117_OS
SH117_OT
SH117_OU
SH117_OV
SH117_OW
SH117_OX
SH117_OY
SH117_OZ
SH117_PA
SH117_PB
SH117_PC
SH117_PD
SH117_PE
SH117_PF
SH117_PG
SH117_PH
SH117_PI
SH117_PJ
SH117_PK
SH117_PL
SH117_PM
SH117_PN
SH117_PO
SH117_PP
SH117_PQ
SH117_PR
SH117_PS
SH117_PT
SH117_PU
SH117_PV
SH117_PW
SH117_PX
SH117_PY
SH117_PZ
SH117_QA
SH117_QB
SH117_QC
SH117_QD
SH117_QE
SH117_QF
SH117_QG
SH117_QH
SH117_QI
SH117_QJ
SH117_QK
SH117_QL
SH117_QM
SH117_QN
SH117_QO
SH117_QP
SH117_QQ
SH117_QR
SH117_QS
SH117_QT
SH117_QU
SH117_QV
SH117_QW
SH117_QX
SH117_QY
SH117_QZ
SH117_RA
SH117_RB
SH117_RC
SH117_RD
SH117_RE
SH117_RF
SH117_RG
SH117_RH
SH117_RI
SH117_RJ
SH117_RK
SH117_RL
SH117_RM
SH117_RN
SH117_RO
SH117_RP
SH117_RQ
SH117_RR
SH117_RS
SH117_RT
SH117_RU
SH117_RV
SH117_RW
SH117_RX
SH117_RY
SH117_RZ
SH117_SA
SH117_SB
SH117_SC
SH117_SD
SH117_SE
SH117_SF
SH117_SG
SH117_SH
SH117_SI
SH117_SJ
SH117_SK
SH117_SL
SH117_SM
SH117_SN
SH117_SO
SH117_SP
SH117_SQ
SH117_SR
SH117_SS
SH117_ST
SH117_SU
SH117_SV
SH117_SW
SH117_SX
SH117_SY
SH117_SZ
SH117_TA
SH117_TB
SH117_TC
SH117_TD
SH117_TE
SH117_TF
SH117_TG
SH117_TH
SH117_TI
SH117_TJ
SH117_TK
SH117_TL
SH117_TM
SH117_TN
SH117_TO
SH117_TP
SH117_TQ
SH117_TR
SH117_TS
SH117_TT
SH117_TU
SH117_TV
SH117_TW
SH117_TX
SH117_TY
SH117_TZ
SH117_UA
SH117_UB
SH117_UC
SH117_UD
SH117_UE
SH117_UF
SH117_UG
SH117_UH
SH117_UI
SH117_UJ
SH117_UK
SH117_UL
SH117_UM
SH117_UN
SH117_UO
SH117_UP
SH117_UQ
SH117_UR
SH117_US
SH117_UT
SH117_UU
SH117_UV
SH117_UW
SH117_UX
SH117_UY
SH117_UZ
SH117_VA
SH117_VB
SH117_VC
SH117_VD
SH117_VE
SH117_VF
SH117_VG
SH117_VH
SH117_VI
SH117_VJ
SH117_VK
SH117_VL
SH117_VM
SH117_VN
SH117_VO
SH117_VP
SH117_VQ
SH117_VR
SH117_VS
SH117_VT
SH117_VU
SH117_VV
SH117_VW
SH117_VX
SH117_VY
SH117_VZ
SH117_WA
SH117_WB
SH117_WC
SH117_WD
SH117_WE
SH117_WF
SH117_WG
SH117_WH
SH117_WI
SH117_WJ
SH117_WK
SH117_WL
SH117_WM
SH117_WN
SH117_WO
SH117_WP
SH117_WQ
SH117_WR
SH117_WS
SH117_WT
SH117_WU
SH117_WV
SH117_WW
SH117_WX
SH117_WY
SH117_WZ
SH117_XA
SH117_XB
SH117_XC
SH117_XD
SH117_XE
SH117_XF
SH117_XG
SH117_XH
SH117_XI
SH117_XJ
SH117_XK
SH117_XL
SH117_XM
SH117_XN
SH117_XO
SH117_XP
SH117_XQ
SH117_XR
SH117_XS
SH117_XT
SH117_XU
SH117_XV
SH117_XW
SH117_XX
SH117_XY
SH117_XZ
SH117_YA
SH117_YB
SH117_YC
SH117_YD
SH117_YE
SH117_YF
SH117_YG
SH117_YH
SH117_YI
SH117_YJ
SH117_YK
SH117_YL
SH117_YM
SH117_YN
SH117_YO
SH117_YP
SH117_YQ
SH117_YR
SH117_YS
SH117_YT
SH117_YU
SH117_YV
SH117_YW
SH117_YX
SH117_YY
SH117_YZ
SH117_ZA
SH117_ZB
SH117_ZC
SH117_ZD
SH117_ZE
SH117_ZF
SH117_ZG
SH117_ZH
SH117_ZI
SH117_ZJ
SH117_ZK
SH117_ZL
SH117_ZM
SH117_ZN
SH117_ZO
SH117_ZP
SH117_ZQ
SH117_ZR
SH117_ZS
SH117_ZT
SH117_ZU
SH117_ZV
SH117_ZW
SH117_ZX
SH117_ZY
SH117_ZZ
SH117_AAA
SH117_AAB
SH117_AAC
SH117_AAD
SH117_AAE
SH117_AAF
SH117_AAG
SH117_AAH
SH117_AAI
SH117_AAJ
SH117_AAK
SH117_AAL
SH117_AAM
SH117_AAN
SH117_AAO
SH117_AAP
SH117_AAQ
SH117_AAR
SH117_AAS
SH117_AAT
SH117_AAU
SH117_AAV
SH117_AAW
SH117_AAX
SH117_AAY
SH117_AAZ
SH117_ABA
SH117_ABB
SH117_ABC
SH117_ABD
SH117_ABE
SH117_ABF
SH117_ABG
SH117_ABH
SH117_ABI
SH117_ABJ
SH117_ABK
SH117_ABL
SH117_ABM
SH117_ABN
SH117_ABO
SH117_ABP
SH117_ABQ
SH117_ABR
SH117_ABS
SH117_ABT
SH117_ABU
SH117_ABV
SH117_ABW
SH117_ABX
SH117_ABY
SH117_ABZ
SH117_ACA
SH117_ACB
SH117_ACC
SH117_ACD
SH117_ACE
SH117_ACF
SH117_ACG
SH117_ACH
SH117_ACI
SH117_ACJ
SH117_ACK
SH117_ACL
SH117_ACM
SH117_ACN
SH117_ACO
SH117_ACP
SH117_ACQ
SH117_ACR
SH117_ACS
SH117_ACT
SH117_ACU
SH117_ACV
SH117_ACW
SH117_ACX
SH117_ACY
SH117_ACZ
SH117_ADA
SH117_ADB
SH117_ADC
SH117_ADD
SH117_ADE
SH117_ADF
SH117_ADG
SH117_ADH
SH117_ADI
SH117_ADJ
SH117_ADK
SH117_ADL
SH117_ADM
SH117_ADN
SH117_ADO
SH117_ADP
SH117_ADQ
SH117_ADR
SH117_ADS
SH117_ADT
SH117_ADU
SH117_ADV
SH117_ADW
SH117_ADX
SH117_ADY
SH117_ADZ
SH117_AEA
SH117_AEB
SH117_AEC
SH117_AED
SH117_AEE
SH117_AEF
SH117_AEG
SH117_AEH
SH117_AEI
SH117_AEJ
SH117_AEK
SH117_AEL
SH117_AEM
SH117_AEN
SH117_AEO
SH117_AEP
SH117_AEQ
SH117_AER
SH117_AES
SH117_AET
SH117_AEU
SH117_AEV
SH117_AEW
SH117_AEX
SH117_AEY
SH117_AEZ
SH117_AFA
SH117_AFB
SH117_AFC
SH117_AFD
SH117_AFE
SH117_AFF
SH117_AFG
SH117_AFH
SH117_AFI
SH117_AFJ
SH117_AFK
SH117_AFL
SH117_AFM
SH117_AFN
SH117_AFO
SH117_AFP
SH117_AFQ
SH117_AFR
SH117_AFS
SH117_AFT
SH117_AFU
SH117_AFV
SH117_AFW
SH117_AFX
SH117_AFY
SH117_AFZ
SH117_AGA
SH117_AGB
SH117_AGC
SH117_AGD
SH117_AGE
SH117_AGF
SH117_AGG
SH117_AGH
SH117_AGI
SH117_AGJ
SH117_AGK
SH117_AGL
SH117_AGM
SH117_AGN
SH117_AGO
SH117_AGP
SH117_AGQ
SH117_AGR
SH117_AGS
SH117_AGT
SH117_AGU
SH117_AGV
SH117_AGW
SH117_AGX
SH117_AGY
SH117_AGZ
SH117_AHA
SH117_AHB
SH117_AHC
SH117_AHD
SH117_AHE
SH117_AHF
SH117_AHG
SH117_AHH
SH117_AHI
SH117_AHJ
SH117_AHK
SH117_AHL
SH117_AHM
SH117_AHN
SH117_AHO
SH117_AHP
SH117_AHQ
SH117_AHR
SH117_AHS
SH117_AHT
SH117_AHU
SH117_AHV
SH117_AHW
SH117_AHX
SH117_AHY
SH117_AHZ
SH117_AIA
SH117_AIB
SH117_AIC
SH117_AID
SH117_AIE
SH117_AIF
SH117_AIG
SH117_AIH
SH117_AII
SH117_AIJ
SH117_AIK
SH117_AIL
SH117_AIM
SH117_AIN
SH117_AIO
SH117_AIP
SH117_AIQ
SH117_AIR
SH117_AIS
SH117_AIT
SH117_AIU
SH117_AIV
SH117_AIW
SH117_AIX
SH117_AIY
SH117_AIZ
SH117_AJA
SH117_AJB
SH117_AJC
SH117_AJD
SH117_AJE
SH117_AJF
SH117_AJG
SH117_AJH
SH117_AJI
SH117_AJJ
SH117_AJK
SH117_AJL
SH117_AJM
SH117_AJN
SH117_AJO
SH117_AJP
SH117_AJQ
SH117_AJR
SH117_AJS
SH117_AJT
SH117_AJU
SH117_AJV
SH117_AJW
SH117_AJX
SH117_AJY
SH117_AJZ
SH117_AKA
SH117_AKB
SH117_AKC
SH117_AKD
SH117_AKE
SH117_AKF
SH117_AKG
SH117_AKH
SH117_AKI
SH117_AKJ
SH117_AKK
SH117_AKL
SH117_AKM
SH117_AKN
SH117_AKO
SH117_AKP
SH117_AKQ
SH117_AKR
SH117_AKS
SH117_AKT
SH117_AKU
SH117_AKV
SH117_AKW
SH117_AKX
SH117_AKY
SH117_AKZ
SH117_ALA
SH117_ALB
SH117_ALC
SH117_ALD
SH117_ALE
SH117_ALF
SH117_ALG
SH117_ALH
SH117_ALI
SH117_ALJ
SH117_ALK
SH117_ALL
SH117_ALM
SH117_ALN
SH117_ALO
SH117_ALP
SH117_ALQ
SH117_ALR
SH117_ALS
SH117_ALT
SH117_ALU
SH117_ALV
SH117_ALW
SH117_ALX
SH117_ALY
SH117_ALZ
SH117_AMA
SH117_AMB
SH117_AMC
SH117_AMD
SH117_AME
SH117_AMF
SH117_AMG
SH117_AMH
SH117_AMI
SH117_AMJ
SH117_AMK
SH117_AML
SH117_AMM
SH117_AMN
SH117_AMO
SH117_AMP
SH117_AMQ
SH117_AMR
SH117_AMS
SH117_AMT
SH117_AMU
SH117_AMV
SH117_AMW
SH117_AMX
SH117_AMY
SH117_AMZ
SH117_ANA
SH117_ANB
SH117_ANC
SH117_AND
SH117_ANE
SH117_ANF
SH117_ANG
SH117_ANH
SH117_ANI
SH117_ANJ
SH117_ANK
SH117_ANL
SH117_ANM
SH117_ANN
SH117_ANO
SH117_ANP
SH117_ANQ
SH117_ANR
SH117_ANS
SH117_ANT
SH117_ANU
SH117_ANV
SH117_ANW
SH117_ANX
SH117_ANY
SH117_ANZ
SH117_AOA
SH117_AOB
SH117_AOC
SH117_AOD
SH117_AOE
SH117_AOF
SH117_AOG
SH117_AOH
SH117_AOI
SH117_AOJ
SH117_AOK
SH117_AOL
SH117_AOM
SH117_AON
SH117_AOO
SH117_AOP
SH117_AOQ
SH117_AOR
SH117_AOS
SH117_AOT
SH117_AOU
SH117_AOV
SH117_AOW
SH117_AOX
SH117_AOY
SH117_AOZ
SH117_APA
SH117_APB
SH117_APC
SH117_APD
SH117_APE
SH117_APF
SH117_APG
SH117_APH
SH117_API
SH117_APJ
SH117_APK
SH117_APL
SH117_APM
SH117_APN
SH117_APO
SH117_APP
SH117_APQ
SH117_APR
SH117_APS
SH117_APT
SH117_APU
SH117_APV
SH117_APW
SH117_APX
SH117_APY
SH117_APZ
SH117_AQA
SH117_AQB
SH117_AQC
SH117_AQD
SH117_AQE
SH117_AQF
SH117_AQG
SH117_AQH
SH117_AQI
SH117_AQJ
SH117_AQK
SH117_AQL
SH117_AQM
SH117_AQN
SH117_AQO
SH117_AQP
SH117_AQQ
SH117_AQR
SH117_AQS
SH117_AQT
SH117_AQU
SH117_AQV
SH117_AQW
SH117_AQX
SH117_AQY
SH117_AQZ
SH117_ARA
SH117_ARB
SH117_ARC
SH117_ARD
SH117_ARE
SH117_ARF
SH117_ARG
SH117_ARH
SH117_ARI
SH117_ARJ
SH117_ARK
SH117_ARL
SH117_ARM
SH117_ARN
SH117_ARO
SH117_ARP
SH117_ARQ
SH117_ARR
SH117_ARS
SH117_ART
SH117_ARU
SH117_ARV
SH117_ARW
SH117_ARX
SH117_ARY
SH117_ARZ
SH117_ASA
SH117_ASB
SH117_ASC
SH117_ASD
SH117_ASE
SH117_ASF
SH117_ASG
SH117_ASH
SH117_ASI
SH117_ASJ
SH117_ASK
SH117_ASL
SH117_ASM
SH117_ASN
SH117_ASO
SH117_ASP
SH117_ASQ
SH117_ASR
SH117_ASS
SH117_AST
SH117_ASU
SH117_ASV
SH117_ASW
SH117_ASX
SH117_ASY
SH117_ASZ
SH117_ATA
SH117_ATB
SH117_ATC
SH117_ATD
SH117_ATE
SH117_ATF
SH117_ATG
SH117_ATH
SH117_ATI
SH117_ATJ
SH117_ATK
SH117_ATL
SH117_ATM
SH117_ATN
SH117_ATO
SH117_ATP
SH117_ATQ
SH117_ATR
SH117_ATS
SH117_ATT
SH117_ATU
SH117_ATV
SH117_ATW
SH117_ATX
SH117_ATY
SH117_ATZ
SH117_AUA
SH117_AUB
SH117_AUC
SH117_AUD
SH117_AUE
SH117_AUF
SH117_AUG
SH117_AUH
SH117_AUI
SH117_AUJ
SH117_AUK
SH117_AUL
SH117_AUM
SH117_AUN
SH117_AUO
SH117_AUP
SH117_AUQ
SH117_AUR
SH117_AUS
SH117_AUT
SH117_AUU
SH117_AUV
SH117_AUW
SH117_AUX
SH117_AUY
SH117_AUZ
SH117_AVA
SH117_AVB
SH117_AVC
SH117_AVD
SH117_AVE
SH117_AVF
SH117_AVG
SH117_AVH
SH117_AVI
SH117_AVJ
SH117_AVK
SH117_AVL
SH117_AVM
SH117_AVN
SH117_AVO
SH117_AVP
SH117_AVQ
SH117_AVR
SH117_AVS
SH117_AVT
SH117_AVU
SH117_AVV
SH117_AVW
SH117_AVX
SH117_AVY
SH117_AVZ
SH117_AWA
SH117_AWB
SH117_AWC
SH117_AWD
SH117_AWE
SH117_AWF
SH117_AWG
SH117_AWH
SH117_AWI
SH117_AWJ
SH117_AWK
SH117_AWL
SH117_AWM
SH117_AWN
SH117_AWO
SH117_AWP
SH117_AWQ
SH117_AWR
SH117_AWS
SH117_AWT
SH117_AWU
SH117_AWV
SH117_AWW
SH117_AWX
SH117_AWY
SH117_AWZ
SH117_AXA
SH117_AXB
SH117_AXC
SH117_AXD
SH117_AXE
SH117_AXF
SH117_AXG
SH117_AXH
SH117_AXI
SH117_AXJ
SH117_AXK
SH117_AXL
SH117_AXM
SH117_AXN
SH117_AXO
SH117_AXP
SH117_AXQ
SH117_AXR
SH117_AXS
SH117_AXT
SH117_AXU
SH117_AXV
SH117_AXW
SH117_AXX
SH117_AXY
SH117_AXZ
SH117_AYA
SH117_AYB
SH117_AYC
SH117_AYD
SH117_AYE
SH117_AYF
SH117_AYG
SH117_AYH
SH117_AYI
SH117_AYJ
SH117_AYK
SH117_AYL
SH117_AYM
SH117_AYN
SH117_AYO
SH117_AYP
SH117_AYQ
SH117_AYR
SH117_AYS
SH117_AYT
SH117_AYU
SH117_AYV
SH117_AYW
SH117_AYX
SH117_AYY
SH117_AYZ
SH117_AZA
SH117_AZB
SH117_AZC
SH117_AZD
SH117_AZE
SH117_AZF
SH117_AZG
SH117_AZH
SH117_AZI
SH117_AZJ
SH117_AZK
SH117_AZL
SH117_AZM
SH117_AZN
SH117_AZO
SH117_AZP
SH117_AZQ
SH117_AZR
SH117_AZS
SH117_AZT
SH117_AZU
SH117_AZV
SH117_AZW
SH117_AZX
SH117_AZY
SH117_AZZ
SH117_BAA
SH117_BAB
SH117_BAC
SH117_BAD
SH117_BAE
SH117_BAF
SH117_BAG
SH117_BAH
SH117_BAI
SH117_BAJ
SH117_BAK
SH117_BAL
SH117_BAM
SH117_BAN
SH117_BAO
SH117_BAP
SH117_BAQ
SH117_BAR
SH117_BAS
SH117_BAT
SH117_BAU
SH117_BAV
SH117_BAW
SH117_BAX
SH117_BAY
SH117_BAZ
SH117_BBA
SH117_BBB
SH117_BBC
SH117_BBD
SH117_BBE
SH117_BBF
SH117_BBG
SH117_BBH
SH117_BBI
SH117_BBJ
SH117_BBK
SH117_BBL
SH117_BBM
SH117_BBN
SH117_BBO
SH117_BBP
SH117_BBQ
SH117_BBR
SH117_BBS
SH117_BBT
SH117_BBU
SH117_BBV
SH117_BBW
SH117_BBX
SH117_BBY
SH117_BBZ
SH117_BCA
SH117_BCB
SH117_BCC
SH117_BCD
SH117_BCE
SH117_BCF
SH117_BCG
SH117_BCH
SH117_BCI
SH117_BCJ
SH117_BCK
SH117_BCL
SH117_BCM
SH117_BCN
SH117_BCO
SH117_BCP
SH117_BCQ
SH117_BCR
SH117_BCS
SH117_BCT
SH117_BCU
SH117_BCV
SH117_BCW
SH117_BCX
SH117_BCY
SH117_BCZ
SH117_BDA
SH117_BDB
SH117_BDC
SH117_BDD
SH117_BDE
SH117_BDF
SH117_BDG
SH117_BDH
SH117_BDI
SH117_BDJ
SH117_BDK
SH117_BDL
SH117_BDM
SH117_BDN
SH117_BDO
SH117_BDP
SH117_BDQ
SH117_BDR
SH117_BDS
SH117_BDT
SH117_BDU
SH117_BDV
SH117_BDW
SH117_BDX
SH117_BDY
SH117_BDZ
SH117_BEA
SH117_BEB
SH117_BEC
SH117_BED
SH117_BEE
SH117_BEF
SH117_BEG
SH117_BEH
SH117_BEI
SH117_BEJ
SH117_BEK
SH117_BEL
SH117_BEM
SH117_BEN
SH117_BEO
SH117_BEP
SH117_BEQ
SH117_BER
SH117_BES
SH117_BET
SH117_BEU
SH117_BEV
SH117_BEW
SH117_BEX
SH117_BEY
SH117_BEZ
SH117_BFA
SH117_BFB
SH117_BFC
SH117_BFD
SH117_BFE
SH117_BFF
SH117_BFG
SH117_BFH
SH117_BFI
SH117_BFJ
SH117_BFK
SH117_BFL
SH117_BFM
SH117_BFN
SH117_BFO
SH117_BFP
SH117_BFQ
SH117_BFR
SH117_BFS
SH117_BFT
SH117_BFU
SH117_BFV
SH117_BFW
SH117_BFX
SH117_BFY
SH117_BFZ
SH117_BGA
SH117_BGB
SH117_BGC
SH117_BGD
SH117_BGE
SH117_BGF
SH117_BGG
SH117_BGH
SH117_BGI
SH117_BGJ
SH117_BGK
SH117_BGL
SH117_BGM
SH117_BGN
SH117_BGO
SH117_BGP
SH117_BGQ
SH117_BGR
SH117_BGS
SH117_BGT
SH117_BGU
SH117_BGV
SH117_BGW
SH117_BGX
SH117_BGY
SH117_BGZ
SH117_BHA
SH117_BHB
SH117_BHC
SH117_BHD
SH117_BHE
SH117_BHF
SH117_BHG
SH117_BHH
SH117_BHI
SH117_BHJ
SH117_BHK
SH117_BHL
SH117_BHM
SH117_BHN
SH117_BHO
SH117_BHP
SH117_BHQ
SH117_BHR
SH117_BHS
SH117_BHT
SH117_BHU
SH117_BHV
SH117_BHW
SH117_BHX
SH117_BHY
SH117_BHZ
SH117_BIA
SH117_BIB
SH117_BIC
SH117_BID
SH117_BIE
SH117_BIF
SH117_BIG
SH117_BIH
SH117_BII
SH117_BIJ
SH117_BIK
SH117_BIL
SH117_BIM
SH117_BIN
SH117_BIO
SH117_BIP
SH117_BIQ
SH117_BIR
SH117_BIS
SH117_BIT
SH117_BIU
SH117_BIV
SH117_BIW
SH117_BIX
SH117_BIY
SH117_BIZ
SH117_BJA
SH117_BJB
SH117_BJC
SH117_BJD
SH117_BJE
SH117_BJF
SH117_BJG
SH117_BJH
SH117_BJI
SH117_BJJ
SH117_BJK
SH117_BJL
SH117_BJM
SH117_BJN
SH117_BJO
SH117_BJP
SH117_BJQ
SH117_BJR
SH117_BJS
SH117_BJT
SH117_BJU
SH117_BJV
SH117_BJW
SH117_BJX
SH117_BJY
SH117_BJZ
SH117_BKA
SH117_BKB
SH117_BKC
SH117_BKD
SH117_BKE
SH117_BKF
SH117_BKG
SH117_BKH
SH117_BKI
SH117_BKJ
SH117_BKK
SH117_BKL
SH117_BKM
SH117_BKN
SH117_BKO
SH117_BKP
SH117_BKQ
SH117_BKR
SH117_BKS
SH117_BKT
SH117_BKU
SH117_BKV
SH117_BKW
SH117_BKX
SH117_BKY
SH117_BKZ
SH117_BLA
SH117_BLB
SH117_BLC
SH117_BLD
SH117_BLE
SH117_BLF
SH117_BLG
SH117_BLH
SH117_BLI
SH117_BLJ
SH117_BLK
SH117_BLL
SH117_BLM
SH117_BLN
SH117_BLO
SH117_BLP
SH117_BLQ
SH117_BLR
SH117_BLS
SH117_BLT
SH117_BLU
SH117_BLV
SH117_BLW
SH117_BLX
SH117_BLY
SH117_BLZ
SH117_BMA
SH117_BMB
SH117_BMC
SH117_BMD
SH117_BME
SH117_BMF
SH117_BMG
SH117_BMH
SH117_BMI
SH117_BMJ
SH117_BMK
SH117_BML
SH117_BMM
SH117_BMN
SH117_BMO
SH117_BMP
SH117_BMQ
SH117_BMR
SH117_BMS
SH117_BMT
SH117_BMU
SH117_BMV
SH117_BMW
SH117_BMX
SH117_BMY
SH117_BMZ
SH117_BNA
SH117_BNB
SH117_BNC
SH117_BND
SH117_BNE
SH117_BNF
SH117_BNG
SH117_BNH
SH117_BNI
SH117_BNJ
SH117_BNK
SH117_BNL
SH117_BNM
SH117_BNN
SH117_BNO
SH117_BNP
SH117_BNQ
SH117_BNR
SH117_BNS
SH117_BNT
SH117_BNU
SH117_BNV
SH117_BNW
SH117_BNX
SH117_BNY
SH117_BNZ
SH117_BOA
SH117_BOB
SH117_BOC
SH117_BOD
SH117_BOE
SH117_BOF
SH117_BOG
SH117_BOH
SH117_BOI
SH117_BOJ
SH117_BOK
SH117_BOL
SH117_BOM
SH117_BON
SH117_BOO
SH117_BOP
SH117_BOQ
SH117_BOR
SH117_BOS
SH117_BOT
SH117_BOU
SH117_BOV
SH117_BOW
SH117_BOX
SH117_BOY
SH117_BOZ
SH117_BPA
SH117_BPB
SH117_BPC
SH117_BPD
SH117_BPE
SH117_BPF
SH117_BPG
SH117_BPH
SH117_BPI
SH117_BPJ
SH117_BPK
SH117_BPL
SH117_BPM
SH117_BPN
SH117_BPO
SH117_BPP
SH117_BPQ
SH117_BPR
SH117_BPS
SH117_BPT
SH117_BPU
SH117_BPV
SH117_BPW
SH117_BPX
SH117_BPY
SH117_BPZ
SH117_BQA
SH117_BQB
SH117_BQC
SH117_BQD
SH117_BQE
SH117_BQF
SH117_BQG
SH117_BQH
SH117_BQI
SH117_BQJ
SH117_BQK
SH117_BQL
SH117_BQM
SH117_BQN
SH117_BQO
SH117_BQP
SH117_BQQ
SH117_BQR
SH117_BQS
SH117_BQT
SH117_BQU
SH117_BQV
SH117_BQW
SH117_BQX
SH117_BQY
SH117_BQZ
SH117_BRA
SH117_BRB
SH117_BRC
SH117_BRD
SH117_BRE
SH117_BRF
SH117_BRG
SH117_BRH
SH117_BRI
SH117_BRJ
SH117_BRK
SH117_BRL
SH117_BRM
SH117_BRN
SH117_BRO
SH117_BRP
SH117_BRQ
SH117_BRR
SH117_BRS
SH117_BRT
SH117_BRU
SH117_BRV
SH117_BRW
SH117_BRX
SH117_BRY
SH117_BRZ
SH117_BSA
SH117_BSB
SH117_BSC
SH117_BSD
SH117_BSE
SH117_BSF
SH117_BSG
SH117_BSH
SH117_BSI
SH117_BSJ
SH117_BSK
SH117_BSL
SH117_BSM
SH117_BSN
SH117_BSO
SH117_BSP
SH117_BSQ
SH117_BSR
SH117_BSS
SH117_BST
SH117_BSU
SH117_BSV
SH117_BSW
SH117_BSX
SH117_BSY
SH117_BSZ
SH117_BTA
SH117_BTB
SH117_BTC
SH117_BTD
SH117_BTE
SH117_BTF
SH117_BTG
SH117_BTH
SH117_BTI
SH117_BTJ
SH117_BTK
SH117_BTL
SH117_BTM
SH117_BTN
SH117_BTO
SH117_BTP
SH117_BTQ
SH117_BTR
SH117_BTS
SH117_BTT
SH117_BTU
SH117_BTV
SH117_BTW
SH117_BTX
SH117_BTY
SH117_BTZ
SH117_BUA
SH117_BUB
SH117_BUC
SH117_BUD
SH117_BUE
SH117_BUF
SH117_BUG
SH117_BUH
SH117_BUI
SH117_BUJ
SH117_BUK
SH117_BUL
SH117_BUM
SH117_BUN
SH117_BUO
SH117_BUP
SH117_BUQ
SH117_BUR
SH117_BUS
SH117_BUT
SH117_BUU
SH117_BUV
SH117_BUW
SH117_BUX
SH117_BUY
SH117_BUZ
SH117_BVA
SH117_BVB
SH117_BVC
SH117_BVD
SH117_BVE
SH117_BVF
SH117_BVG
SH117_BVH
SH117_BVI
SH117_BVJ
SH117_BVK
SH117_BVL
SH117_BVM
SH117_BVN
SH117_BVO
SH117_BVP
SH117_BVQ
SH117_BVR
SH117_BVS
SH117_BVT
SH117_BVU
SH117_BVV
SH117_BVW
SH117_BVX
SH117_BVY
SH117_BVZ
SH117_BWA
SH117_BWB
SH117_BWC
SH117_BWD
SH117_BWE
SH117_BWF
SH117_BWG
SH117_BWH
SH117_BWI
SH117_BWJ
SH117_BWK
SH117_BWL
SH117_BWM
SH117_BWN
SH117_BWO
SH117_BWP
SH117_BWQ
SH117_BWR
SH117_BWS
SH117_BWT
SH117_BWU
SH117_BWV
SH117_BWW
SH117_BWX
SH117_BWY
SH117_BWZ
SH117_BXA
SH117_BXB
SH117_BXC
SH117_BXD
SH117_BXE
SH117_BXF
SH117_BXG
SH117_BXH
SH117_BXI
SH117_BXJ
SH117_BXK
SH117_BXL
SH117_BXM
SH117_BXN
SH117_BXO
SH117_BXP
SH117_BXQ
SH117_BXR
SH117_BXS
SH117_BXT
SH117_BXU
SH117_BXV
SH117_BXW
SH117_BXX
SH117_BXY
SH117_BXZ
SH117_BYA
SH117_BYB
SH117_BYC
SH117_BYD
SH117_BYE
SH117_BYF
SH117_BYG
SH117_BYH
SH117_BYI
SH117_BYJ
SH117_BYK
SH117_BYL
SH117_BYM
SH117_BYN
SH117_BYO
SH117_BYP
SH117_BYQ
SH117_BYR
SH117_BYS
SH117_BYT
SH117_BYU
SH117_BYV
SH117_BYW
SH117_BYX
SH117_BYY
SH117_BYZ
SH117_BZA
SH117_BZB
SH117_


387000
387500
388000
388500
389000
193500
193000
192500
N
For continuation refer to Sheet 01
For continuation refer to Sheet 02
For continuation refer to Sheet 03
For continuation refer to Sheet 05
For continuation refer to Sheet 08
Norton
Norton Manor
All Saints' Church
Manor Farm
Lord's Wood Farm
Fosse Farm
Farleaze Farm
Farleaze Cottages
Townlease Farm
Hullavington Pv Solar Park
Haywards Patch
Gauze Brook Bridge
Windmill Hill Brake
SH28
SH78_C
SH234
SH7
SH27_B
SH27_D
SH27_A
SH27_C
SH26
SH28
SH29
SH196
CRH220
CRH229
CRH225
CRH213
CRH222
CRH212
CRH223
CRH219
CRH214
CRH211
CRH217
CRH216
CRH209
CRH207
CRH208
CRH206_A
CRH206_B
CRH202
CRH200_B
CRH200_A
CRH198
CRH197
CRH199
CRH196
CRH195
CRH204
CRH205
CRH237
CRH236
SH61_C
SH61_B
SH61_A
SH62
SH58
SH56
SH60
SH59
SH57
SH55
SH49
SH48
SH47
SH46
SH44
SH230
SH224
SH38_A
SH38_B
SH33
SH24_A
SH24_B
SH23_B
SH23_A
SH21_A
SH21_B
SH21_C
SH19_A
SH19_B
SH19_C
SH35_A
SH35_B
SH35
SH17
SH15
SH13
SH20
SH12
SH11
SH10
SH9
SH8
SH5
SH4
SH3
SH2
SH1
Key
Order Limits
Sheet Index
Hedgerows to be managed up to 4.5m height
Layers: Lanpro, 2026; IGP, 2026
Base map: Reproduced from Ordnance Survey digital map data © Crown copyright 2026. All rights reserved. License number 0100031673
0
100
200
300 Metres
Scale: 1:2,500@ A0
APFP Regulation: 5(2)(o)
Application Doc No. EN010168/EXAM/2.7
Ref: P4443_LPR_ZZ_XX_DR_Z_EXA_0369
Date: 08/07/2026
Drawn by: BH
Checked by: JB
Hedgerow Height Plan
Sheet 4 of 23
Revision A
Island GREEN POWER
Lanpro
Lime Down Solar Park


N
For continuation refer to Sheet 02
For continuation refer to Sheet 04
For continuation refer to Sheet 06
389000
389500
390000
390500
391000
185500
185000
184500
Maidford Brake
Maidford Clump
Bradfield Wood
Bradfield Manor Farm
Bradfield Bungalow
Bradfield College
Old Railway Sidings
Court Farm
Allotment Gardens
Kingsway Nursery
West Park Farm
The Old Farmhouse
Roseford (Travellers Site)
Hullavington C of E Primary School
N/15/00005/WOOD
N/TPO/ORYHULLAV
TPO/2024/00013
Glenn Brook
SH119_A
SH119_B
SH119_C
SH118_A
SH118_B
SH117
SH120
SH121
SH122_A
SH122_B
SH123
SH112
SH113
SH125
SH124
SH126
SH127
SH128
SH129
SH130
SH131
SH132
SH133
SH134
SH135
SH136_A
SH136_B
SH137
SH138
SH139
SH140
SH141
SH142
SH143
SH144
SH145
SH146
SH147
SH148
SH149
SH150
SH151
SH152
SH153
SH154
SH155
SH156
SH157
SH158
SH159
SH160
SH161
SH162
SH163
SH164
SH165
SH166
SH167
SH168
SH169
SH170
SH171
SH172
SH173
SH174
SH175
SH176_A
SH176_B
SH177
SH178
SH179
SH180
SH181
SH182
SH183
SH184
SH185
SH186
SH187
SH188
SH189
SH190
SH191
SH192
SH193
SH194
SH195
SH196
SH197
SH198
SH199
SH200
SH201
SH202
SH203
SH204
SH205
SH206
SH207
SH208
SH209
SH210
SH211
SH212
SH213
SH214
SH215
SH216
SH217
SH218
SH219
SH220
SH221
SH222
SH223
SH224
SH225
SH226
SH227
SH228
SH229
SH230
SH231
SH232
SH233
SH234
SH235
SH236
SH237
SH238
SH239
SH240
SH241
SH242
SH243
SH244
SH245
SH246
SH247
SH248
SH249
SH250
SH251
SH252
SH253
SH254
SH255
SH256
SH257
SH258
SH259
SH260
SH261
SH262
SH263
SH264
SH265
SH266
SH267
SH268
SH269
SH270
SH271
SH272
SH273
SH274
SH275
SH276_A
SH276_B
SH277
SH278
SH279
SH280
SH281
SH282
SH283
SH284
SH285
SH286
SH287
SH288
SH289
SH290
SH291
SH292
SH293
SH294
SH295
SH296
SH297
SH298
SH299
SH300
SH301
SH302
SH303
SH304
SH305
SH306
SH307
SH308
SH309
SH310
SH311
SH312
SH313
SH314
SH315
SH316



Island GREEN POWER

Lanpro

Key

- Order Limits
- Sheet Index
- Hedgerows to be managed up to 4.5m height
- Tree Preservation Order (TPO)

Layers: Lanpro, 2026; IGP, 2026
Base map: Reproduced from Ordnance Survey digital map data © Crown copyright 2026. All rights reserved. License number 0100031673

0 100 200 300 Metres

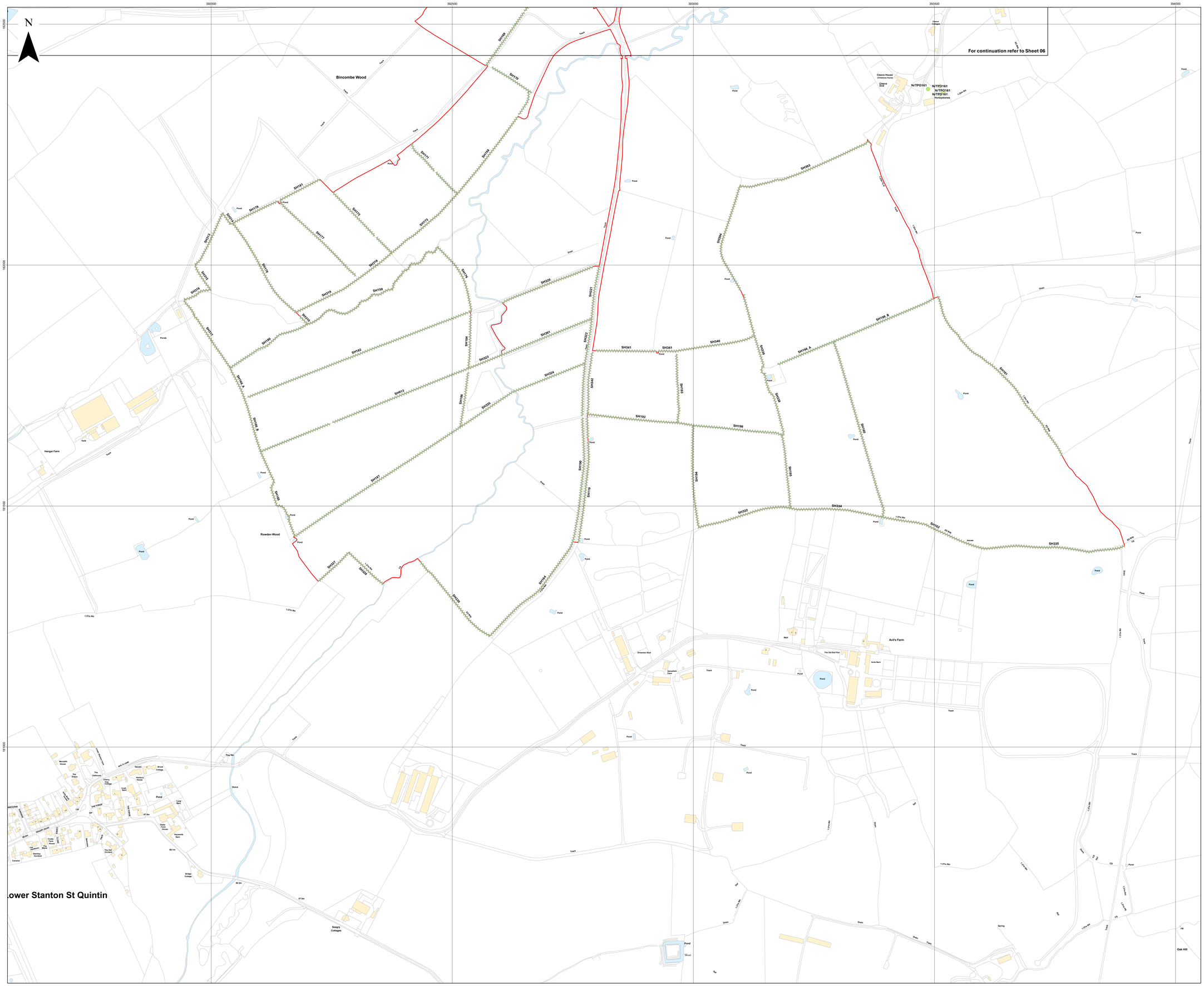
Scale: 1:2,500@ A0

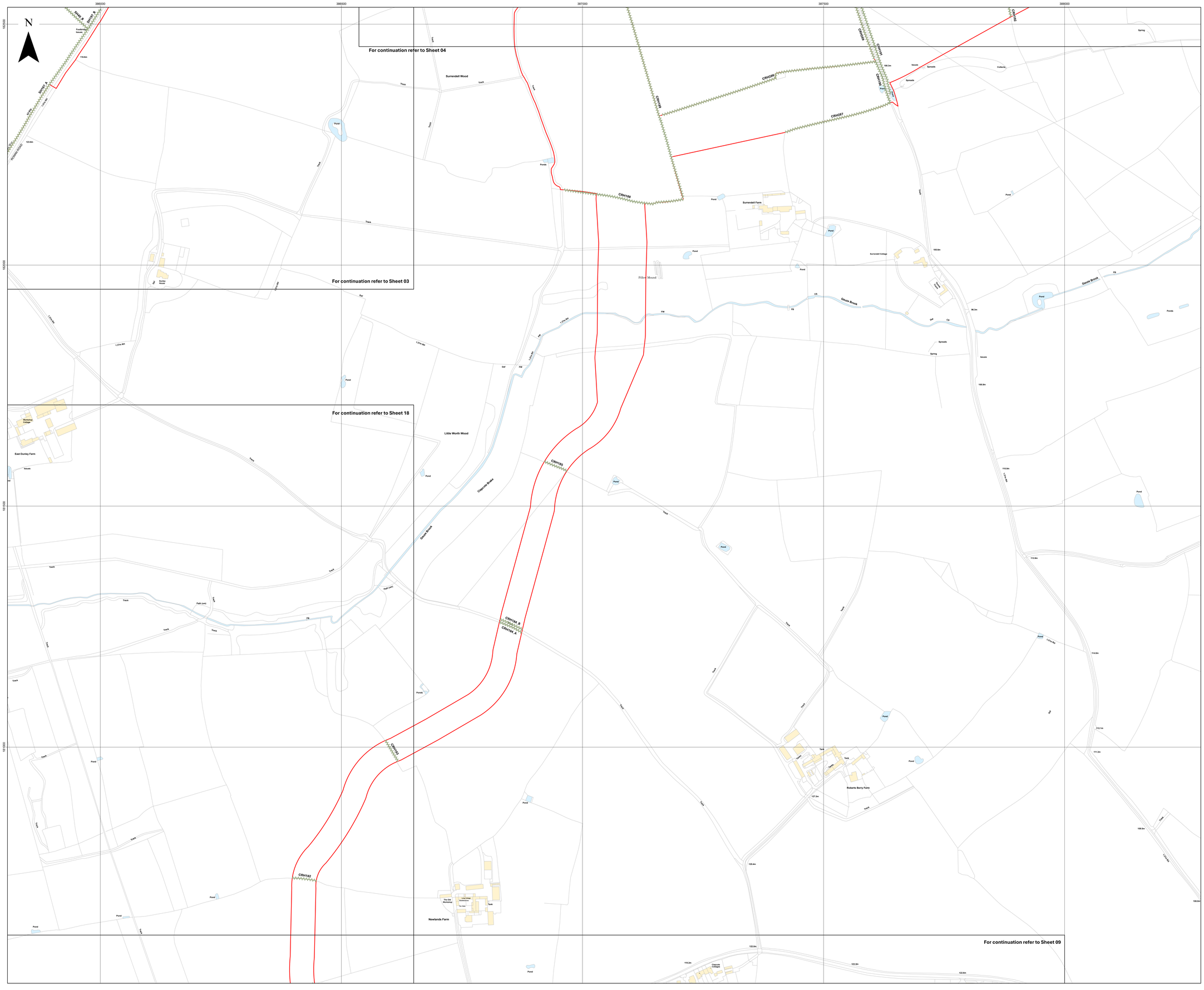
APFP Regulation: 5(2)(o)	Application Doc No. EN010168/EXAM/2.7
Ref: P4443_LPR_ZZ_XX_DR_Z_EXA_0369	Date: 08/07/2026
Drawn by: BH	Checked by: JB

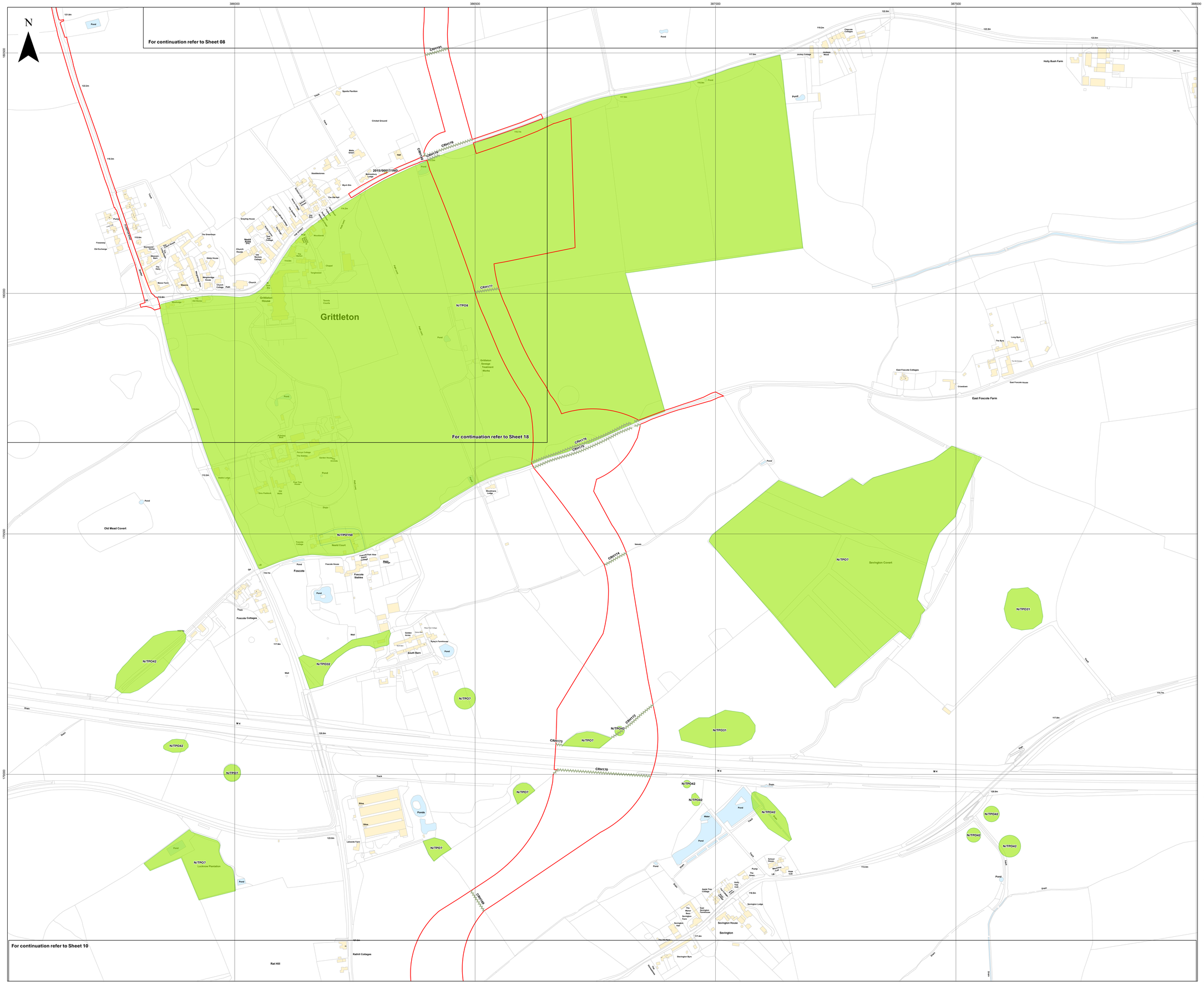
Hedgerow Height Plan

Sheet 6 of 23
Revision A

Lime Down Solar Park


N
392000
392500
393000
393500
394000
182500
182000
181500
181000
For continuation refer to Sheet 06
Bincombe Wood
Rowden Wood
Lower Stanton St Quintin
Axil's Farm
Clavere House
Clavere Cottages
N/TPO161
N/TPO161
N/TPO161
Honeystones
SH169
SH170
SH171
SH172
SH173
SH174
SH175
SH176
SH177
SH178
SH179
SH180
SH181
SH182
SH183
SH184
SH185
SH186
SH187
SH188
SH189
SH190
SH191
SH192
SH193
SH194
SH195
SH196
SH196_A
SH196_B
SH197
SH198
SH199
SH200
SH201
SH202
SH203
SH204
SH205
SH206
SH207
SH208
SH209
SH210
SH211
SH212
SH213
SH214
SH215
SH216
SH217
SH218
SH219
SH220
SH221
SH222
SH223
SH224
SH225
SH226
SH227
SH228
SH229
SH230
SH231
SH232
SH233
SH234
SH235
SH236


N
386000
386500
387000
387500
388000
182500
182000
181500
181000
For continuation refer to Sheet 04
For continuation refer to Sheet 03
For continuation refer to Sheet 18
For continuation refer to Sheet 09
CRH184
CRH185
CRH186
CRH187
CRH188
CRH189
CRH190
CRH191
CRH192
CRH193
CRH194 A
CRH194 B
SH197 A
SH197 B
SH198 A
SH198 B
Surrendell Wood
Surrendell Farm
Surrendell Cottage
Pillbox Mound
Little Worth Wood
East Dunley Farm
Dunley House
Workshop Cottage
Newlands Farm
The Old Workshop
Long Cottage
The Yew
Roberts Barry Farm
Chaucrie Cottages
Ouse Brook
Claucrie Brook
Track
Path (unf)
Pond
Ponds
Spring
Spreads
Issues
Collects
Tank
FW
FB
CS
Ord
Culv
1.27m Rd
1.27m Bri
1.27m Ftp
1.27m Wir
1.27m Hdg
1.27m Ftw
1.27m Ftr
1.27m Ftb
1.27m Ftg
1.27m Ftd
1.27m Fte
1.27m Ftc
1.27m Fta
1.27m Ftf
1.27m Ftk
1.27m Ftl
1.27m Ftm
1.27m Ftn
1.27m Fto
1.27m Ftq
1.27m Ftp
1.27m Ftr
1.27m Fts
1.27m Ftt
1.27m Ftu
1.27m Ftv
1.27m Ftw
1.27m Ftx
1.27m Fty
1.27m Ftz
1.27m Fua
1.27m Fub
1.27m Fuc
1.27m Fud
1.27m Fue
1.27m Fuf
1.27m Fug
1.27m Fuh
1.27m Fui
1.27m Fuj
1.27m Fuk
1.27m Ful
1.27m Fum
1.27m Fun
1.27m Fuo
1.27m Fup
1.27m Fuq
1.27m Fur
1.27m Fus
1.27m Fut
1.27m Fuu
1.27m Fuv
1.27m Fuw
1.27m Fux
1.27m Fuy
1.27m Fuz
1.27m Fva
1.27m Fvb
1.27m Fvc
1.27m Fvd
1.27m Fve
1.27m Fvf
1.27m Fvg
1.27m Fvh
1.27m Fvi
1.27m Fvj
1.27m Fvk
1.27m Fvl
1.27m Fvm
1.27m Fvn
1.27m Fvo
1.27m Fvp
1.27m Fvq
1.27m Fvr
1.27m Fvs
1.27m Fvt
1.27m Fvu
1.27m Fvv
1.27m Fvw
1.27m Fvx
1.27m Fvy
1.27m Fvz
1.27m Fwa
1.27m Fwb
1.27m Fwc
1.27m Fwd
1.27m Fwe
1.27m Fwf
1.27m Fwg
1.27m Fwh
1.27m Fwi
1.27m Fwj
1.27m Fwk
1.27m Fwl
1.27m Fwm
1.27m Fwn
1.27m Fwo
1.27m Fwp
1.27m Fwq
1.27m Fwr
1.27m Fws
1.27m Fwt
1.27m Fwu
1.27m Fwv
1.27m Fww
1.27m Fwx
1.27m Fwy
1.27m Fwz
1.27m Fxa
1.27m Fxb
1.27m Fxc
1.27m Fxd
1.27m Fxe
1.27m Fxf
1.27m Fxg
1.27m Fxh
1.27m Fxi
1.27m Fxj
1.27m Fxk
1.27m Fxl
1.27m Fxm
1.27m Fxn
1.27m Fxo
1.27m Fxp
1.27m Fxq
1.27m Fxr
1.27m Fxs
1.27m Fxt
1.27m Fxu
1.27m Fxv
1.27m Fxw
1.27m Fxx
1.27m Fxy
1.27m Fxz
1.27m Fya
1.27m Fyb
1.27m Fyc
1.27m Fyd
1.27m Fye
1.27m Fyf
1.27m Fyg
1.27m Fyh
1.27m Fyi
1.27m Fyj
1.27m Fyk
1.27m Fyl
1.27m Fym
1.27m Fyn
1.27m Fyo
1.27m Fyp
1.27m Fyq
1.27m Fyr
1.27m Fys
1.27m Fyt
1.27m Fyu
1.27m Fyv
1.27m Fyw
1.27m Fyx
1.27m Fyy
1.27m Fyz
1.27m Fza
1.27m Fzb
1.27m Fzc
1.27m Fzd
1.27m Fze
1.27m Fzf
1.27m Fzg
1.27m Fzh
1.27m Fzi
1.27m Fzj
1.27m Fzk
1.27m Fzl
1.27m Fzm
1.27m Fzn
1.27m Fzo
1.27m Fzp
1.27m Fzq
1.27m Fzr
1.27m Fzs
1.27m Fzt
1.27m Fzu
1.27m Fzv
1.27m Fzw
1.27m Fzx
1.27m Fzy
1.27m Fzz
1.27m Gaa
1.27m Gab
1.27m Gac
1.27m Gad
1.27m Gae
1.27m Gaf
1.27m Gag
1.27m Gah
1.27m Gai
1.27m Gaj
1.27m Gak
1.27m Gal
1.27m Gam
1.27m Gan
1.27m Gao
1.27m Gap
1.27m Gaq
1.27m Gar
1.27m Gas
1.27m Gat
1.27m Gau
1.27m Gav
1.27m Gaw
1.27m Gax
1.27m Gay
1.27m Gaz
1.27m Gba
1.27m Gbb
1.27m Gbc
1.27m Gbd
1.27m Gbe
1.27m Gbf
1.27m Gbg
1.27m Gbh
1.27m Gbi
1.27m Gbj
1.27m Gbk
1.27m Gbl
1.27m Gbm
1.27m Gbn
1.27m Gbo
1.27m Gbp
1.27m Gbq
1.27m Gbr
1.27m Gbs
1.27m Gbt
1.27m Gbu
1.27m Gbv
1.27m Gbw
1.27m Gbx
1.27m Gby
1.27m Gbz
1.27m Gca
1.27m Gcb
1.27m Gcc
1.27m Gcd
1.27m Gce
1.27m Gcf
1.27m Gcg
1.27m Gch
1.27m Gci
1.27m Gcj
1.27m Gck
1.27m Gcl
1.27m Gcm
1.27m Gcn
1.27m Gco
1.27m Gcp
1.27m Gcq
1.27m Gcr
1.27m Gcs
1.27m Gct
1.27m Gcu
1.27m Gcv
1.27m Gcw
1.27m Gcx
1.27m Gcy
1.27m Gcz
1.27m Gda
1.27m Gdb
1.27m Gdc
1.27m Gdd
1.27m Gde
1.27m Gdf
1.27m Gdg
1.27m Gdh
1.27m Gdi
1.27m Gdj
1.27m Gdk
1.27m Gdl
1.27m Gdm
1.27m Gdn
1.27m Gdo
1.27m Gdp
1.27m Gdq
1.27m Gdr
1.27m Gds
1.27m Gdt
1.27m Gdu
1.27m Gdv
1.27m Gdw
1.27m Gdx
1.27m Gdy
1.27m Gdz
1.27m Gea
1.27m Geb
1.27m Gec
1.27m Ged
1.27m Gee
1.27m Gef
1.27m Geg
1.27m Geh
1.27m Gei
1.27m Gej
1.27m Gek
1.27m Gel
1.27m Gem
1.27m Gen
1.27m Geo
1.27m Gep
1.27m Geq
1.27m Ger
1.27m Ges
1.27m Get
1.27m Geu
1.27m Gev
1.27m Gew
1.27m Gex
1.27m Gey
1.27m Gez
1.27m Gfa
1.27m Gfb
1.27m Gfc
1.27m Gfd
1.27m Gfe
1.27m Gff
1.27m Gfg
1.27m Gfh
1.27m Gfi
1.27m Gfj
1.27m Gfk
1.27m Gfl
1.27m Gfm
1.27m Gfn
1.27m Gfo
1.27m Gfp
1.27m Gfq
1.27m Gfr
1.27m Gfs
1.27m Gft
1.27m Gfu
1.27m Gfv
1.27m Gfw
1.27m Gfx
1.27m Gfy
1.27m Gfz
1.27m Gga
1.27m Ggb
1.27m Ggc
1.27m Ggd
1.27m Gge
1.27m Ggf
1.27m Ggg
1.27m Ggh
1.27m Ggi
1.27m Ggj
1.27m Ggk
1.27m Ggl
1.27m Ggm
1.27m Ggn
1.27m Ggo
1.27m Ggp
1.27m Ggq
1.27m Ggr
1.27m Ggs
1.27m Ggt
1.27m Ggu
1.27m Ggv
1.27m Ggw
1.27m Ggx
1.27m Ggy
1.27m Ggz
1.27m Gha
1.27m Ghb
1.27m Ghc
1.27m Ghd
1.27m Ghe
1.27m Ghf
1.27m Ghg
1.27m Ghh
1.27m Ghi
1.27m Ghj
1.27m Ghk
1.27m Ghl
1.27m Ghm
1.27m Ghn
1.27m Gho
1.27m Ghp
1.27m Ghq
1.27m Ghr
1.27m Ghs
1.27m Ght
1.27m Ghu
1.27m Ghv
1.27m Ghw
1.27m Ghx
1.27m Ghy
1.27m Ghz
1.27m Gia
1.27m Gib
1.27m Gic
1.27m Gid
1.27m Gie
1.27m Gif
1.27m Gig
1.27m Gih
1.27m Gii
1.27m Gij
1.27m Gik
1.27m Gil
1.27m Gim
1.27m Gin
1.27m Gio
1.27m Gip
1.27m Giq
1.27m Gir
1.27m Gis
1.27m Git
1.27m Giu
1.27m Giv
1.27m Giw
1.27m Gix
1.27m Giy
1.27m Giz
1.27m Gja
1.27m Gjb
1.27m Gjc
1.27m Gjd
1.27m Gje
1.27m Gjf
1.27m Gjg
1.27m Gjh
1.27m Gji
1.27m Gjj
1.27m Gjk
1.27m Gjl
1.27m Gjm
1.27m Gjn
1.27m Gjo
1.27m Gjp
1.27m Gjq
1.27m Gjr
1.27m Gjs
1.27m Gjt
1.27m Gju
1.27m Gjv
1.27m Gjw
1.27m Gjx
1.27m Gjy
1.27m Gjz
1.27m Gka
1.27m Gkb
1.27m Gkc
1.27m Gkd
1.27m Gke
1.27m Gkf
1.27m Gkg
1.27m Gkh
1.27m Gki
1.27m Gkj
1.27m Gkk
1.27m Gkl
1.27m Gkm
1.27m Gkn
1.27m Gko
1.27m Gkp
1.27m Gkq
1.27m Gkr
1.27m Gks
1.27m Gkt
1.27m Gku
1.27m Gkv
1.27m Gkw
1.27m Gkx
1.27m Gky
1.27m Gkz
1.27m Gla
1.27m Glb
1.27m Glc
1.27m Gld
1.27m Gle
1.27m Glf
1.27m Glg
1.27m Glh
1.27m Gli
1.27m Glj
1.27m Glk
1.27m Gll
1.27m Glm
1.27m Gln
1.27m Glo
1.27m Glp
1.27m Glq
1.27m Glr
1.27m Gls
1.27m Glt
1.27m Glu
1.27m Glv
1.27m Glw
1.27m Glx
1.27m Gly
1.27m Glz
1.27m Gma
1.27m Gmb
1.27m Gmc
1.27m Gmd
1.27m Gme
1.27m Gmf
1.27m Gmg
1.27m Gmh
1.27m Gmi
1.27m Gmj
1.27m Gmk
1.27m Gml
1.27m Gmm
1.27m Gmn
1.27m Gmo
1.27m Gmp
1.27m Gmq
1.27m Gmr
1.27m Gms
1.27m Gmt
1.27m Gmu
1.27m Gmv
1.27m Gmw
1.27m Gmx
1.27m Gmy
1.27m Gmz
1.27m Gna
1.27m Gnb
1.27m Gnc
1.27m Gnd
1.27m Gne
1.27m Gnf
1.27m Gng
1.27m Gnh
1.27m Gni
1.27m Gnj
1.27m Gnk
1.27m Gnl
1.27m Gnm
1.27m Gnn
1.27m Gno
1.27m Gnp
1.27m Gnq
1.27m Gnr
1.27m Gns
1.27m Gnt
1.27m Gnu
1.27m Gnv
1.27m Gnw
1.27m Gnx
1.27m Gny
1.27m Gnz
1.27m Goa
1.27m Gob
1.27m Goc
1.27m God
1.27m Goe
1.27m Gof
1.27m Gog
1.27m Goh
1.27m Goi
1.27m Goj
1.27m Gok
1.27m Gol
1.27m Gom
1.27m Gon
1.27m Goo
1.27m Gop
1.27m Goq
1.27m Gor
1.27m Gos
1.27m Got
1.27m Gou
1.27m Gov
1.27m Gow
1.27m Gox
1.27m Goy
1.27m Goz
1.27m Gpa
1.27m Gpb
1.27m Gpc
1.27m Gpd
1.27m Gpe
1.27m Gpf
1.27m Gpg
1.27m Gph
1.27m Gpi
1.27m Gpj
1.27m Gpk
1.27m Gpl
1.27m Gpm
1.27m Gpn
1.27m Gpo
1.27m Gpp
1.27m Gpq
1.27m Gpr
1.27m Gps
1.27m Gpt
1.27m Gpu
1.27m Gpv
1.27m Gpw
1.27m Gpx
1.27m Gpy
1.27m Gpz
1.27m Gqa
1.27m Gqb
1.27m Gqc
1.27m Gqd
1.27m Gqe
1.27m Gqf
1.27m Gqg
1.27m Gqh
1.27m Gqi
1.27m Gqj
1.27m Gqk
1.27m Gql
1.27m Gqm
1.27m Gqn
1.27m Gqo
1.27m Gqp
1.27m Gqq
1.27m Gqr
1.27m Gqs
1.27m Gqt
1.27m Gqu
1.27m Gqv
1.27m Gqw
1.27m Gqx
1.27m Gqy
1.27m Gqz
1.27m Gra
1.27m Grb
1.27m Grc
1.27m Grd
1.27m Gre
1.27m Grf
1.27m Grg
1.27m Grh
1.27m Gri
1.27m Grj
1.27m Grk
1.27m Grl
1.27m Grm
1.27m Grn
1.27m Gro
1.27m Grp
1.27m Grq
1.27m Grr
1.27m Grs
1.27m Grt
1.27m Gru
1.27m Grv
1.27m Grw
1.27m Grx
1.27m Gry
1.27m Grz
1.27m Gsa
1.27m Gsb
1.27m Gsc
1.27m Gsd
1.27m Gse
1.27m Gsf
1.27m Gsg
1.27m Gsh
1.27m Gsi
1.27m Gsj
1.27m Gsk
1.27m Gsl
1.27m Gsm
1.27m Gsn
1.27m Gso
1.27m Gsp
1.27m Gsq
1.27m Gsr
1.27m Gss
1.27m Gst
1.27m Gsu
1.27m Gsv
1.27m Gsw
1.27m Gsx
1.27m Gsy
1.27m Gsz
1.27m Gta
1.27m Gtb
1.27m Gtc
1.27m Gtd
1.27m Gte
1.27m Gtf
1.27m Gtg
1.27m Gth
1.27m Gti
1.27m Gtj
1.27m Gtk
1.27m Gtl
1.27m Gtm
1.27m Gtn
1.27m Gto
1.27m Gtp
1.27m Gtq
1.27m Gtr
1.27m Gts
1.27m Gtt
1.27m Gtu
1.27m Gtv
1.27m Gtw
1.27m Gtx
1.27m Gty
1.27m Gtz
1.27m Gua
1.27m Gub
1.27m Guc
1.27m Gud
1.27m Gue
1.27m Guf
1.27m Gug
1.27m Guh
1.27m Gui
1.27m Guj
1.27m Guk
1.27m Gul
1.27m Gum
1.27m Gun
1.27m Guo
1.27m Gup
1.27m Guq
1.27m Gur
1.27m Gus
1.27m Gut
1.27m Guu
1.27m Guv
1.27m Guw
1.27m Gux
1.27m Guy
1.27m Guz
1.27m Gva
1.27m Gvb
1.27m Gvc
1.27m Gvd
1.27m Gve
1.27m Gvf
1.27m Gvg
1.27m Gvh
1.27m Gvi
1.27m Gvj
1.27m Gvk
1.27m Gvl
1.27m Gvm
1.27m Gvn
1.27m Gvo
1.27m Gvp
1.27m Gvq
1.27m Gvr
1.27m Gvs
1.27m Gvt
1.27m Gvu
1.27m Gvv
1.27m Gvw
1.27m Gvx
1.27m Gvy
1.27m Gvz
1.27m Gwa
1.27m Gwb
1.27m Gwc
1.27m Gwd
1.27m Gwe
1.27m Gwf
1.27m Gwg
1.27m Gwh
1.27m Gwi
1.27m Gwj
1.27m Gwk
1.27m Gwl
1.27m Gwm
1.27m Gwn
1.27m Gwo
1.27m Gwp
1.27m Gwq
1.27m Gwr
1.27m Gws
1.27m Gwt
1.27m Gwu
1.27m Gwv
1.27m Gww
1.27m Gwx
1.27m Gwy
1.27m Gwz
1.27m Gxa
1.27m Gxb
1.27m Gxc
1.27m Gxd
1.27m Gxe
1.27m Gxf
1.27m Gxg
1.27m Gxh
1.27m Gxi
1.27m Gxj
1.27m Gxk
1.27m Gxl
1.27m Gxm
1.27m Gxn
1.27m Gxo
1.27m Gxp
1.27m Gxq
1.27m Gxr
1.27m Gxs
1.27m Gxt
1.27m Gxu
1.27m Gxv
1.27m Gxw
1.27m Gxx
1.27m Gxy
1.27m Gxz
1.27m Gya
1.27m Gyb
1.27m Gyc
1.27m Gyd
1.27m Gye
1.27m Gyf
1.27m Gyg
1.27m Gyh
1.27m Gyi
1.27m Gyj
1.27m Gyk
1.27m Gyl
1.27m Gym
1.27m Gyn
1.27m Gyo
1.27m Gyp
1.27m Gyq
1.27m Gyr
1.27m Gys
1.27m Gyt
1.27m Gyu
1.27m Gyv
1.27m Gyw
1.27m Gyx
1.27m Gyy
1.27m Gyz
1.27m Gza
1.27m Gzb
1.27m Gzc
1.27m Gzd
1.27m Gze
1.27m Gzf
1.27m Gzg
1.27m Gzh
1.27m Gzi
1.27m Gzj
1.27m Gzk
1.27m Gzl
1.27m Gzm
1.27m Gzn
1.27m Gzo
1.27m Gzp
1.27m Gzq
1.27m Gzr
1.27m Gzs
1.27m Gzt
1.27m Gzu
1.27m Gzv
1.27m Gzw
1.27m Gzx
1.27m Gzy
1.27m Gzz
1.27m Haa
1.27m Hab
1.27m Hac
1.27m Had
1.27m Hae
1.27m Haf
1.27m Hag
1.27m Hah
1.27m Hai
1.27m Haj
1.27m Hak
1.27m Hal
1.27m Ham
1.27m Han
1.27m Hao
1.27m Hap
1.27m Haq
1.27m Har
1.27m Has
1.27m Hat
1.27m Hau
1.27m Hav
1.27m Haw
1.27m Hax
1.27m Hay
1.27m Haz
1.27m Hba
1.27m Hbb
1.27m Hbc
1.27m Hbd
1.27m Hbe
1.27m Hbf
1.27m Hbg
1.27m Hbh
1.27m Hbi
1.27m Hbj
1.27m Hbk
1.27m Hbl
1.27m Hbm
1.27m Hbn
1.27m Hbo
1.27m Hbp
1.27m Hbq
1.27m Hbr
1.27m Hbs
1.27m Hbt
1.27m Hbu
1.27m Hbv
1.27m Hbw
1.27m Hbx
1.27m Hby
1.27m Hbz
1.27m Hca
1.27m Hcb
1.27m Hcc
1.27m Hcd
1.27m Hce
1.27m Hcf
1.27m Hcg
1.27m Hch
1.27m Hci
1.27m Hcj
1.27m Hck
1.27m Hcl
1.27m Hcm
1.27m Hcn
1.27m Hco
1.27m Hcp
1.27m Hcq
1.27m Hcr
1.27m Hcs
1.27m Hct
1.27m Hcu
1.27m Hcv
1.27m Hcw
1.27m Hcx
1.27m Hcy
1.27m Hcz
1.27m Hda
1.27m Hdb
1.27m Hdc
1.27m Hdd
1.27m Hde
1.27m Hdf
1.27m Hdg
1.27m Hdh
1.27m Hdi
1.27m Hdj
1.27m Hdk
1.27m Hdl
1.27m Hdm
1.27m Hdn
1.27m Hdo
1.27m Hdp
1.27m Hdq
1.27m Hdr
1.27m Hds
1.27m Hdt
1.27m Hdu
1.27m Hdv
1.27m Hdw
1.27m Hdx
1.27m Hdy
1.27m Hdz
1.27m Hea
1.27m Heb
1.27m Hec
1.27m Hed
1.27m Hee
1.27m Hef
1.27m Heg
1.27m Heh
1.27m Hei
1.27m Hej
1.27m Hek
1.27m Hel
1.27m Hem
1.27m Hen
1.27m Heo
1.27m Hep
1.27m Heq
1.27m Her
1.27m Hes
1.27m Het
1.27m Heu
1.27m Hev
1.27m Hew
1.27m Hex
1.27m Hey
1.27m Hez
1.27m Hfa
1.27m Hfb
1.27m Hfc
1.27m Hfd
1.27m Hfe
1.27m Hff
1.27m Hfg
1.27m Hfh
1.27m Hfi
1.27m Hfj
1.27m Hfk
1.27m Hfl
1.27m Hfm
1.27m Hfn
1.27m Hfo
1.27m Hfp
1.27m Hfq
1.27m Hfr
1.27m Hfs
1.27m Hft
1.27m Hfu
1.27m Hfv
1.27m Hfw
1.27m Hfx
1.27m Hfy
1.27m Hfz
1.27m Hga
1.27m Hgb
1.27m Hgc
1.27m Hgd
1.27m Hge
1.27m Hgf
1.27m Hgg
1.27m Hgh
1.27m Hgi
1.27m Hgj
1.27m Hgk
1.27m Hgl
1.27m Hgm
1.27m Hgn
1.27m Hgo
1.27m Hgp
1.27m Hgq
1.27m Hgr
1.27m Hgs
1.27m Hgt
1.27m Hgu
1.27m Hgv
1.27m Hgw
1.27m Hgx
1.27m Hgy
1.27m Hgz
1.27m Hha
1.27m Hhb
1.27m Hhc
1.27m Hhd
1.27m Hhe
1.27m Hhf
1.27m Hhg
1.27m Hhh
1.27m Hhi
1.27m Hhj
1.27m Hhk
1.27m Hhl
1.27m Hhm
1.27m Hhn
1.27m Hho
1.27m Hhp
1.27m Hhq
1.27m Hhr
1.27m Hhs
1.27m Hht
1.27m Hhu
1.27m Hhv
1.27m Hhw
1.27m Hhx
1.27m Hhy
1.27m Hhz
1.27m Hia
1.27m Hib
1.27m Hic
1.27m Hid
1.27m Hie
1.27m Hif
1.27m Hig
1.27m Hih
1.27m Hii
1.27m Hij
1.27m Hik
1.27m Hil
1.27m Him
1.27m Hin
1.27m Hio
1.27m Hip
1.27m Hiq
1.27m Hir
1.27m His
1.27m Hit
1.27m Hiu
1.27m Hiv
1.27m Hiw
1.27m Hix
1.27m Hiy
1.27m Hiz
1.27m Hja
1.27m Hjb
1.27m Hjc
1.27m Hjd
1.27m Hje
1.27m Hjf
1.27m Hjg
1.27m Hjh
1.27m Hji
1.27m Hjj
1.27m Hjk
1.27m Hjl
1.27m Hjm
1.27m Hjn
1.27m Hjo
1.27m Hjp
1.27m Hjq
1.27m Hjr
1.27m Hjs
1.27m Hjt
1.27m Hju
1.27m Hjv
1.27m Hjw
1.27m Hjx
1.27m Hjy
1.27m Hjz
1.27m Hka
1.27m Hkb
1.27m Hkc
1.27m Hkd
1.27m Hke
1.27m Hkf
1.27m Hkg
1.27m Hkh
1.27m Hki
1.27m Hkj
1.27m Hkk
1.27m Hkl
1.27m Hkm
1.27m Hkn
1.27m Hko
1.27m Hkp
1.27m Hkq
1.27m Hkr
1.27m Hks
1.27m Hkt
1.27m Hku
1.27m Hkv
1.27m Hkw
1.27m Hkx
1.27m Hky
1.27m Hkz
1.27m Hla
1.27m Hlb
1.27m Hlc
1.27m Hld
1.27m Hle
1.27m Hlf
1.27m Hlg
1.27m Hlh
1.27m Hli
1.27m Hlj
1.27m Hlk
1.27m Hll
1.27m Hlm
1.27m Hln
1.27m Hlo
1.27m Hlp
1.27m Hlq
1.27m Hlr
1.27m Hls
1.27m Hlt
1.27m Hlu
1.27m Hlv
1.27m Hlw
1.27m Hlx
1.27m Hly
1.27m Hlz
1.27m Hma
1.27m Hmb
1.27m Hmc
1.27m Hmd
1.27m Hme
1.27m Hmf
1.27m Hmg
1.27m Hmh
1.27m Hmi
1.27m Hmj
1.27m Hmk
1.27m Hml
1.27m Hmm
1.27m Hmn
1.27m Hmo
1.27m Hmp
1.27m Hmq
1.27m Hmr
1.27m Hms
1.27m Hmt
1.27m Hmu
1.27m Hmv
1.27m Hmw
1.27m Hmx
1.27m Hmy
1.27m Hmz
1.27m Hna
1.27m Hnb
1.27m Hnc
1.27m Hnd
1.27m Hne
1.27m Hnf
1.27m Hng
1.27m Hnh
1.27m Hni
1.27m Hnj
1.27m Hnk
1.27m Hnl
1.27m Hnm
1.27m Hnn
1.27m Hno
1.27m Hnp
1.27m Hnq
1.27m Hnr
1.27m Hns
1.27m Hnt
1.27m Hnu
1.27m Hnv
1.27m Hnw
1.27m Hnx
1.27m Hny
1.27m Hnz
1.27m Hoa
1.27m Hob
1.27m Hoc
1.27m Hod
1.27m Hoe
1.27m Hof
1.27m Hog
1.27m Hoh
1.27m Hoi
1.27m Hoj
1.27m Hok
1.27m Hol
1.27m Hom
1.27m Hon
1.27m Hoo
1.27m Hop
1.27m Hoq
1.27m Hor
1.27m Hos
1.27m Hot
1.27m Hou
1.27m Hov
1.27m How
1.27m Hox
1.27m Hoy
1.27m Hoz
1.27m Hpa
1.27m Hpb
1.27m Hpc
1.27m Hpd
1.27m Hpe
1.27m Hpf
1.27m Hpg
1.27m Hph
1.27m Hpi
1.27m Hpj
1.27m Hpk
1.27m Hpl
1.27m Hpm
1.27m Hpn
1.27m Hpo
1.27m Hpp
1.27m Hpq
1.27m Hpr
1.27m Hps
1.27m Hpt
1.27m Hpu
1.27m Hpv
1.27m Hpw
1.27m Hpx
1.27m Hpy
1.27m Hpz
1.27m Hqa
1.27m Hqb
1.27m Hqc
1.27m Hqd
1.27m Hqe
1.27m Hqf
1.27m Hqg
1.27m Hqh
1.27m Hqi
1.27m Hqj
1.27m Hqk
1.27m Hql
1.27m Hqm
1.27m Hqn
1.27m Hqo
1.27m Hqp
1.27m Hqq
1.27m Hqr
1.27m Hqs
1.27m Hqt
1.27m Hqu
1.27m Hqv
1.27m Hqw
1.27m Hqx
1.27m Hqy
1.27m Hqz
1.27m Hra
1.27m Hrb
1.27m Hrc
1.27m Hrd
1.27m Hre
1.27m Hrf
1.27m Hrg
1.27m Hrh
1.27m Hri
1.27m Hrj
1.27m Hrk
1.27m Hrl
1.27m Hrm
1.27m Hrn
1.27m Hro
1.27m Hrp
1.27m Hrq
1.27m Hrr
1.27m Hrs
1.27m Hrt
1.27m Hru
1.27m Hrv
1.27m Hrw
1.27m Hrx
1.27m Hry
1.27m Hrz
1.27m Hsa
1.27m Hsb
1.27m Hsc
1.27m Hsd
1.27m Hse
1.27m Hsf
1.27m Hsg
1.27m Hsh
1.27m Hsi
1.27m Hsj
1.27m Hsk
1.27m Hsl
1.27m Hsm
1.27m Hsn
1.27m Hso
1.27m Hsp
1.27m Hsq
1.27m Hsr
1.27m Hss
1.27m Hst
1.27m Hsu
1.27m Hsv
1.27m Hsw
1.27m Hsx
1.27m Hsy
1.27m Hsz
1.27m Hta
1.27m Htb
1.27m Htc
1.27m Htd
1.27m Hte
1.27m Htf
1.27m Htg
1.27m Hth
1.27m Hti
1.27m Htj
1.27m Htk
1.27m Htl
1.27m Htm
1.27m Htn
1.27m Hto
1.27m Htp
1.27m Htq
1.27m Htr
1.27m Hts
1.27m Htt
1.27m Htu
1.27m Htv
1.27m Htw
1.27m Htx
1.27m Hty
1.27m Htz
1.27m Hua
1.27m Hub
1.27m Huc
1.27m Hud
1.27m Hue
1.27m Huf
1.27m Hug
1.27m Huh
1.27m Hui
1.27m Huj
1.27m Huk
1.27m Hul
1.27m Hum
1.27m Hun
1.27m Huo
1.27m Hup
1.27m Huq
1.27m Hur
1.27m Hus
1.27m Hut
1.27m Huu
1.27m Huv
1.27m Huw
1.27m Hux
1.27m Huy
1.27m Huz
1.27m Hva
1.27m Hvb
1.27m Hvc
1.27m Hvd
1.27m Hve
1.27m Hvf
1.27m Hvg
1.27m Hvh
1.27m Hvi
1.27m Hvj
1.27m Hvk
1.27m Hvl
1.27m Hvm
1.27m Hvn
1.27m Hvo
1.27m Hvp
1.27m Hvq
1.27m Hvr
1.27m Hvs
1.27m Hvt
1.27m Hvu
1.27m Hvv
1.27m Hvw
1.27m Hvx
1.27m Hvy
1.27m Hvz
1.27m Hwa
1.27m Hwb
1.27m Hwc
1.27m Hwd
1.27m Hwe
1.27m Hwf
1.27m Hwg
1.27m Hwh
1.27m Hwi
1.27m Hwj
1.27m Hwk
1.27m Hwl
1.27m Hwm
1.27m Hwn
1.27m Hwo
1.27m Hwp
1.27m Hwq
1.27m Hwr
1.27m Hws
1.27m Hwt
1.27m Hwu
1.27m Hwv
1.27m Hww
1.27m Hwx
1.27m Hwy
1.27m Hwz
1.27m Hxa
1.27m Hxb
1.27m Hxc
1.27m Hxd
1.27m Hxe
1.27m Hxf
1.27m Hxg
1.27m Hxh
1.27m Hxi
1.27m Hxj
1.27m Hxk
1.27m Hxl
1.27m Hxm
1.27m Hxn
1.27m Hxo
1.27m Hxp
1.27m Hxq
1.27m Hxr
1.27m Hxs
1.27m Hxt
1.27m Hxu
1.27m Hxv
1.27m Hxw
1.27m Hxx
1.27m Hxy
1.27m Hxz
1.27m Hya
1.27m Hyb
1.27m Hyc
1.27m Hyd
1.27m Hye
1.27m Hyf
1.27m Hyg
1.27m Hyh
1.27m Hyi
1.27m Hyj
1.27m Hyk
1.27m Hyl
1.27m Hym
1.27m Hyn
1.27m Hyo
1.27m Hyp
1.27m Hyq
1.27m Hyr
1.27m Hys
1.27m Hyt
1.27m Hyu
1.27m Hyv
1.27m Hyw
1.27m Hyx
1.27m Hyy
1.27m Hyz
1.27m Hza
1.27m Hzb
1.27m Hzc
1.27m Hzd
1.27m Hze
1.27m Hzf
1.27m Hzg
1.27m Hzh
1.27m Hzi
1.27m Hzj
1.27m Hzk
1.27m Hzl
1.27m Hzm
1.27m Hzn
1.27m Hzo
1.27m Hzp
1.27m Hzq
1.27m Hzr
1.27m Hzs
1.27m Hzt
1.27m Hzu
1.27m Hzv
1.27m Hzw
1.27m Hzx
1.27m Hzy
1.27m Hzz
1.27m Iaa
1.27m Iab
1.27m Iac
1.27m Iad
1.27m Iae
1.27m Iaf
1.27m Iag
1.27m Iah
1.27m Iai
1.27m Iaj
1.27m Iak
1.27m Ial
1.27m Iam
1.27m Ian
1.27m Iao
1.27m Iap
1.27m Iaq
1.27m Iar
1.27m Ias
1.27m Iat
1.27m Iau
1.27m Iav
1.27m Iaw
1.27m Iax
1.27m Iay
1.27m Iaz
1.27m Iba
1.27m Ibb
1.27m Ibc
1.27m Ibd
1.27m Ibe
1.27m Ibf
1.27m Ibg
1.27m Ibh
1.27m Ibi
1.27m Ibj
1.27m Ibk
1.27m Ibl
1.27m Ibm
1.27m Ibn
1.27m Ibo
1.27m Ibp
1.27m Ibq
1.27m Ibr
1.27m Ibs
1.27m Ibt
1.27m Ibu
1.27m Ibv
1.27m Ibw
1.27m Ibx
1.27m Iby
1.27m Ibz
1.27m Ica
1.27m Icb
1.27m Icc
1.27m Icd
1.27m Ice
1.27m Icf
1.27m Icg
1.27m Ich
1.27m Ici
1.27m Icj
1.27m Ick
1.27m Icl
1.27m Icm
1.27m Icn
1.27m Ico
1.27m Icp
1.27m Icq
1.27m Icr
1.27m Ics
1.27m Ict
1.27m Icu
1.27m Icv
1.27m Icw
1.27m Icx
1.27m Icy
1.27m Icz
1.27m Ida
1.27m Idb
1.27m Idc
1.27m Idd
1.27m Ide
1.27m Idf
1.27m Idg
1.27m Idh
1.27m Idi
1.27m Idj
1.27m Idk
1.27m Idl
1.27m Idm
1.27m Idn
1.27m Ido
1.27m Idp
1.27m Idq
1.27m Idr
1.27m Ids
1.27m Idt
1.27m Idu
1.27m Idv
1.27m Idw
1.27m Idx
1.27m Idy
1.27m Idz
1.27m Iea
1.27m Ieb
1.27m Iec
1.27m Ied
1.27m Iee
1.27m Ief
1.27m Ieg
1.27m Ieh
1.27m Iei
1.27m Iej
1.27m Iek
1.27m Iel
1.27m Iem
1.27m Ien
1.27m Ieo
1.27m Iep
1.27m Ieq
1.27m Ier
1.27m Ies
1.27m Iet
1.27m Ieu
1.27m Iev
1.27m Iew
1.27m Iex
1.27m Iey
1.27m Iez
1.27m Ifa
1.27m Ifb
1.27m Ifc
1.27m Ifd
1.27m Ife
1.27m Iff
1.27m Ifg
1.27m Ifh
1.27m Ifi
1.27m Ifj
1.27m Ifk
1.27m Ifl
1.27m Ifm
1.27m Ifn
1.27m Ifo
1.27m Ifp
1.27m Ifq
1.27m Ifr
1.27m Ifs
1.27m Ift
1.27m Ifu
1.27m Ifv
1.27m Ifw
1.27m Ifx
1.27m Ify
1.27m Ifz
1.27m Iga
1.27m Igb
1.27m Igc
1.27m Igd
1.27m Ige
1.27m Igf
1.27m Igg
1.27m Igh
1.27m Igi
1.27m Igj
1.27m Igk
1.27m Igl
1.27m Igm
1.27m Ign
1.27m Igo
1.27m Igp
1.27m Igq
1.27m Igr
1.27m Igs
1.27m Igt
1.27m Igu
1.27m Igv
1.27m Igw
1.27m Igx
1.27m Igy
1.27m Igz
1.27m Iha
1.27m Ihb
1.27m Ihc
1.27m Ihd
1.27m Ihe
1.27m Ihf
1.27m Ihg
1.27m Ihh
1.27m Ihi
1.27m Ihj
1.27m Ihk
1.27m Ihl
1.27m Ihm
1.27m Ihn
1.27m Iho
1.27m Ihp
1.27m Ihq
1.27m Ihr
1.27m Ihs
1.27m Iht
1.27m Ihu
1.27m Ihv
1.27m Ihw
1.27m Ihx
1.27m Ihy
1.27m Ihz
1.27m Iia
1.27m Iib
1.27m Iic
1.27m Iid
1.27m Iie
1.27m Iif
1.27m Iig
1.27m Iih
1.27m Iii
1.27m Iij
1.27m Iik
1.27m Iil
1.27m Iim
1.27m Iin
1.27m Iio
1.27m Iip
1.27m Iiq
1.27m Iir
1.27m Iis
1.27m Iit
1.27m Iiu
1.27m Iiv
1.27m Iiw
1.27m Iix
1.27m Iiy
1.27m Iiz
1.27m Ija
1.27m Ijb
1.27m Ijc
1.27m Ijd
1.27m Ije
1.27m Ijf
1.27m Ijg
1.27m Ijh
1.27m Iji
1.27m Ijj
1.27m Ijk
1.27m Ijl
1.27m Ijm
1.27m Ijn
1.27m Ijo
1.27m Ijp
1.27m Ijq
1.27m Ijr
1.27m Ijs
1.27m Ijt
1.27m Iju
1.27m Ijv
1.27m Ijw
1.27m Ijx
1.27m Ijy
1.27m Ijz
1.27m Ika
1.27m Ikb
1.27m Ikc
1.27m Ikd
1.27m



Key

- Order Limits
- Sheet Index
- Hedgerows to be managed up to 4.5m height
- Tree Preservation Order (TPO)

Layers: Lanpro, 2026; IGP, 2026

Base map: Reproduced from Ordnance Survey digital map data © Crown copyright 2026. All rights reserved. License number 0100031673

0 100 200 300 Metres

Scale: 1:2,500@ A0

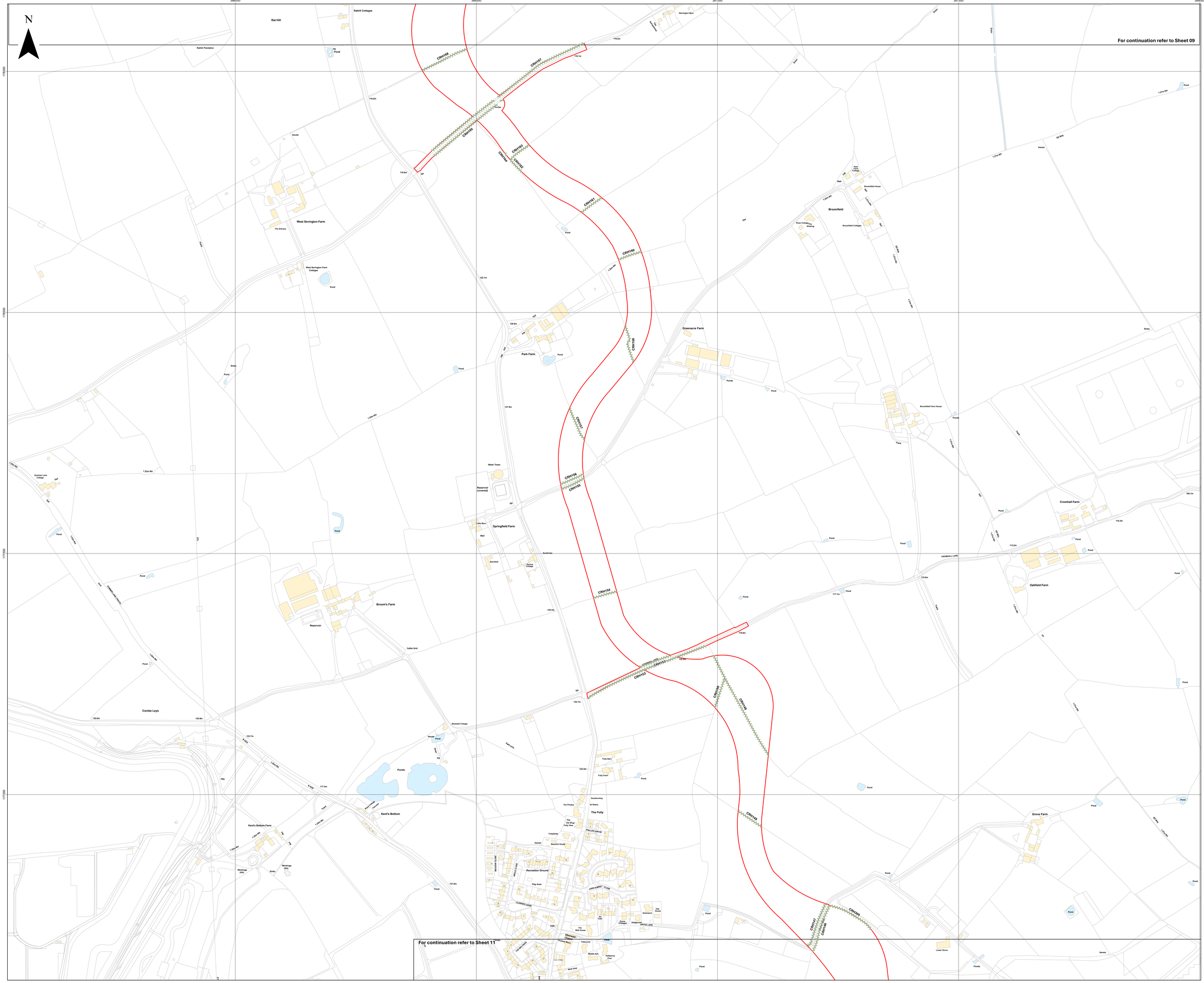
APFP Regulation: 5(2)(o)	Application Doc No. EN010168/EXAM/2.7
Ref: P4443_LPR_ZZ_XX_DR_Z_EXA_0369	Date: 08/07/2026
Drawn by: BH	Checked by: JB

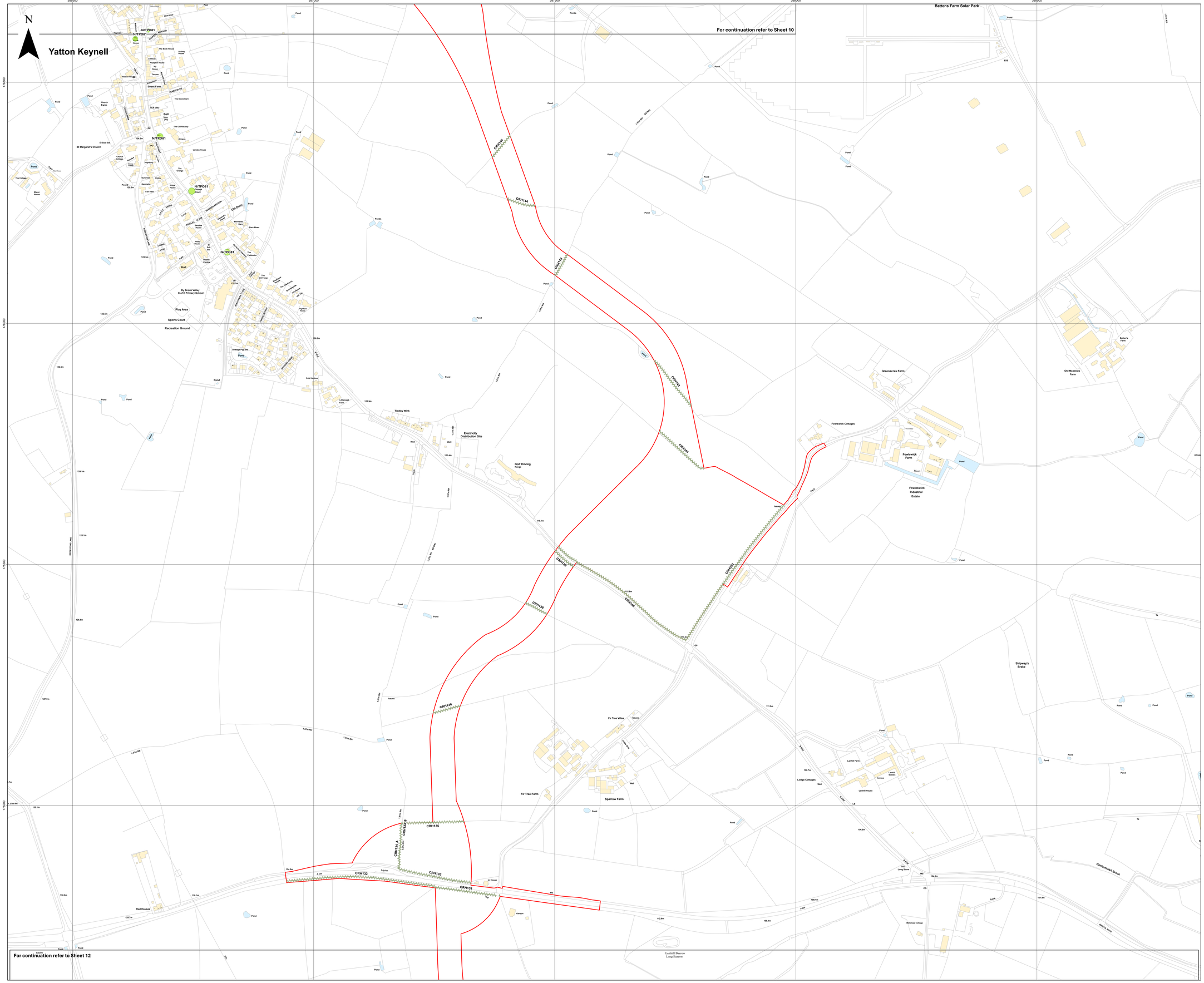
Hedgerow Height Plan

Sheet 9 of 23

Revision A

Lime Down Solar Park


N
386000
386500
387000
387500
388000
178000
177500
177000
For continuation refer to Sheet 09
For continuation refer to Sheet 11
CRH152
CRH153
CRH154
CRH155
CRH156
CRH157
CRH158
CRH159
CRH160
CRH161
CRH162
CRH163
CRH164
CRH165
CRH166
CRH167
CRH168
CRH169
CRH170
Rat Hill
Rathill Cottages
Rathill Plantation
Pond
West Sevington Farm
The Granary
West Sevington Farm Cottages
Sevington Barn
Park Farm
Park Farm Cottages
Broomfield
Broomfield House
Broomfield Cottages
Ross Cottage
Greenacre Farm
Broomfield Farm House
Cromhall Farm
Oakfield Farm
Grove Farm
Lower Grove
Summer Lane Cottage
Broom's Farm
Reservoir
Cattle Grid
Combe Leys
Springfield Farm
Little Barn
Barnfield
Orchard Cottage
Southview
Weavers Cottage
Folly Barn
Folly Farm
Ponds
Kent's Bottom
Kent's Bottom Farm
Workings (Mo)
Sinks
Water Tower
Reservoir (covered)
Recreation Ground
Play Area
Southernhay
St Peters
The Folly
The Old Shop
Folly View
FOLLAND CLOSE
Folly Fields
Beaufort House
WILSON CLOSE
Folly Close
CLARKES LEAZE
JOHN KNIBBS CLOSE
The Well House
Elmsmeer Cottage
Hedgerow Post
Middle Ash
Tinkersome
Old Orchard
Greenacre
Grove Cottage
Hedgerows
GROVE LANE
OAKSMILL LANE
Oakfield
Ponds
Sinks
Trees
Gap
Gate
Fence
Hedgerow
Track
Road
Stream
Ditch
Fence Line
Gully
Manhole
Telegraph Pole
Electricity Pole
Cattle Grid
Culvert
Bridge
Footpath
Bridleway
Byway
Public Road
Unclassified Road
Private Road
Track
Building
Farm Building
Residential Building
Commercial Building
Industrial Building
Agricultural Building
Ancient Woodland
Woodland
Orchard
Scrub
Grassland
Arable
Pasture
Meadow
Heath
Marsh
Reedbed
Open Water
Flood Zone
Flood Zone 2
Flood Zone 3
Flood Zone 3b
Flood Defence
Flood Defence Breach
Flood Defence Overtopping
Flood Defence Failure
Flood Defence Failure Overtopping
Flood Defence Failure Breach
Flood Defence Failure Breach Overtopping
Flood Defence Failure Breach Overtopping Failure
Flood Defence Failure Breach Overtopping Failure Breach
Flood Defence Failure Breach Overtopping Failure Breach Overtopping
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach
Flood Defence Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping Failure Breach Overtopping



Key

- Order Limits
- Sheet Index
- Hedgerows to be managed up to 4.5m height
- Tree Preservation Order (TPO)

Layers: Lanpro, 2026; IGP, 2026
Base map: Reproduced from Ordnance Survey digital map data © Crown copyright 2026. All rights reserved. License number 0100031673

0 100 200 300 Metres

Scale: 1:2,500@ A0

APFP Regulation: 5(2)(o)	Application Doc No. EN010168/EXAM/2.7
Ref: P4443_LPR_ZZ_XX_DR_Z_EXA_0369	Date: 08/07/2026
Drawn by: BH	Checked by: JB

Hedgerow Height Plan

Sheet 11 of 23

Revision A

Lime Down Solar Park

386500 387000 387500 388000 388500

175500 175000 174500

For continuation refer to Sheet 11

For continuation refer to Sheet 13

CRH130 CRH129 CRH133 CRH127 CRH125 CRH126 CRH122 CRH121 CRH120 CRH119 CRH117 CRH250 CRH251

Lanhill Barrow
Long Barrow

Lan Hill
Lanhill Clump
Smith's Plantation
Lanhill Brake
Fagot Heath
Corsham Wood
Sheldon Wood
Fox Covert
The Privet
Chapscroft Wood
Bushy Barrow
Allotment Gardens
Play Area
Pool Farm
Stables
Bridestowne Manor
Starveall Farm
Sheldon Manor
Sheldon Farm
Sturry Barn
The Fennels

CHIPPENHAM LANE

Key

- Order Limits
- Sheet Index
- Hedgerows to be managed up to 4.5m height

Layers: Lanpro, 2026; IGP, 2026
Base map: Reproduced from Ordnance Survey digital map data © Crown copyright 2026. All rights reserved. License number 0100031673

0 100 200 300 Metres

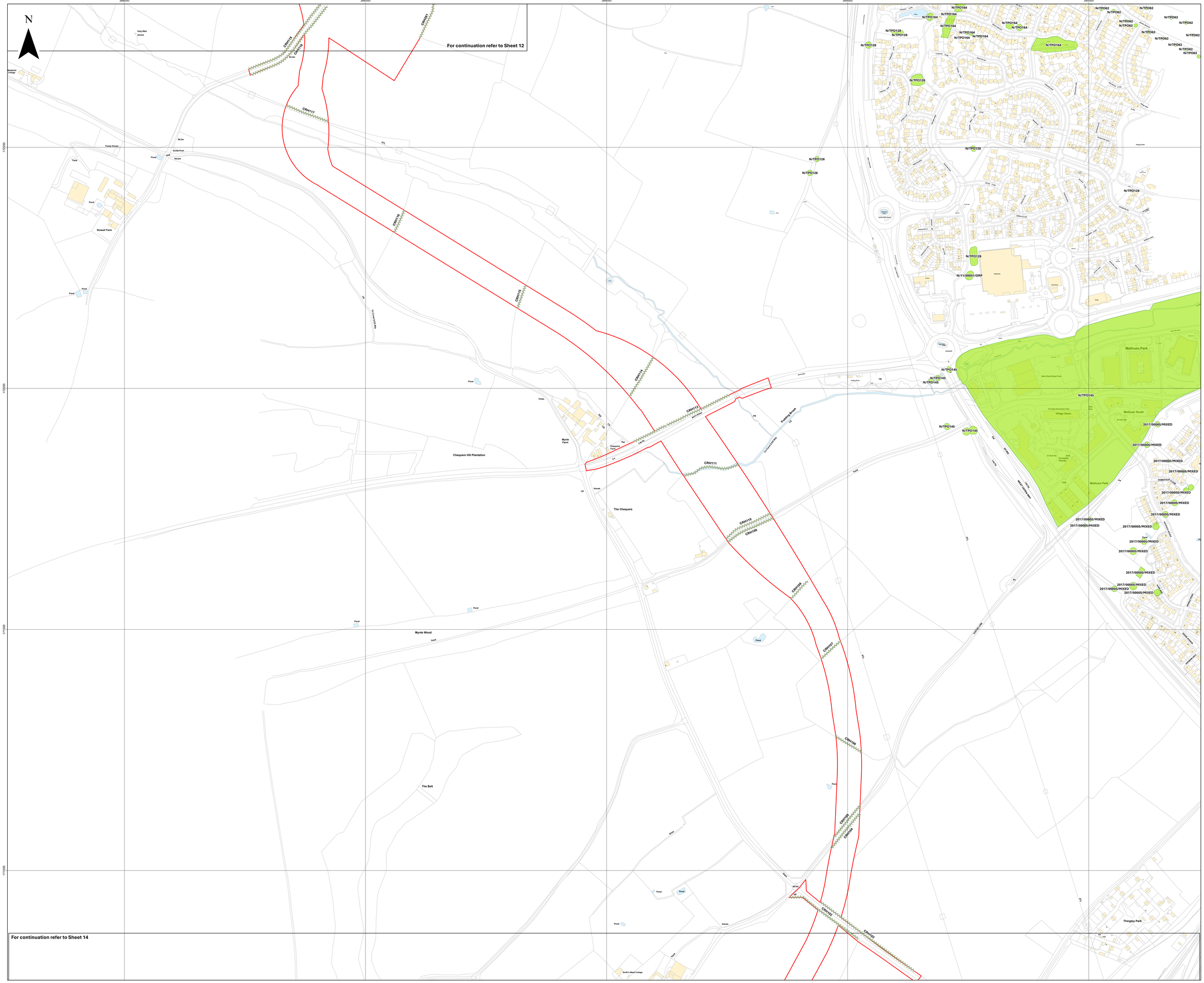
Scale: 1:2,500@ A0

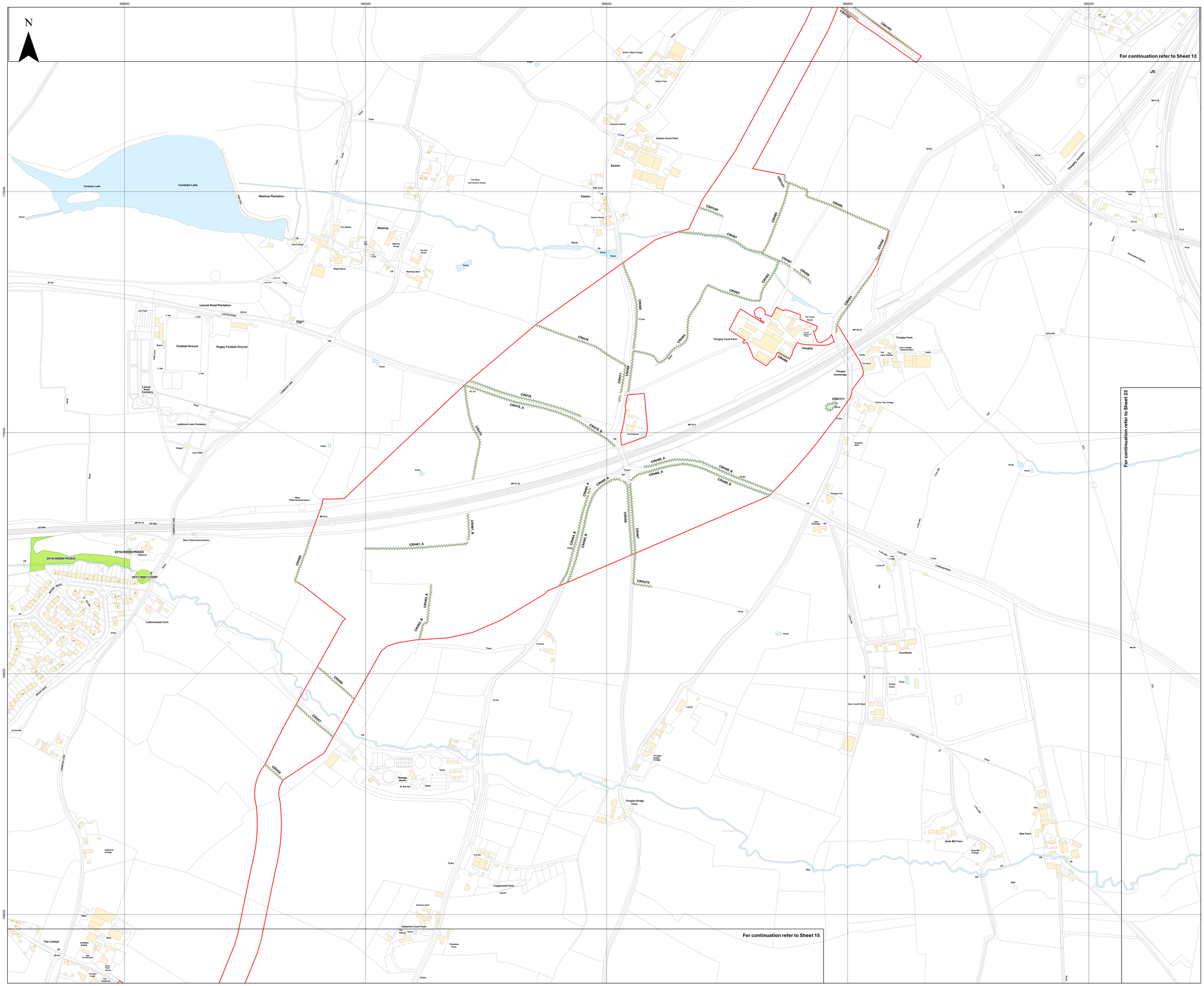
APFP Regulation: 5(2)(o)	Application Doc No. EN010168/EXAM/2.7
Ref: P4443_LPR_ZZ_XX_DR_Z_EXA_0369	Date: 08/07/2026
Drawn by: BH	Checked by: JB

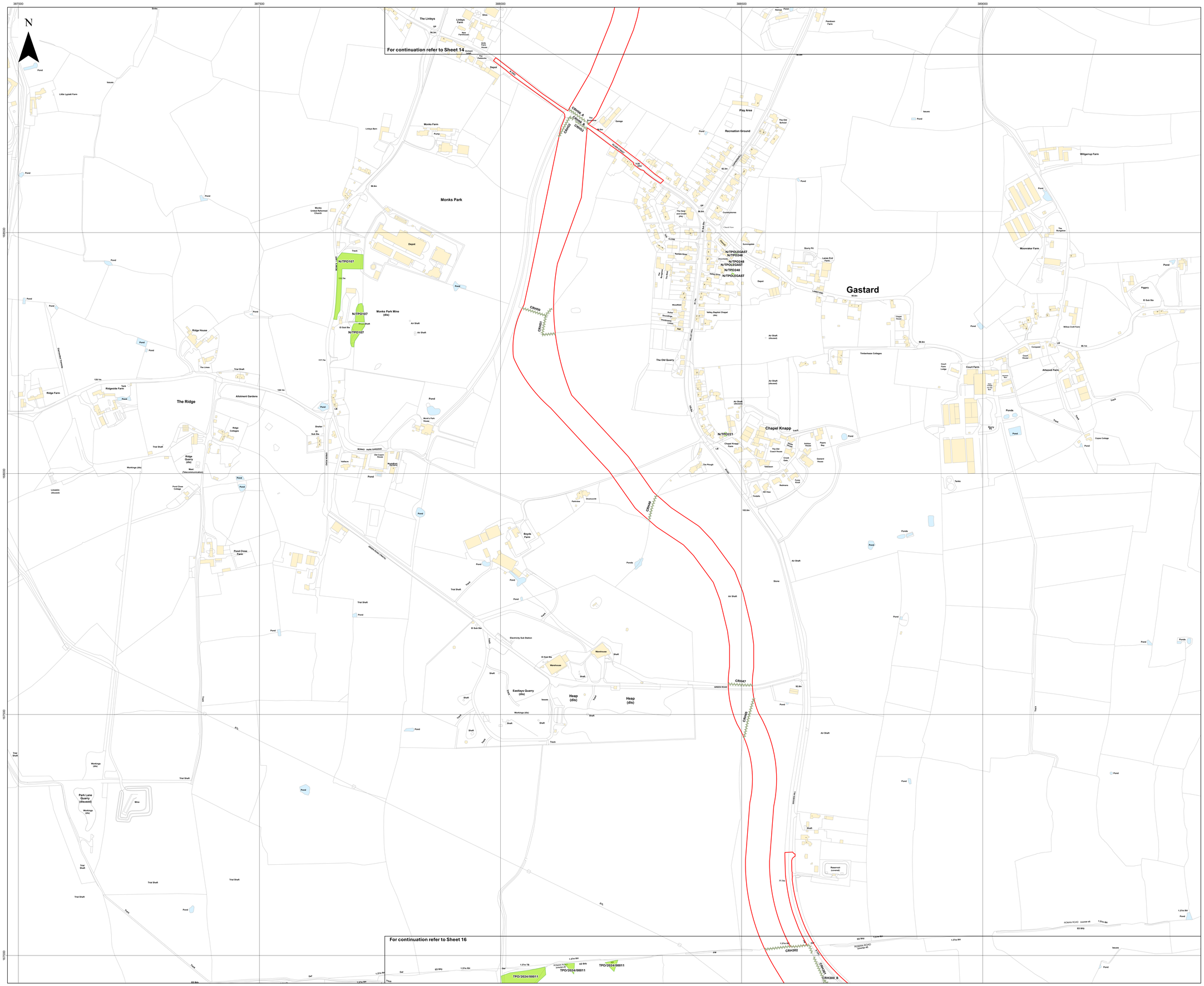
Hedgerow Height Plan

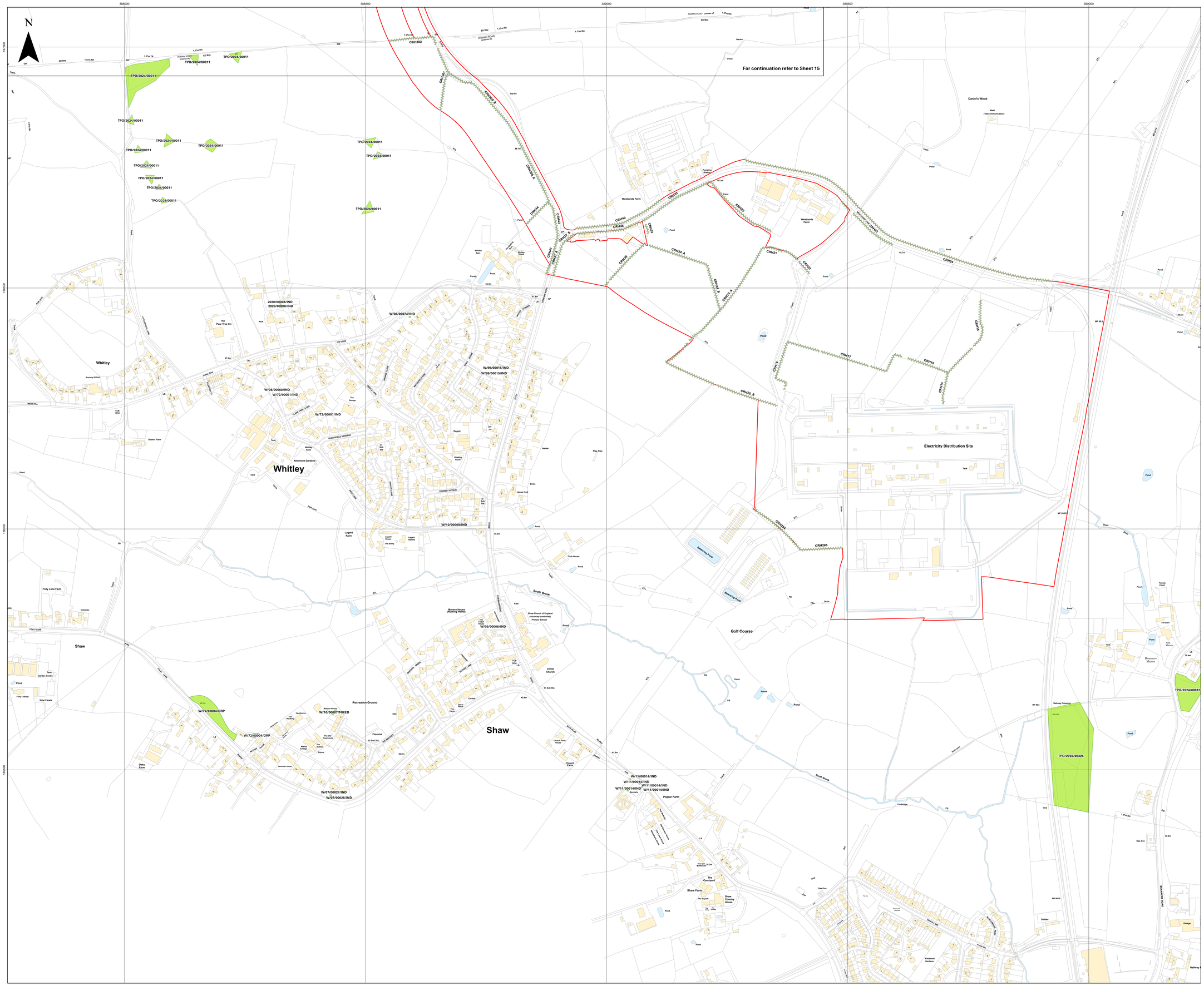
Sheet 12 of 23
Revision A

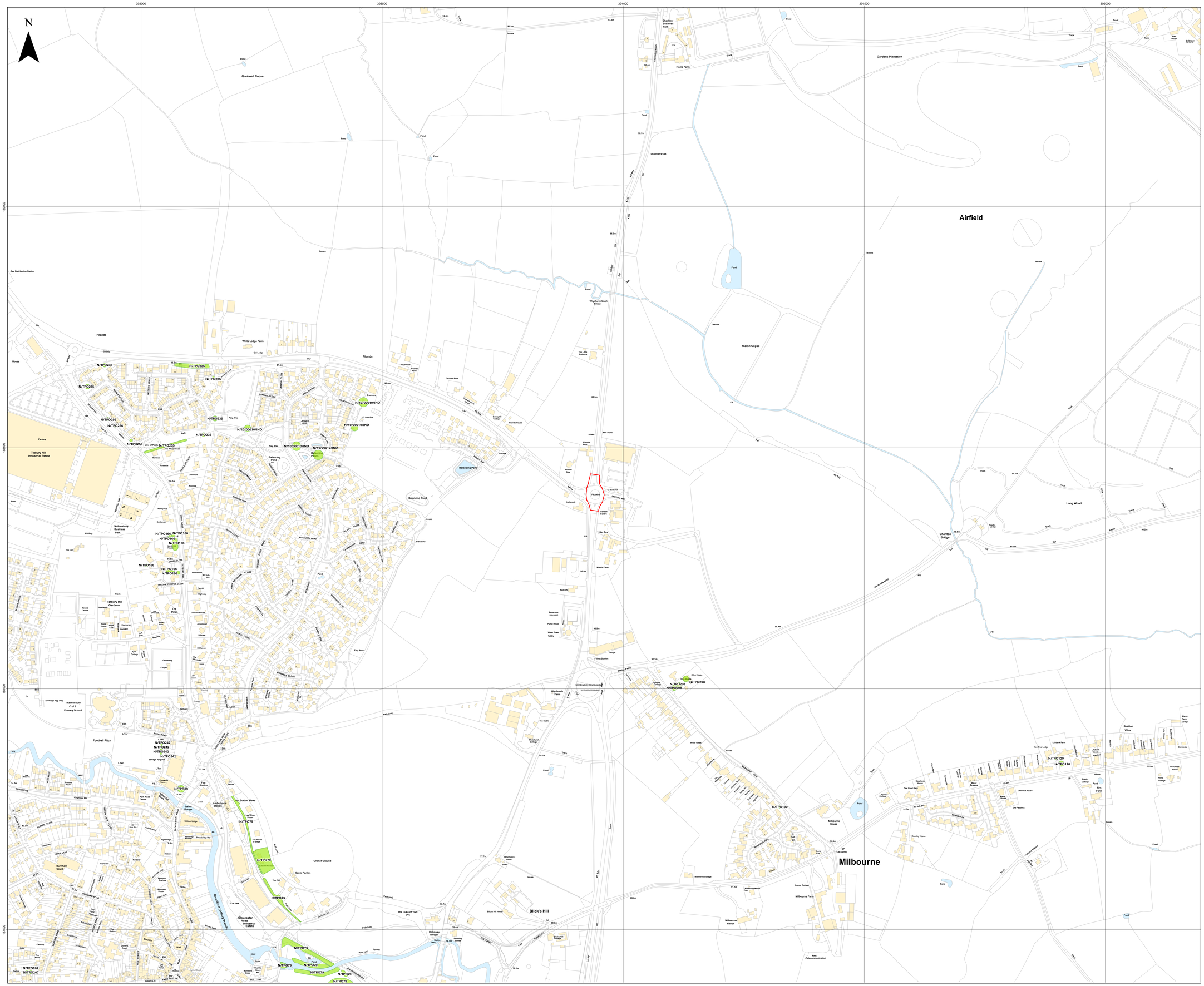
Lime Down Solar Park


N
388000
388500
389000
389500
390000
172000
171500
171000
For continuation refer to Sheet 12
For continuation refer to Sheet 14
CRH119
CRH118
CRH117
CRH116
CRH115
CRH114
CRH113
CRH111
CRH110
CRH109
CRH108
CRH107
CRH106
CRH105
CRH104
CRH103
CRH102
CRH101
N/TPO164
N/TPO062
N/TPO128
N/TPO145
N/TPO140
N/11/00001/GRP
2017/00005/MIXED
Methuen Park
Village Green
Methuen South
Stowell Farm
Myrtle Farm
Chequers Hill Plantation
The Chequers
Myrtle Wood
The Belt
Thingley Park
Pond
Track
Pumping Station
Holy Well
Malmesbury Cemetery
Malmesbury Park
Bath Road Retail Park
Turnpike Business Park
Thingley Junior School
Kestrel Close
Swallow Close
Lower Lane
Bridge Road
Pudding Brook
Dyke
Footpath
Bridleway
Restricted Byway
Byway Open to All Traffic
Unclassified
Track
Public Right of Way
Hedgerow
Tree
Trees
Scrub
Hedge
Fence
Wall
Building
Road
Lane
Verge
Kerb
Edge
Centre Line
Overhead Line
Electricity Pylon
Telephone Pole
Manhole
Gully
Inspection Chamber
Sub Station
Post Box
Bus Stop
Bus Shelter
Seat
Flagpole
Playing Field
Allotments
Cemetery
Garden
Orchard
Quarry
Spoil Heap
Ditch
Spring
Well
Boundary Stone
Milestone
Footbridge
Ford
Weir
Sluice
Culvert
Reservoir
Water Tank
Mast
Wind Turbine
Solar Panel
Greenhouse
Shed
Barn
Stable
Kennels
Farm Buildings
Residential Property
Commercial Property
Industrial Property
Public House
Church
Chapel
School
Hospital
Police Station
Fire Station
Post Office
Shop
Petrol Station
Car Park
Campsite
Golf Course
Sports Ground
Swimming Pool
Tennis Court
Bowling Green
Allotment
Open Space
Woodland
Scrub
Heath
Grassland
Arable
Pasture
Meadow
Orchard
Vineyard
Nursery
Glasshouse
Polytunnel
Livestock
Cattle
Sheep
Horse
Pig
Poultry
Deer
Goat
Alpaca
Llama
Donkey
Rabbit
Hare
Fox
Badger
Deer
Otter
Water Vole
Dormouse
Bat
Bird
Reptile
Amphibian
Insect
Butterfly
Moth
Beetle
Spider
Snail
Slug
Worm
Fungus
Lichen
Moss
Fern
Flower
Grass
Tree
Sh


N
388000
388500
389000
389500
390000
170000
169500
169000
For continuation refer to Sheet 13
For continuation refer to Sheet 23
For continuation refer to Sheet 15
CRH102
CRH103
CRH101
CRH100
CRH99
CRH98
CRH97
CRH96
CRH95
CRH94
CRH93
CRH92
CRH91
CRH90
CRH89
CRH88
CRH87
CRH86
CRH85
CRH84
CRH83
CRH82
CRH81
CRH80
CRH79
CRH78
CRH77
CRH76
CRH75_A
CRH75_B
CRH73
CRH72
CRH71
CRH70
CRH69_A
CRH69_B
CRH68_A
CRH68_B
CRH67_A
CRH67_B
CRH66_A
CRH66_B
CRH65_A
CRH65_B
CRH64_A
CRH64_B
CRH63_A
CRH63_B
CRH62_A
CRH62_B
CRH61_A
CRH61_B
CRH60
CRH59
CRH57
CRH56
2016/00009/MIXED
2017/00017/GRP
Corsham Lake
Westrop Plantation
Lacock Road Plantation
Football Ground
Rugby Football Ground
Lacock Road Cemetery
Ladbrook Lane Cemetery
Ladbrookside Farm
Park Farm
Westrop
Easton
Easton Court Farm
Spencer's Barton
Smith's Wood Cottage
Thingley Court Farm
Thingley
Thingley Farm
Thingley Overbridge
Thingley Junction
Byde Mill Farm
Courtlands
Thingley Bridge Farm
Coppershell Farm
Catherine Court Farm
The Linleys
Lacock Road
Ladbrook Lane
Thingley Hill
Westrop Hill
Key
Order Limits
Sheet Index
Hedgerows to be managed up to 4.5m height
Tree Preservation Order (TPO)
Layers: Lanpro, 2026; IGP, 2026
Base map: Reproduced from Ordnance Survey digital map data © Crown copyright 2026. All rights reserved. License number 0100031673
0
100
200
300 Metres
Scale: 1:2,500@ A0
APFP Regulation: 5(2)(o)
Application Doc No. EN010168/EXAM/2.7
Ref: P4443_LPR_ZZ_XX_DR_Z_EXA_0369
Date: 08/07/2026
Drawn by: BH
Checked by: JB
Hedgerow Height Plan
Sheet 14 of 23
Revision A
Lime Down
Solar Park


387000
387500
388000
388500
389000
165000
157500
150000
N
For continuation refer to Sheet 14
For continuation refer to Sheet 16
Monks Park
Gastard
The Ridge
Monks Park Mine (dis)
Eastleys Quarry (dis)
Heap (dis)
Heap (dis)
Park Lane Quarry (disused)
Ridge Quarry (dis)
Chapel Knapp
Play Area
Recreation Ground
Allotment Gardens
Depot
Depot
Depot
Depot
Monks Farm
Monks United Reformed Church
Ridge House
Ridge Farm
Ridgeside Farm
Ridge Cottages
Pond Close Cottage
Pond Close Farm
Limekiln (disused)
Little Lyzzatt Farm
Lindays Barn
The Lindays
Lindays Farm
New Farmhouse
Pump House
The Paddocks
Pendown Farm
The Old School
The Old Quarry
The Old Coach House
Chapel Knapp Farm
Ashton House
Pipers Bay
Gastard House
Cross Gate
Tetsworth
Redmere
Furze Knoll
Hill View
Tinsdale
Parkview
Drumcorrib
The Vicarage
Garage
The Harp and Crown (PH)
Countryhomes
Church View
Sunningdale
Rumble Rose
The Pines
The Pines
Woodford
Furze Roundtree
Pendennack
Lindon
Hall
Valley Baptist Chapel (dis)
Valley End
Shorty Pit
Lanes End Farm
Timberhaxe Cottages
Chapel House
Court Farm Lodge
Court Farm
Court House
Compost
Atwood Farm
Willow Croft Farm
Wiltgemup Farm
Moonraker Farm
The Bungalow
Pigpery
Ponds
Copse Cottage
Tanks
Boyds Farm
Stone
Warehouse
Electricity Sub Station
Reservoir (covered)
Works
Workings (dis)
Mine
Shaft
Air Shaft
Air Shaft (disused)
Trial Shaft
Pond
Ponds
Track
Footpath
Bridleway
Byway
Lane
Roman Road
Old Coach Road
Roman Road (course of)
Monks Park Mine (dis)
Monk's Park House
Shelter
Gallows
Old Council Houses
Workhouse
Pump
Tank
Tank
Tank
Tank
Tank
Tank
Tank
Tank
El Sub Sta
El Sub Sta
El Sub Sta
El Sub Sta
El Sub Sta
Issues
Issues
Issues
Issues
Issues
CRH1
CRH2
CRH3
CRH4
CRH5
CRH6
CRH7
CRH8
CRH9
CRH10
CRH11
CRH12
CRH13
CRH14
CRH15
CRH16
CRH17
CRH18
CRH19
CRH20
CRH21
CRH22
CRH23
CRH24
CRH25
CRH26
CRH27
CRH28
CRH29
CRH30
CRH31
CRH32
CRH33
CRH34
CRH35
CRH36
CRH37
CRH38
CRH39
CRH40


388000
388500
389000
389500
390000
187000
186000
185000
N
For continuation refer to Sheet 15
Whitley
Shaw
Golf Course
Electricity Distribution Site
Daniel's Wood
Poplar Farm
Shaw Farm
Westlands Farm
Folly Lane Farm
Oaks Farm
Legard Farm
Recreation Ground
Play Area
Depot
Allotment Gardens
Shaw Country House
Shaw Church of England (voluntary controlled) Primary School
Christ Church
Whitley Farm
Whitley Barn
Whitley Grange
Whitley Chapel
Whitley Chapel Primary School
Whitley Village Hall
Whitley Village Stores
The Pear Tree Inn
Folly College
Folly Lane Garden Centre
Solar Panels
Foxbridge
Railway Crossing
Bassmere Manor
Old Manor
Temple Court
Balancing Pond
Pumping Station
Pond
Tank
Drain
Stables
Garage
Gas Grv
Club House
Nursery School
Path
Track
Ditch
Hedge
Tree Line
Fence
Wall
Bank
Ford
Pylons
Overhead Line
Underground Cable
Gate
Cattle Grid
Bridleway
Public Right of Way
Permissive Path
Railway
Level Crossing
Electricity Substation
Telecommunication
Gas Governor
Water Tank
Sewage Treatment Works
Sluice
Weir
Culvert
Ramp
Steps
Lay-by
Layby
Verge
Kerb
Road Name
Building
Residential
Commercial
Industrial
Agricultural
Public House
Village Hall
Church
Chapel
Vicarage
Rectory
Manse
Cemetery
Graveyard
Memorial
Monument
Cross
Milestone
Milepost
Boundary Stone
Parish Boundary
Footpath
Bridleway
Byway
Restricted Byway
Permissive Footpath
Permissive Bridleway
Permissive Byway
Open Access Land
Common Land
Registered Common Land
Village Green
Registered Village Green
Country Park
Forest Park
Nature Reserve
Site of Special Scientific Interest
Local Nature Reserve
Ancient Woodland
Scheduled Monument
Listed Building
Grade I Listed Building
Grade II* Listed Building
Grade II Listed Building
Conservation Area
Registered Park and Garden
Registered Battlefield
World Heritage Site
Area of Outstanding Natural Beauty
National Park
Green Belt
Flood Zone 2
Flood Zone 3
Flood Defence
Flood Storage Area
Coastal Flood Boundary
Coastal Erosion Risk Area
Coastal Protection Belt
Heritage Coast
Marine Conservation Zone
Special Protection Area
Special Area of Conservation
Ramsar Site
Biosphere Reserve
Geopark
Dark Sky Park
Wind Turbine
Solar Farm
Battery Storage
Substation
Pylon
Overhead Line
Underground Cable
Telecommunications Mast
Telecommunications Cabinet
Telecommunications Pole
Telecommunications Box
Telecommunications Manhole
Telecommunications Duct
Telecommunications Chamber
Telecommunications Tower
Telecommunications Antenna
Telecommunications Dish
Telecommunications Satellite
Telecommunications Earth Station
Telecommunications Relay
Telecommunications Repeater
Telecommunications Switch
Telecommunications Router
Telecommunications Modem
Telecommunications Server
Telecommunications Storage
Telecommunications Backup
Telecommunications Power
Telecommunications Cooling
Telecommunications Security
Telecommunications Fire
Telecommunications Water
Telecommunications Gas
Telecommunications Electricity
Telecommunications Lighting
Telecommunications Heating
Telecommunications Ventilation
Telecommunications Air Conditioning
Telecommunications Humidity
Telecommunications Temperature
Telecommunications Pressure
Telecommunications Flow
Telecommunications Level
Telecommunications Quality
Telecommunications Alarm
Telecommunications Control
Telecommunications Monitoring
Telecommunications Logging
Telecommunications Reporting
Telecommunications Analysis
Telecommunications Optimization
Telecommunications Maintenance
Telecommunications Repair
Telecommunications Replacement
Telecommunications Upgrade
Telecommunications Installation
Telecommunications Commissioning
Telecommunications Decommissioning
Telecommunications Disposal
Telecommunications Recycling
Telecommunications Reuse
Telecommunications Refurbishment
Telecommunications Remanufacturing
Telecommunications Recovery
Telecommunications Energy
Telecommunications Water
Telecommunications Waste
Telecommunications Emissions
Telecommunications Noise
Telecommunications Vibration
Telecommunications Light
Telecommunications Radiation
Telecommunications Electromagnetic
Telecommunications Health
Telecommunications Safety
Telecommunications Security
Telecommunications Privacy
Telecommunications Data
Telecommunications Information
Telecommunications Communication
Telecommunications Network
Telecommunications System
Telecommunications Service
Telecommunications Provider
Telecommunications User
Telecommunications Customer
Telecommunications Supplier
Telecommunications Partner
Telecommunications Competitor
Telecommunications Regulator
Telecommunications Standard
Telecommunications Protocol
Telecommunications Interface
Telecommunications Architecture
Telecommunications Design
Telecommunications Planning
Telecommunications Development
Telecommunications Research
Telecommunications Innovation
Telecommunications Technology
Telecommunications Trend
Telecommunications Future
Telecommunications Vision
Telecommunications Strategy
Telecommunications Policy
Telecommunications Law
Telecommunications Regulation
Telecommunications Compliance
Telecommunications Enforcement
Telecommunications Dispute
Telecommunications Arbitration
Telecommunications Litigation
Telecommunications Settlement
Telecommunications Agreement
Telecommunications Contract
Telecommunications Lease
Telecommunications Easement
Telecommunications Wayleave
Telecommunications Permit
Telecommunications Consent
Telecommunications Notification
Telecommunications Objection
Telecommunications Appeal
Telecommunications Inquiry
Telecommunications Examination
Telecommunications Report
Telecommunications Recommendation
Telecommunications Decision
Telecommunications Order
Telecommunications Condition
Telecommunications Obligation
Telecommunications Undertaking
Telecommunications Agreement
Telecommunications Contract
Telecommunications Lease
Telecommunications Easement
Telecommunications Wayleave
Telecommunications Permit
Telecommunications Consent
Telecommunications Notification
Telecommunications Objection
Telecommunications Appeal
Telecommunications Inquiry
Telecommunications Examination
Telecommunications Report
Telecommunications Recommendation
Telecommunications Decision
Telecommunications Order
Telecommunications Condition
Telecommunications Obligation
Telecommunications Undertaking
CRH302
CRH303
CRH304 A
CRH304 B
CRH305 A
CRH305 B
CRH306
CRH307
CRH308
CRH309
CRH310
CRH311
CRH312
CRH313
CRH314
CRH315
CRH316
CRH317
CRH318
CRH319
CRH320 A
CRH320 B
CRH321
CRH322
CRH323
CRH324 A
CRH324 B
CRH325
CRH326
CRH327
CRH328
CRH329
CRH330
CRH331
CRH332
CRH333
CRH334
CRH335
CRH336
CRH337
CRH338
CRH339
CRH340
CRH341
CRH342
CRH343
CRH344
CRH345
CRH346
CRH347
CRH348
CRH349
CRH350
CRH351
CRH352
CRH353
CRH354
CRH355
CRH356
CRH357
CRH358
CRH359
CRH360
CRH361
CRH362
CRH363
CRH364



Key

- Order Limits
- Tree Preservation Order (TPO)

Layers: Lanpro, 2026; IGP, 2026
Base map: Reproduced from Ordnance Survey digital map data © Crown copyright 2026. All rights reserved. License number 0100031673

0 100 200 300 Metres

Scale: 1:2,500@ A0

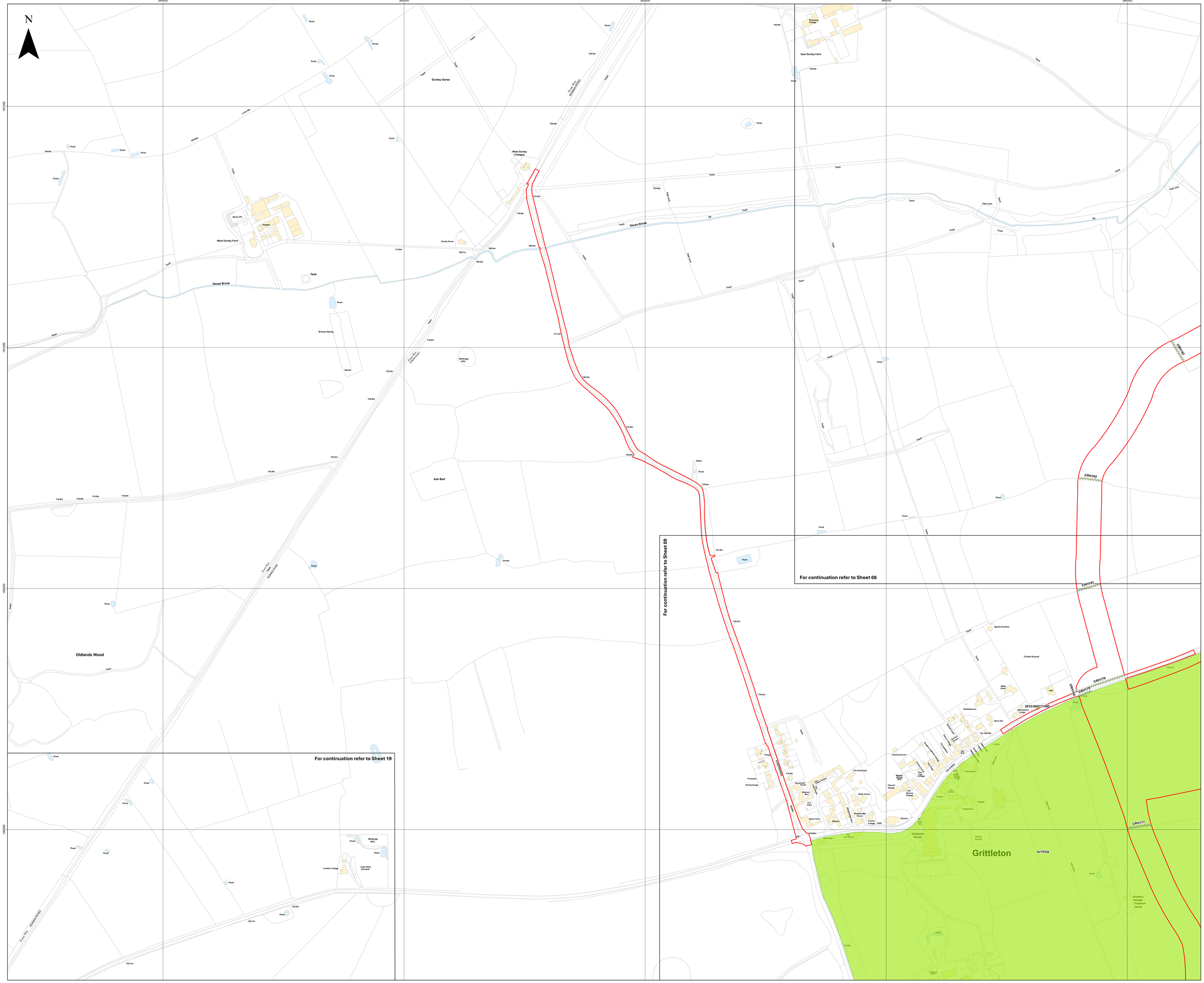
APFP Regulation: 5(2)(o)	Application Doc No. EN010168/EXAM/2.7
Ref: P4443_LPR_ZZ_XX_DR_Z_EXA_0369	Date: 08/07/2026
Drawn by: BH	Checked by: JB

Hedgerow Height Plan

Sheet 17 of 23

Revision A

Lime Down Solar Park



Island GREEN POWER

Lanpro

Key

- Order Limits
- Sheet Index
- Hedgerows to be managed up to 4.5m height
- Tree Preservation Order (TPO)

Layers: Lanpro, 2026; IGP, 2026
Base map: Reproduced from Ordnance Survey digital map data © Crown copyright 2026. All rights reserved. License number 0100031673

0 100 200 300 Metres

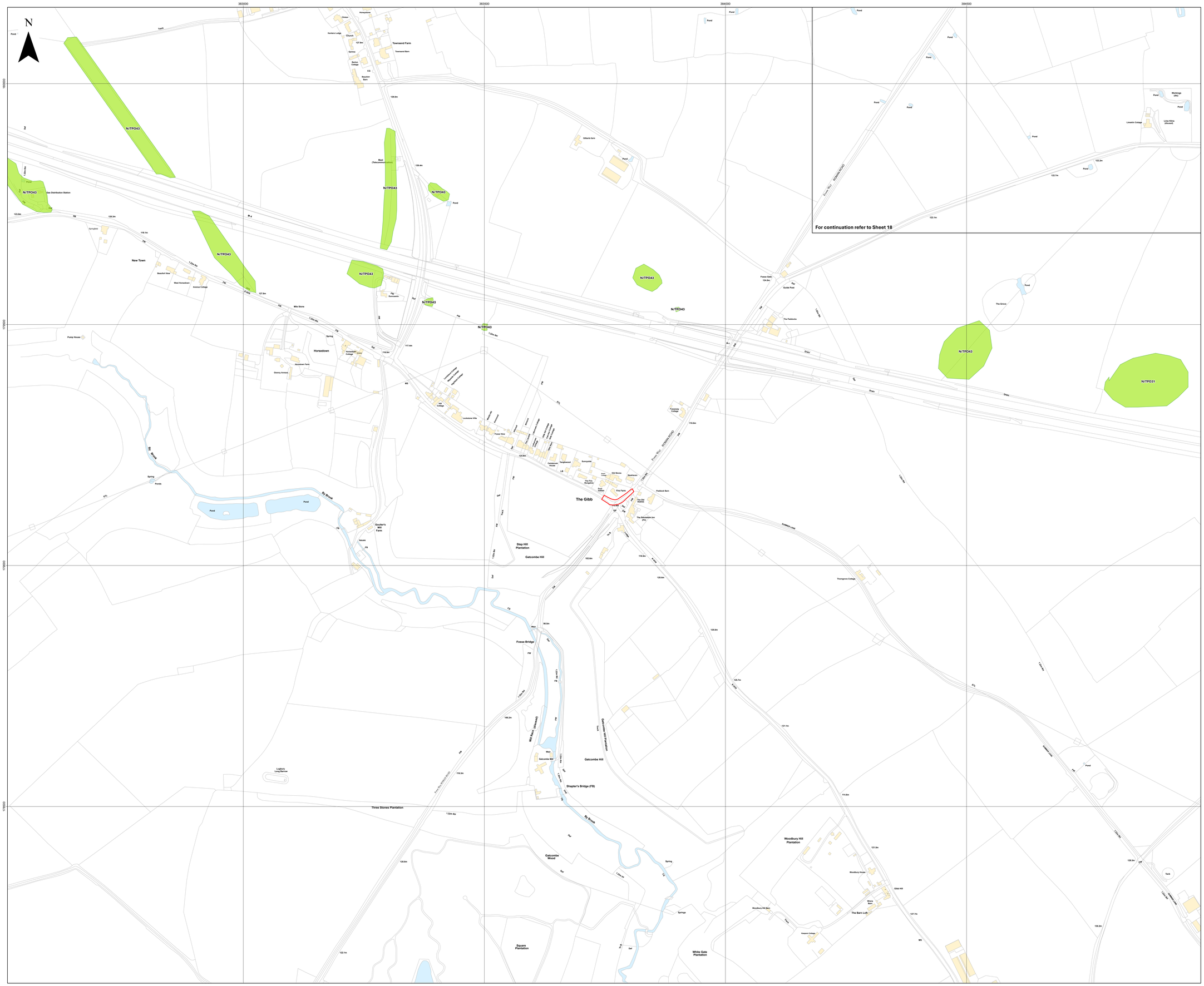
Scale: 1:2,500@ A0

APFP Regulation: 5(2)(o)	Application Doc No. EN010168/EXAM/2.7
Ref: P4443_LPR_ZZ_XX_DR_Z_EXA_0369	Date: 08/07/2026
Drawn by: BH	Checked by: JB

Hedgerow Height Plan

Sheet 18 of 23
Revision A

Lime Down Solar Park



Island GREEN POWER

Lanpro

Key

- Order Limits
- Sheet Index
- Tree Preservation Order (TPO)

Layers: Lanpro, 2026; IGP, 2026
Base map: Reproduced from Ordnance Survey digital map data © Crown copyright 2026. All rights reserved. License number 0100031673

0 100 200 300 Metres

Scale: 1:2,500@ A0

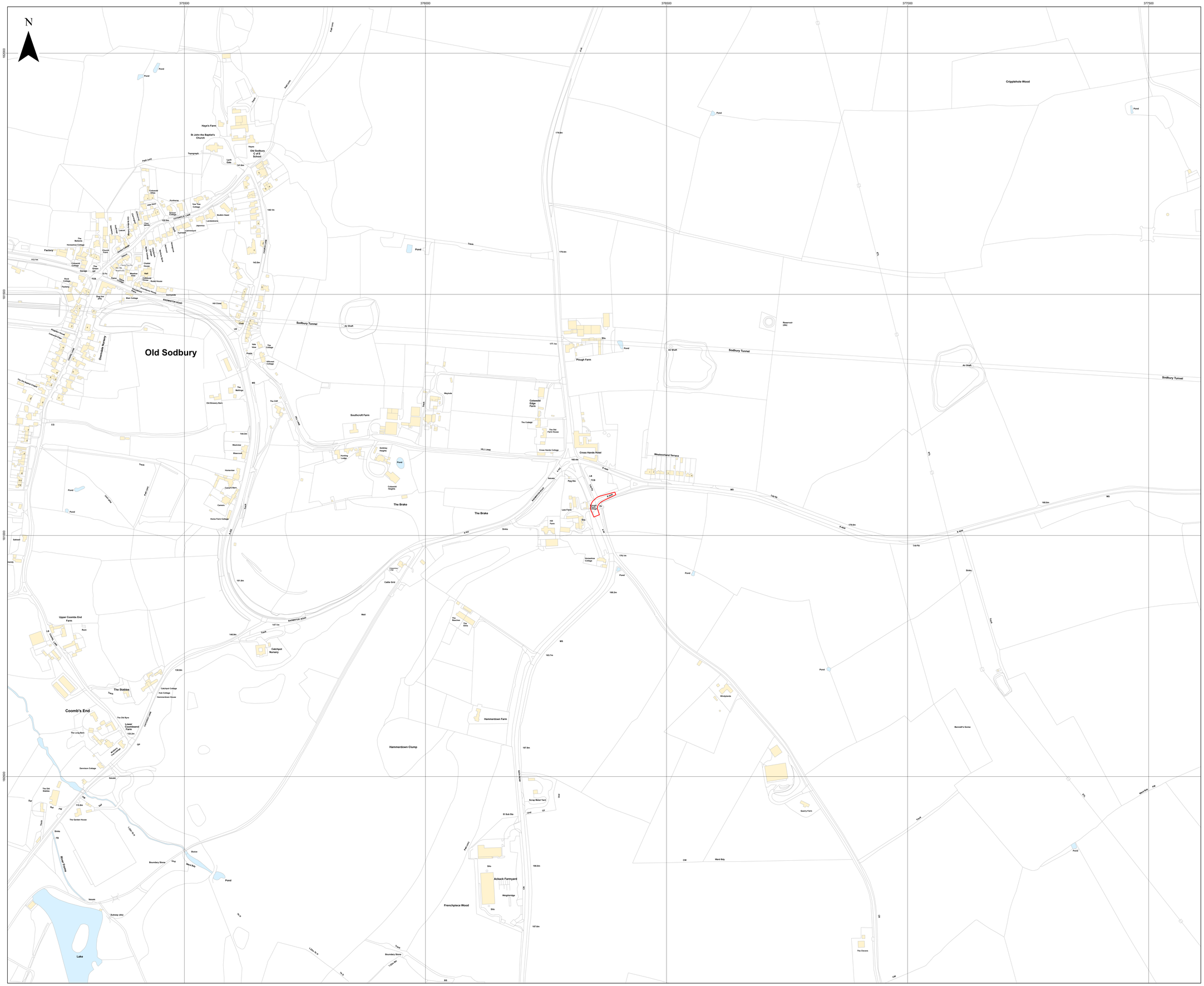
APFP Regulation: 5(2)(o)	Application Doc No. EN010168/EXAM/2.7
Ref: P4443_LPR_ZZ_XX_DR_Z_EXA_0369	Date: 08/07/2026
Drawn by: BH	Checked by: JB

Hedgerow Height Plan

Sheet 19 of 23

Revision A

Lime Down Solar Park



Key

- Order Limits

Layers: Lanpro, 2026; IGP, 2026
Base map: Reproduced from Ordnance Survey digital map data © Crown copyright 2026. All rights reserved. License number 0100031673

0 100 200 300 Metres

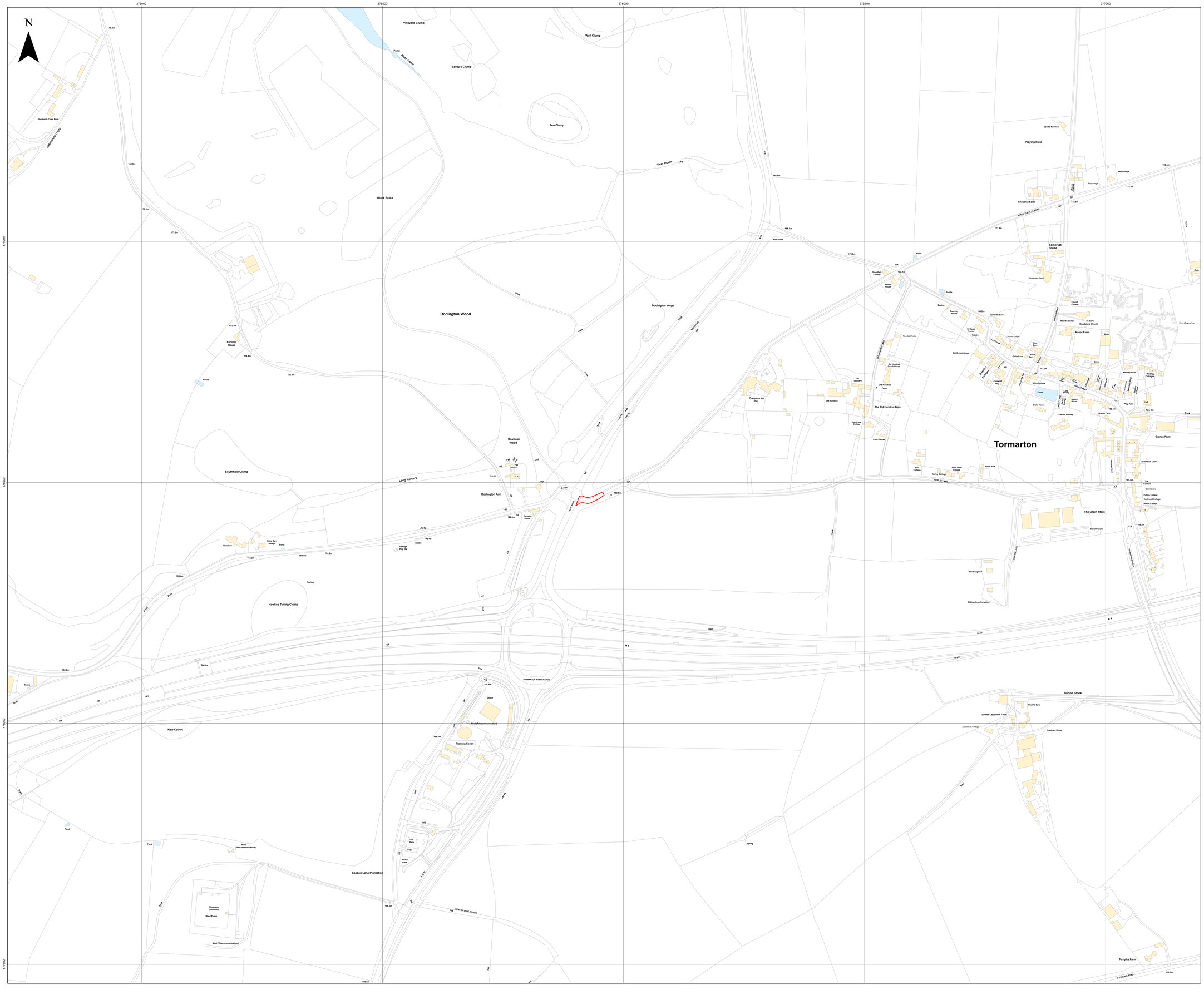
Scale: 1:2,500@ A0

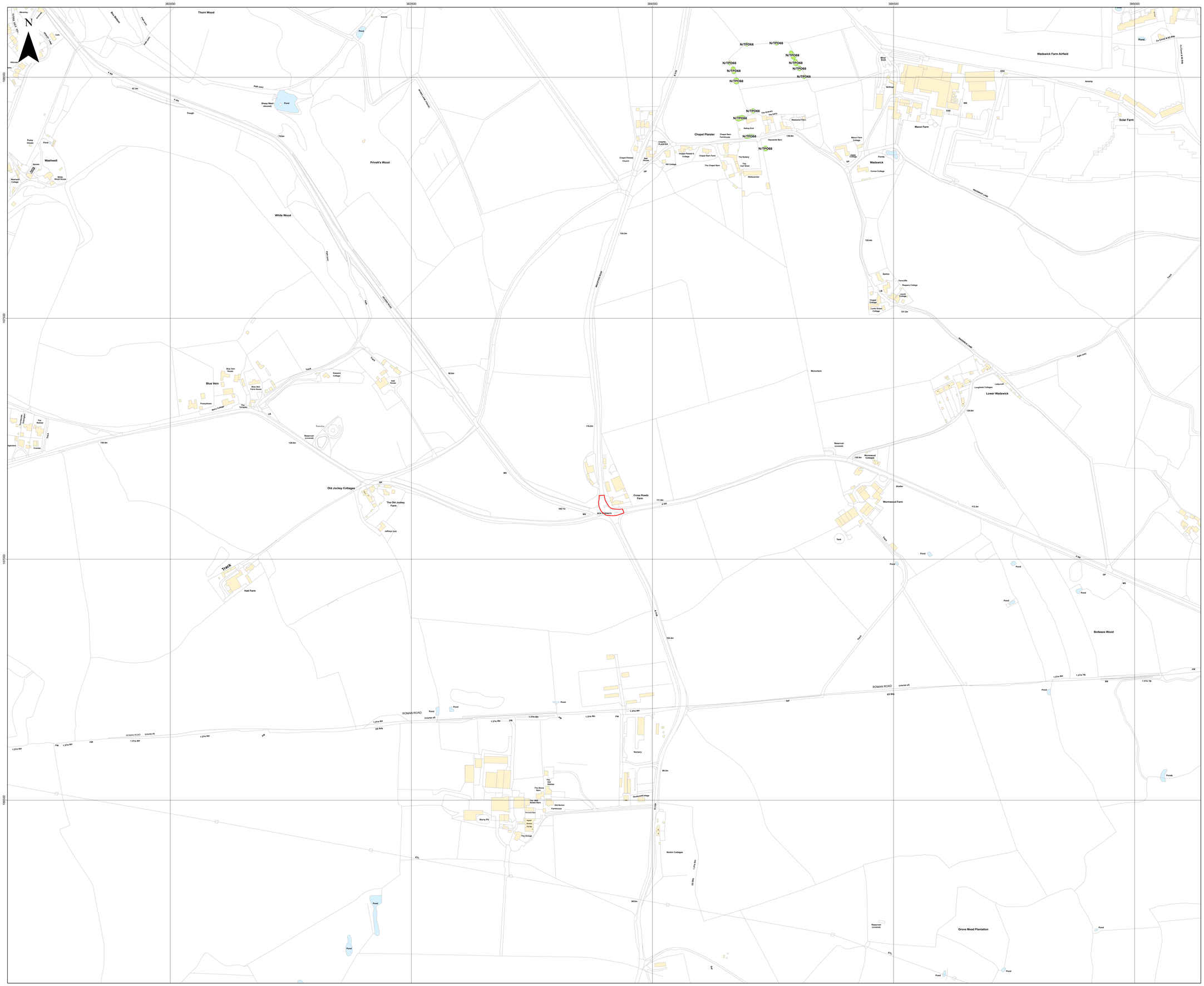
APFP Regulation: 5(2)(o)	Application Doc No. EN010168/EXAM/2.7
Ref: P4443_LPR_ZZ_XX_DR_Z_EXA_0369	Date: 08/07/2026
Drawn by: BH	Checked by: JB

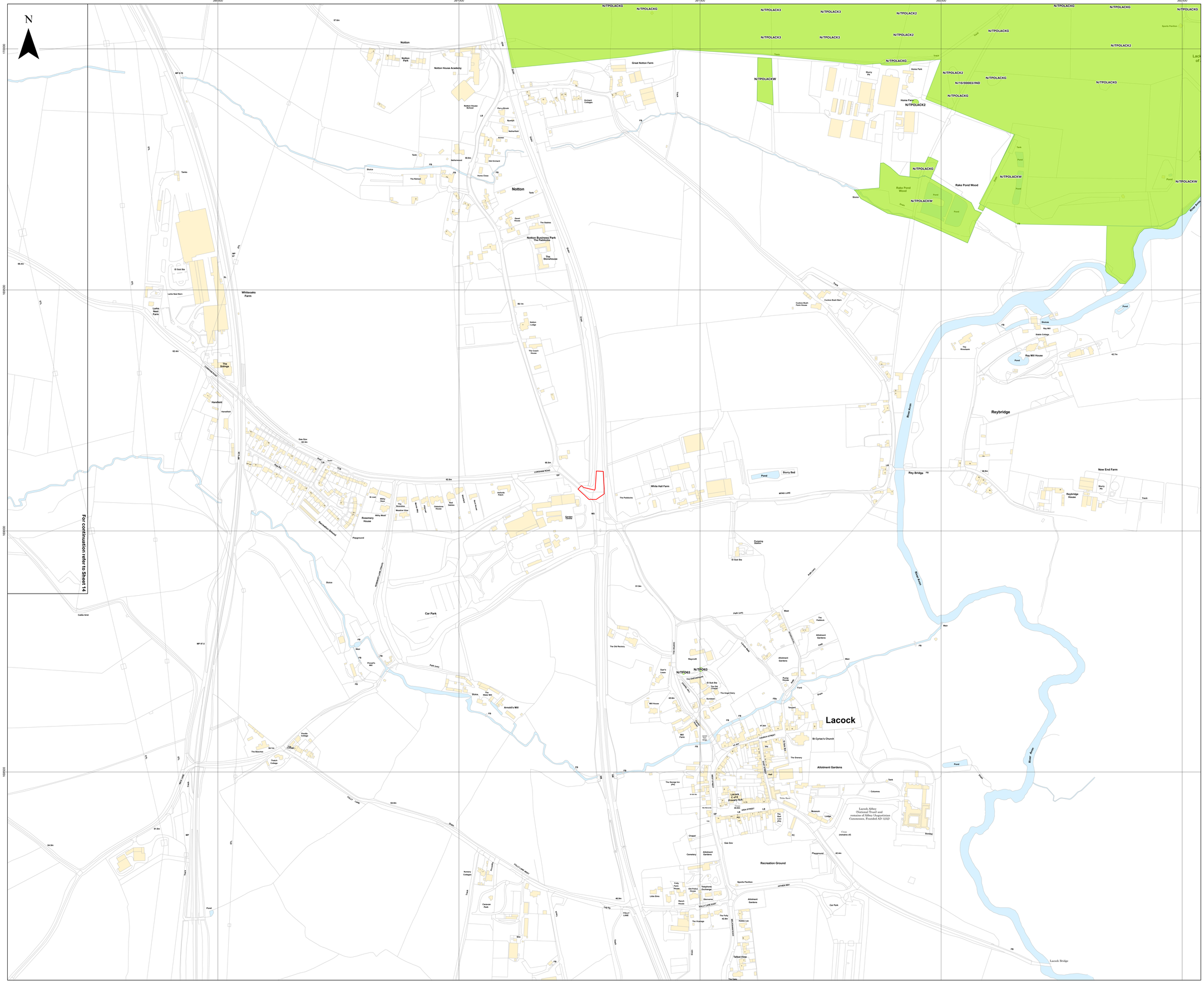
Hedgerow Height Plan

Sheet 20 of 23
Revision A

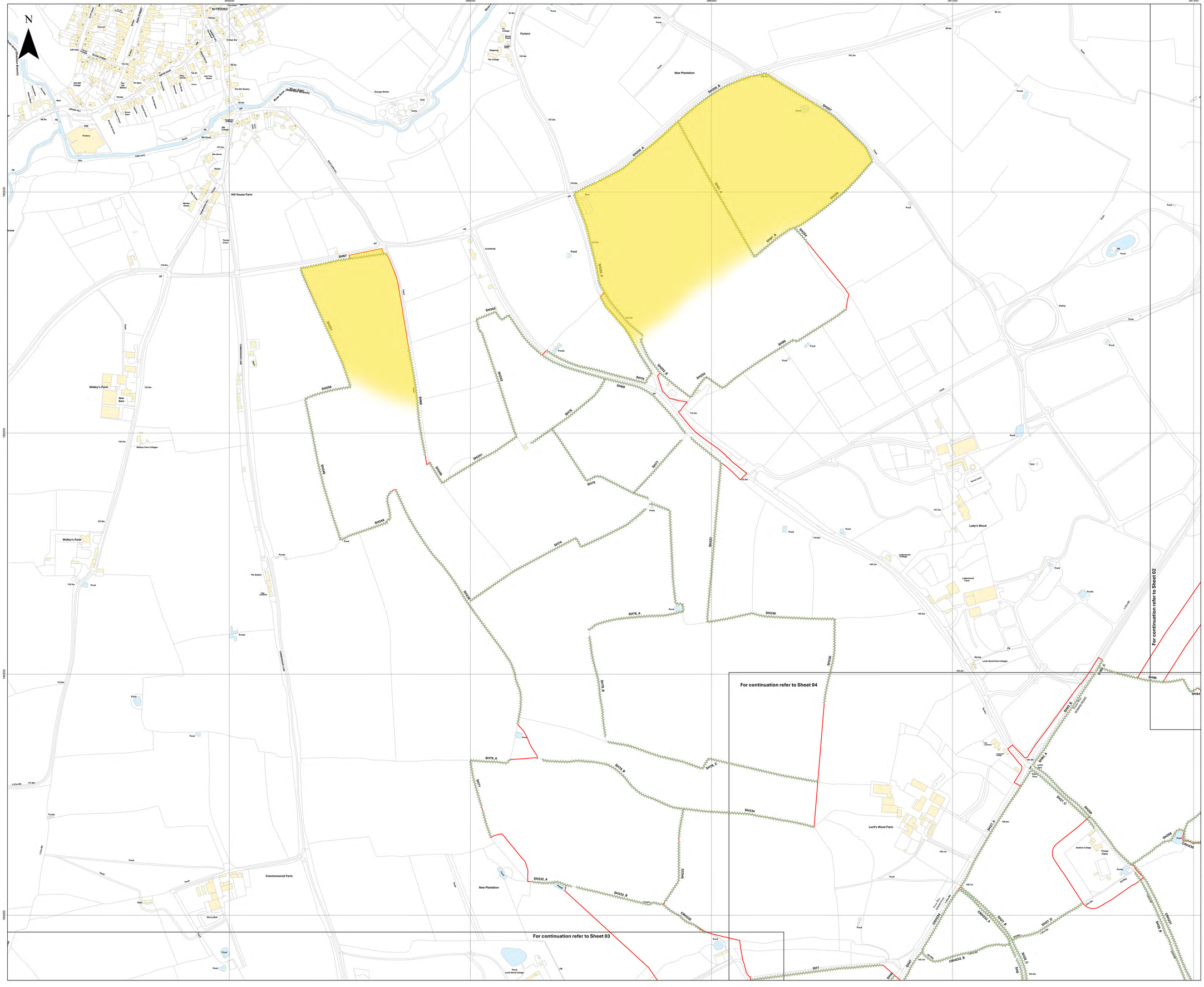
Lime Down Solar Park

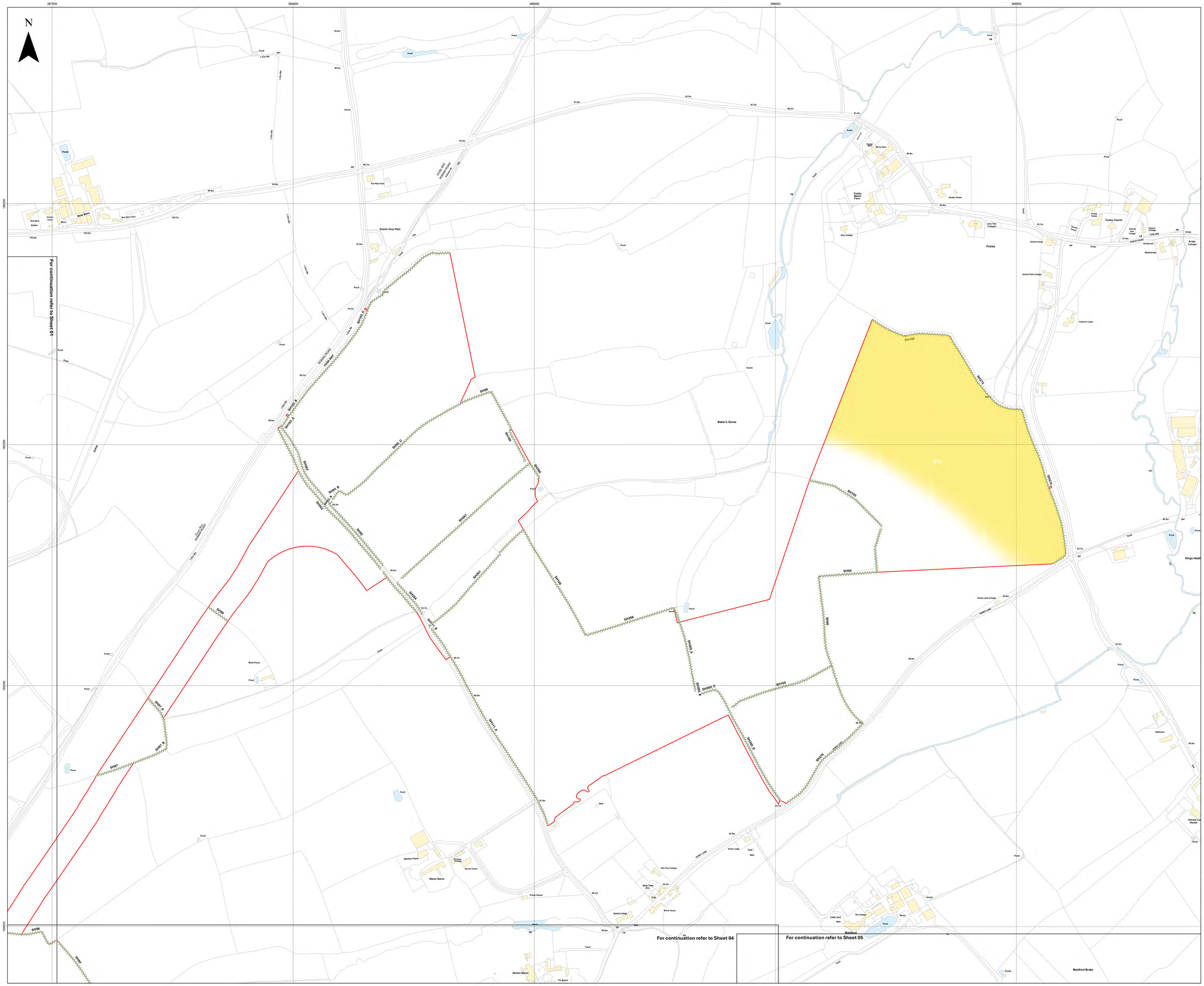

N
375000
375500
376000
376500
377000
170000
175000
177500
Vineyard Clump
Well Clump
Pond
River Frome
Bailey's Clump
Pen Clump
Shepherds Close Farm
Shepherds Close
Black Brake
Dodington Wood
Dodington Verge
Furlong House
Ponds
Southfield Clump
Boxbush Wood
Long Nursery
Dodington Ash
Wells Barn
Wells Barn Cottage
Pond
Spring
Hawkes Tyning Clump
Gantry
Tanks
New Covert
Pond
Mast (Telecommunication)
Beacon Lane Plantation
Reservoir (covered)
Wind Pump
Mast (Telecommunication)
Bowega Pig Sty
Lay-by
Mile Stone
River Frome
FB
Track
Path
Bridleway
Lodge
Turnpike House
Car Park
Picnic Area
TCB
WB
Depot
Mast (Telecommunication)
Training Centre
TORMARTON INTERCHANGE
M 4
A 46
Drain
Sports Pavilion
Playing Field
Chestnut Farm
ACTON TURVILLE ROAD
Somerset House
Tormarton Court
Spye Park College
Bristol House
Ponds
Spring
Stanley House
Bennets Barn
Church Cottage
War Memorial
St Mary Magdalene Church
Earthworks
Manor Farm
Ruin
Nobbs House
Old School House
Old Hundred Coach House
Old Hundred Farm
Old Hundred
Compass Inn (PH)
Tor Grierary
The Old Hundred Barn
Hundreds Cottage
Little Gerrary
Glebe Farm
Church Barn
West Barn
Bilbie
Wellfield Houses
Wellfield Cottages
Wellfield Cottage
Wellfield Barn
Wellfield Farm
Wellfield Farmhouse
Wellfield Farm Cottage
Wellfield Farm Barn
Wellfield Barn
Wellfield Cottage
Orchard Way
Pond
Drake House
Little Gerrary
Stanley Cottages
Stanley Farm
Stanley Farm Barn
Stanley Farm Cottage
Stanley Farm Cottage
Stanley Farm Barn
Stanley Farm Barn
Stanley Farm Barn


383000
383500
384000
384500
385000
167000
167500
168000
157000
N
Thorn Wood
Privett's Wood
White Wood
Washwell
Blue Vein
Old Jockey Cottages
Hatt Farm
Track
Chapel Plaister
Wadwick
Wadwick Farm Airfield
Manor Farm
Solar Farm
Lower Wadwick
Botleaze Wood
Cross Roads Farm
Wormwood Farm
Grove Mead Plantation
Norton Cottages
Nursery
ROMAN ROAD
Wadwick Lane
A 4
A 4 Slip
A 4 Trough
A 4 Pump
A 4 Pond
A 4 Shelter
A 4 Tank
A 4 Reservoir (covered)
A 4 Monument
A 4 Nursery
A 4 Pumping Station
A 4 Sluice
A 4 Sewage Treatment Works
A 4 Slurry Pit
A 4 Silo
A 4 Gas Governor
A 4 Electricity Substation
A 4 Electricity Pylon
A 4 Electricity Transformer
A 4 Electricity Cabinet
A 4 Electricity Generator
A 4 Electricity Meter
A 4 Electricity Switchgear
A 4 Electricity Control Box
A 4 Electricity Distribution Box
A 4 Electricity Junction Box
A 4 Electricity Terminal Box
A 4 Electricity Transformer Station


N
390500
391000
391500
392000
392500
170000
169500
169000
168500
N/TPOLACKG
N/TPOLACK3
N/TPOLACK2
N/TPOLACKW
N/10/00003/IND
N/TPO63
Notton
Notton Park
Notton House Academy
Notton House School
Great Notton Farm
Home Park
Horse Park
Bunny Pit
Orchard Cottages
Perry Brook
Ryeyds
Netherfield
Acres
Old Orchard
Home Close
The Retreat
Tanks
Sluice
Notton Business Park
The Paddocks
The Stonehouse
The Stables
Gerad House
Notton Lodge
The Coach House
Rake Pond Wood
Pond
Tank
Whitsoaks Farm
Larks Nest Farm
Larks Nest Barn
El Sub Sta
The Sidings
Hamfield
Horsefield
Gas Gov
82.2m
Rosemary House
Willy Hare
Willy Wood
St Jude
The Bramleys
Meadow View
Dalestone House
Red Gables
Autumn Leaf
Autumn Field
Autumn Patch
Recreation Ground
Playground
Car Park
Cattle Grid
Public Bridleway
Bridleway Lane (Track)
Path Jump
Arnold's Mill
Mill House
Mill Farm
Lacock Mill
Lacock Weir
Lacock Pond
Sundown
The Angel Dairy
The Old Chapel
El Sub Sta
Reycroft
Gay's Lease
The Old Rectory
The Paddock
Allotment Gardens
Pump House
Ford
Weir
Mud
Path (unfit)
Lacock
St Cyriac's Church
The Grocery
Hall
Lacock C of E Primary Sch
The George Inn (PH)
The Red Lion (PH)
Lacock Abbey (National Trust) and remains of Abbey (Augustinian Canonesses, Founded AD 1232)
Museum
Lodge
Columns
Tanks
Stables
Cemetery
Chapel
Gas Gov
Sports Pavilion
Nursery Cottages
Caravan Park
Little Elms
Ranch House
Old Police House
Telephone Exchange
Observatory
The Vicarage
The Folly
42.8m
Holmes Lea
Talbot View
The Oaks
Lacock Bridge
Reybridge
Rey Bridge
Rey Mill
Rey Mill House
Stable Cottage
The Riverbank
Reybridge House
New End Farm
Slurry Pit
Track
Sports Pavilion
Pumping Station
Slurry Bed
White Hall Farm
Gardens Cottages
Autumn Cottages
Rosemary Cottage
Pond Cottage
Thorne Cottage
The Beeches
Cuckoo Bush Farm House
Cuckoo Bush Barn
Rivers Avon
River Avon
Bow Bridge
Tetta Burn
Ray Mill
Pond
Slurry Pit
Track
Weir
Ford
Sluice
Culvert
Drain
Ditch
Hedge
Fence
Wall
Path
Road
Lane
Gate
Stile
Footbridge
Pylon
Overhead Line
Gas Gov
Tel Box
Post Box
Pillbox
Sign
Bollard
Bench
Flagpole
Mast
Tank
Pond
Slurry Pit
Track
Weir
Ford

Annex C Hedgerows within the setting of the CNL


N
385500
386000
386500
387000
387500
185000
184500
N/TPO253
Church
Old Vicarage
Cliff View
Old Mill Cottage
The Old Bakery
The Barn
Mill House
Holly House
1st Ex
Ash Tree House
The Old Tannery
Cowlton Cottage
Mill Cottage
Glen Grove
Grove
Factory
Sewage Works
Tanks
River Avon (Bulford Branch)
Bridleway
Hill House Farm
Meriden House
Tower Court
Widley's Farm
New Barn
Widleys Farm Cottages
Commonwood Farm
Slurry Bod
The Stables
The Cottage
Ponds
Pond
Track
Ruin
Tank
Spring
Drain
Gallop
Footpath
Bridleway
Byway
Path (SPT)
Steps
Fence
Hedge
Wall
Ditch
Bank
Building
Farm Track
Overhead Line
Forlorn
Ridgeway
The Cottage
Brook Barn
New Plantation
Southfields
Lady's Wood
Ladywood Cottage
Ladywood Farm
Lords Wood Farm Cottages
Lord's Wood Farm
Swallow Cottage
Fosse Farm
Roman Road
Roman Road (Ermin Street)
Lake
Lakeside Cottage
Lake Cottage
Lake Farm
Fosse Way
Stone Field
Tank
Pond
FB
GP
SH257
SH256_B
SH256_A
SH256_C
SH257_A
SH257_B
SH257_C
SH257_D
SH258
SH259
SH260
SH261
SH262
SH263
SH264
SH265
SH266
SH267
SH268
SH269
SH270
SH271
SH272
SH273
SH274
SH275
SH276
SH277
SH278
SH279
SH280
SH281
SH282
SH283
SH284
SH285
SH286
SH287
SH288
SH289
SH290
SH291
SH292
SH293
SH294
SH295
SH296
SH297
SH298
SH299
SH300
SH301
SH302
SH303
SH304
SH305
SH306
SH307
SH308
SH309
SH310
SH311
SH312
SH313
SH314
SH315
SH316
SH317
SH318
SH319
SH320
SH321
SH322
SH323
SH324
SH325
SH326
SH327
SH328
SH329
SH330
SH331
SH332
SH333
SH334
SH335
SH336
SH337
SH338
SH339
SH340
SH341
SH342
SH343
SH344
SH345
SH346
SH347
SH348
SH349
SH350
SH351
SH352
SH353
SH354
SH355
SH356
SH357
SH358
SH359
SH360
SH361
SH362
SH363
SH364
SH365
SH366
SH367
SH368
SH369
SH370
SH371
SH372
SH373
SH374
SH375
SH376
SH377
SH378
SH379
SH380
SH381
SH382
SH383
SH384
CRH220
CRH221
CRH222
CRH223
CRH224
CRH225
CRH226
CRH227
CRH228
CRH229
CRH230
CRH231
CRH232
CRH233
CRH234
CRH235
CRH236
CRH237
CRH238
CRH239
CRH240
CRH241
CRH242
CRH243
CRH244
CRH245
CRH246
CRH247
CRH248
CRH249
CRH250
CRH251
CRH252
CRH253
CRH254
CRH255
CRH256
CRH257
CRH258
CRH259



Island GREEN POWER

Lanpro

Key

- Order Limits
- Sheet Index
- Hedgerows to be managed up to 4.5m height
- Applicant's consideration of extent of Site within the setting of the CNL

Layers: Lanpro, 2026; IGP, 2026

Base map: Reproduced from Ordnance Survey digital map data © Crown copyright 2026. All rights reserved. License number 0100031673

0 100 200 300 Metres

Scale: 1:2,500@ A0

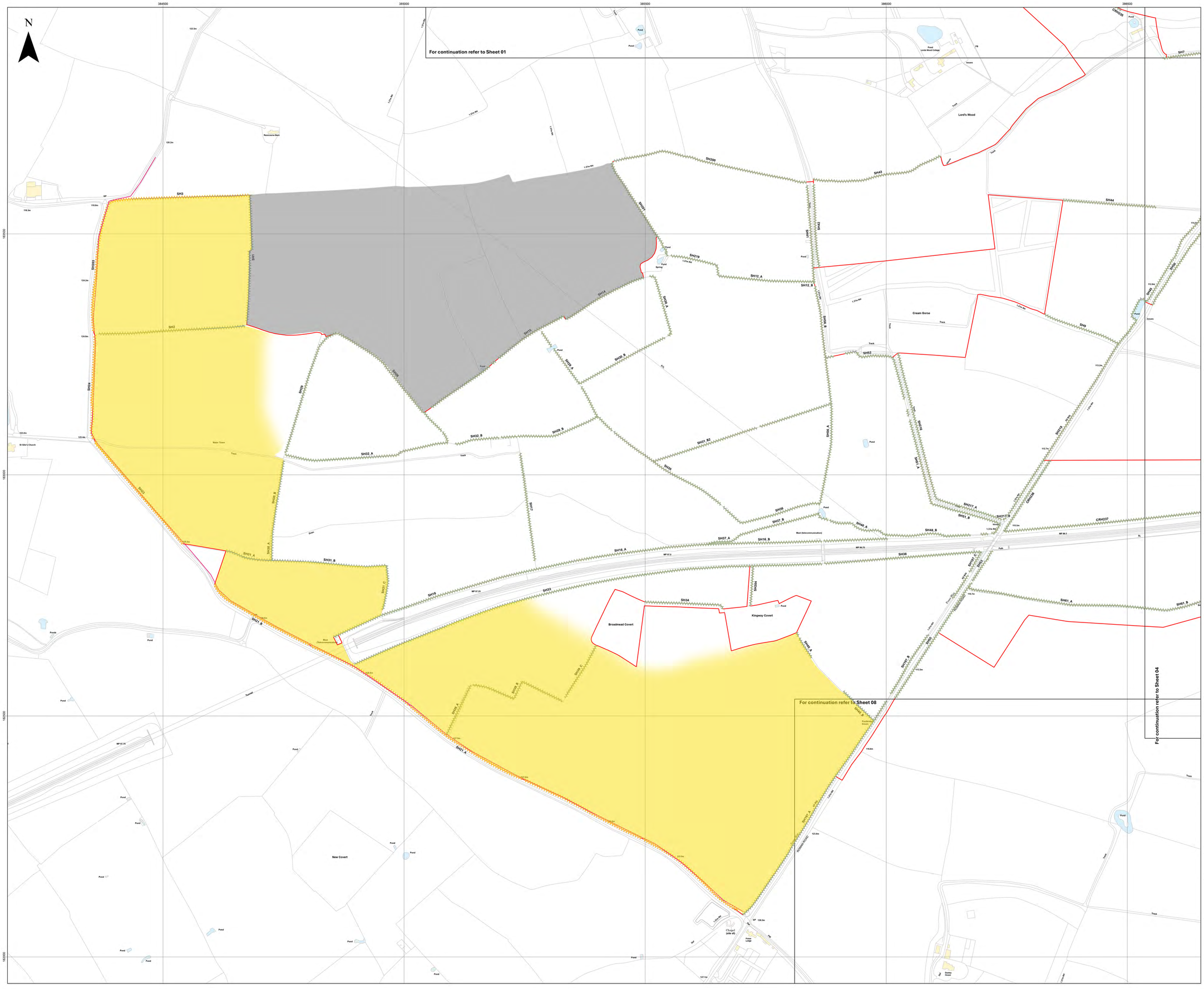
APFP Regulation: 5(2)(o)	Application Doc No. EN010168/EXAM/2.7
Ref: P4443_LPR_ZZ_XX_DR_Z_EXA_0369	Date: 08/07/2026
Drawn by: BH	Checked by: JB

Hedgerows within the setting of the CNL

Sheet 2 of 23

Revision A

Lime Down Solar Park


384500
385000
385500
386000
386500
N
For continuation refer to Sheet 01
For continuation refer to Sheet 04
For continuation refer to Sheet 08
SH3
SH2
SH1
SH200
SH201
SH219
SH12_A
SH12_B
SH43
SH42
SH44
SH9
SH10
SH7
SH223
SH24
SH29
SH28_A
SH28_B
SH32_A
SH32_B
SH31_A
SH31_B
SH31_C
SH31_D
SH17
SH20
SH36
SH37_A
SH37_B
SH16_A
SH16_B
SH18
SH32
SH34
SH35
SH40_A
SH40_B
SH38
SH448_A
SH448_B
SH217_A
SH217_B
SH217_C
SH217_D
SH61_A
SH61_B
SH1_A
SH1_B
SH29_A
SH29_B
SH29_C
SH29_D
SH28_C
SH28_D
SH31_E
SH40_C
SH40_D
SH40_E
SH40_F
SH40_G
SH40_H
SH40_I
SH40_J
SH40_K
SH40_L
SH40_M
SH40_N
SH40_O
SH40_P
SH40_Q
SH40_R
SH40_S
SH40_T
SH40_U
SH40_V
SH40_W
SH40_X
SH40_Y
SH40_Z
SH40_AA
SH40_AB
SH40_AC
SH40_AD
SH40_AE
SH40_AF
SH40_AG
SH40_AH
SH40_AI
SH40_AJ
SH40_AK
SH40_AL
SH40_AM
SH40_AN
SH40_AO
SH40_AP
SH40_AQ
SH40_AR
SH40_AS
SH40_AT
SH40_AU
SH40_AV
SH40_AW
SH40_AX
SH40_AY
SH40_AZ
SH40_BA
SH40_BB
SH40_BC
SH40_BD
SH40_BE
SH40_BF
SH40_BG
SH40_BH
SH40_BI
SH40_BJ
SH40_BK
SH40_BL
SH40_BM
SH40_BN
SH40_BO
SH40_BP
SH40_BQ
SH40_BR
SH40_BS
SH40_BT
SH40_BU
SH40_BV
SH40_BW
SH40_BX
SH40_BY
SH40_BZ
SH40_CA
SH40_CB
SH40_CC
SH40_CD
SH40_CE
SH40_CF
SH40_CG
SH40_CH
SH40_CI
SH40_CJ
SH40_CK
SH40_CL
SH40_CM
SH40_CN
SH40_CO
SH40_CP
SH40_CQ
SH40_CR
SH40_CS
SH40_CT
SH40_CU
SH40_CV
SH40_CW
SH40_CX
SH40_CY
SH40_CZ
SH40_DA
SH40_DB
SH40_DC
SH40_DD
SH40_DE
SH40_DF
SH40_DG
SH40_DH
SH40_DI
SH40_DJ
SH40_DK
SH40_DL
SH40_DM
SH40_DN
SH40_DO
SH40_DP
SH40_DQ
SH40_DR
SH40_DS
SH40_DT
SH40_DU
SH40_DV
SH40_DW
SH40_DX
SH40_DY
SH40_DZ
SH40_EA
SH40_EB
SH40_EC
SH40_ED
SH40_EE
SH40_EF
SH40_EG
SH40_EH
SH40_EI
SH40_EJ
SH40_EK
SH40_EL
SH40_EM
SH40_EN
SH40_EO
SH40_EP
SH40_EQ
SH40_ER
SH40_ES
SH40_ET
SH40_EU
SH40_EV
SH40_EW
SH40_EX
SH40_EY
SH40_EZ
SH40_FA
SH40_FB
SH40_FC
SH40_FD
SH40_FE
SH40_FF
SH40_FG
SH40_FH
SH40_FI
SH40_FJ
SH40_FK
SH40_FL
SH40_FM
SH40_FN
SH40_FO
SH40_FP
SH40_FQ
SH40_FR
SH40_FS
SH40_FT
SH40_FU
SH40_FV
SH40_FW
SH40_FX
SH40_FY
SH40_FZ
SH40_GA
SH40_GB
SH40_GC
SH40_GD
SH40_GE
SH40_GF
SH40_GG
SH40_GH
SH40_GI
SH40_GJ
SH40_GK
SH40_GL
SH40_GM
SH40_GN
SH40_GO
SH40_GP
SH40_GQ
SH40_GR
SH40_GS
SH40_GT
SH40_GU
SH40_GV
SH40_GW
SH40_GX
SH40_GY
SH40_GZ
SH40_HA
SH40_HB
SH40_HC
SH40_HD
SH40_HE
SH40_HF
SH40_HG
SH40_HH
SH40_HI
SH40_HJ
SH40_HK
SH40_HL
SH40_HM
SH40_HN
SH40_HO
SH40_HP
SH40_HQ
SH40_HR
SH40_HS
SH40_HT
SH40_HU
SH40_HV
SH40_HW
SH40_HX
SH40_HY
SH40_HZ
SH40_IA
SH40_IB
SH40_IC
SH40_ID
SH40_IE
SH40_IF
SH40_IG
SH40_IH
SH40_II
SH40_IJ
SH40_IK
SH40_IL
SH40_IM
SH40_IN
SH40_IO
SH40_IP
SH40_IQ
SH40_IR
SH40_IS
SH40_IT
SH40_IU
SH40_IV
SH40_IW
SH40_IX
SH40_IY
SH40_IZ
SH40_JA
SH40_JB
SH40_JC
SH40_JD
SH40_JE
SH40_JF
SH40_JG
SH40_JH
SH40_JI
SH40_JJ
SH40_JK
SH40_JL
SH40_JM
SH40_JN
SH40_JO
SH40_JP
SH40_JQ
SH40_JR
SH40_JS
SH40_JT
SH40_JU
SH40_JV
SH40_JW
SH40_JX
SH40_JY
SH40_JZ
SH40_KA
SH40_KB
SH40_KC
SH40_KD
SH40_KE
SH40_KF
SH40_KG
SH40_KH
SH40_KI
SH40_KJ
SH40_KK
SH40_KL
SH40_KM
SH40_KN
SH40_KO
SH40_KP
SH40_KQ
SH40_KR
SH40_KS
SH40_KT
SH40_KU
SH40_KV
SH40_KW
SH40_KX
SH40_KY
SH40_KZ
SH40_LA
SH40_LB
SH40_LC
SH40_LD
SH40_LE
SH40_LF
SH40_LG
SH40_LH
SH40_LI
SH40_LJ
SH40_LK
SH40_LL
SH40_LM
SH40_LN
SH40_LO
SH40_LP
SH40_LQ
SH40_LR
SH40_LS
SH40_LT
SH40_LU
SH40_LV
SH40_LW
SH40_LX
SH40_LY
SH40_LZ
SH40_MA
SH40_MB
SH40_MC
SH40_MD
SH40_ME
SH40_MF
SH40_MG
SH40_MH
SH40_MI
SH40_MJ
SH40_MK
SH40_ML
SH40_MM
SH40_MN
SH40_MO
SH40_MP
SH40_MQ
SH40_MR
SH40_MS
SH40_MT
SH40_MU
SH40_MV
SH40_MW
SH40_MX
SH40_MY
SH40_MZ
SH40_NA
SH40_NB
SH40_NC
SH40_ND
SH40_NE
SH40_NF
SH40_NG
SH40_NH
SH40_NI
SH40_NJ
SH40_NK
SH40_NL
SH40_NM
SH40_NN
SH40_NO
SH40_NP
SH40_NQ
SH40_NR
SH40_NS
SH40_NT
SH40_NU
SH40_NV
SH40_NW
SH40_NX
SH40_NY
SH40_NZ
SH40_OA
SH40_OB
SH40_OC
SH40_OD
SH40_OE
SH40_OF
SH40_OG
SH40_OH
SH40_OI
SH40_OJ
SH40_OK
SH40_OL
SH40_OM
SH40_ON
SH40_OO
SH40_OP
SH40_OQ
SH40_OR
SH40_OS
SH40_OT
SH40_OU
SH40_OV
SH40_OW
SH40_OX
SH40_OY
SH40_OZ
SH40_PA
SH40_PB
SH40_PC
SH40_PD
SH40_PE
SH40_PF
SH40_PG
SH40_PH
SH40_PI
SH40_PJ
SH40_PK
SH40_PL
SH40_PM
SH40_PN
SH40_PO
SH40_PP
SH40_PQ
SH40_PR
SH40_PS
SH40_PT
SH40_PU
SH40_PV
SH40_PW
SH40_PX
SH40_PY
SH40_PZ
SH40_QA
SH40_QB
SH40_QC
SH40_QD
SH40_QE
SH40_QF
SH40_QG
SH40_QH
SH40_QI
SH40_QJ
SH40_QK
SH40_QL
SH40_QM
SH40_QN
SH40_QO
SH40_QP
SH40_QQ
SH40_QR
SH40_QS
SH40_QT
SH40_QU
SH40_QV
SH40_QW
SH40_QX
SH40_QY
SH40_QZ
SH40_RA
SH40_RB
SH40_RC
SH40_RD
SH40_RE
SH40_RF
SH40_RG
SH40_RH
SH40_RI
SH40_RJ
SH40_RK
SH40_RL
SH40_RM
SH40_RN
SH40_RO
SH40_RP
SH40_RQ
SH40_RR
SH40_RS
SH40_RT
SH40_RU
SH40_RV
SH40_RW
SH40_RX
SH40_RY
SH40_RZ
SH40_SA
SH40_SB
SH40_SC
SH40_SD
SH40_SE
SH40_SF
SH40_SG
SH40_SH
SH40_SI
SH40_SJ
SH40_SK
SH40_SL
SH40_SM
SH40_SN
SH40_SO
SH40_SP
SH40_SQ
SH40_SR
SH40_SS
SH40_ST
SH40_SU
SH40_SV
SH40_SW
SH40_SX
SH40_SY
SH40_SZ
SH40_TA
SH40_TB
SH40_TC
SH40_TD
SH40_TE
SH40_TF
SH40_TG
SH40_TH
SH40_TI
SH40_TJ
SH40_TK
SH40_TL
SH40_TM
SH40_TN
SH40_TO
SH40_TP
SH40_TQ
SH40_TR
SH40_TS
SH40_TT
SH40_TU
SH40_TV
SH40_TW
SH40_TX
SH40_TY
SH40_TZ
SH40_UA
SH40_UB
SH40_UC
SH40_UD
SH40_UE
SH40_UF
SH40_UG
SH40_UH
SH40_UI
SH40_UJ
SH40_UK
SH40_UL
SH40_UM
SH40_UN
SH40_UO
SH40_UP
SH40_UQ
SH40_UR
SH40_US
SH40_UT
SH40_UU
SH40_UV
SH40_UW
SH40_UX
SH40_UY
SH40_UZ
SH40_VA
SH40_VB
SH40_VC
SH40_VD
SH40_VE
SH40_VF
SH40_VG
SH40_VH
SH40_VI
SH40_VJ
SH40_VK
SH40_VL
SH40_VM
SH40_VN
SH40_VO
SH40_VP
SH40_VQ
SH40_VR
SH40_VS
SH40_VT
SH40_VU
SH40_VV
SH40_VW
SH40_VX
SH40_VY
SH40_VZ
SH40_WA
SH40_WB
SH40_WC
SH40_WD
SH40_WE
SH40_WF
SH40_WG
SH40_WH
SH40_WI
SH40_WJ
SH40_WK
SH40_WL
SH40_WM
SH40_WN
SH40_WO
SH40_WP
SH40_WQ
SH40_WR
SH40_WS
SH40_WT
SH40_WU
SH40_WV
SH40_WW
SH40_WX
SH40_WY
SH40_WZ
SH40_XA
SH40_XB
SH40_XC
SH40_XD
SH40_XE
SH40_XF
SH40_XG
SH40_XH
SH40_XI
SH40_XJ
SH40_XK
SH40_XL
SH40_XM
SH40_XN
SH40_XO
SH40_XP
SH40_XQ
SH40_XR
SH40_XS
SH40_XT
SH40_XU
SH40_XV
SH40_XW
SH40_XX
SH40_XY
SH40_XZ
SH40_YA
SH40_YB
SH40_YC
SH40_YD
SH40_YE
SH40_YF
SH40_YG
SH40_YH
SH40_YI
SH40_YJ
SH40_YK
SH40_YL
SH40_YM
SH40_YN
SH40_YO
SH40_YP
SH40_YQ
SH40_YR
SH40_YS
SH40_YT
SH40_YU
SH40_YV
SH40_YW
SH40_YX
SH40_YY
SH40_YZ
SH40_ZA
SH40_ZB
SH40_ZC
SH40_ZD
SH40_ZE
SH40_ZF
SH40_ZG
SH40_ZH
SH40_ZI
SH40_ZJ
SH40_ZK
SH40_ZL
SH40_ZM
SH40_ZN
SH40_ZO
SH40_ZP
SH40_ZQ
SH40_ZR
SH40_ZS
SH40_ZT
SH40_ZU
SH40_ZV
SH40_ZW
SH40_ZX
SH40_ZY
SH40_ZZ
Broadmead Covert
Kingway Covert
New Covert
Cream Gorse
Lord's Wood
Rascorane Barn
St Gile's Church
Chapel (site of)
Pond
Track
Path
Drain
Spring
Water Tower
Mast (telecommunication)
Tunnel
Quarry
Power Lodge
Quarry Houses
Lord's Wood Cottage
Fm
Ponds
Woodland
Trees
Scrub
Orchard
Boundary
Fence
Hedge
Bridleway
Footpath
Byway
Road
Lane
Farm
Buildings
Works
Tank
Pylon
Overhead Power Lines
Underground Power Lines
Telecommunications
Gas Pipeline
Water Pipeline
Sewer
Electricity Substation
Telecommunications Box
Gas Valve
Water Valve
Sewage Treatment Works
Pumping Station
Electricity Pylon
Telecommunications Mast
Gas Governor
Water Tank
Sewage Tank
Electricity Transformer
Telecommunications Cabinet
Gas Meter
Water Meter
Sewage Meter
Electricity Meter
Telecommunications Meter

Annex D Augmented Zone of Theoretical Visibility (ZTV) – Full Scheme including the Cotswold National Landscape

380000 385000 390000 395000 400000

190000 185000 180000 175000

Lime Down B
Lime Down A
Lime Down D
Lime Down E
Lime Down C

Tetbury Oaksey Crudwell Hankerton Upper Min Treshan Westonbirt Charlton Malmesbury Milbourne Lea Little Somerford Great Somerford Dauntsey Upper Seagry Bradenstoke Christian Malford Sutton Benger Kington St Michael Foxham Kington Langley Langley Burrell East Tytherton Chippenham Brembill Baunton Alderton Acton Turville Littleton Drew Grittleton Stanton St Quintin Lower Stanton St Quintin Burton Nettleton Upper Castle Combe West Kington Castle Combe Yatton Keynell North Wraxall Ford Biddestone Hullavington Startley Diamanton Sopworth Hawkesbury Upton

J17 M4 A420

Data: Environment Agency, IGP, Lanpro 2025
Base map: © Crown copyright and database rights 2025 Ordnance Survey 0100031673Contains OS data © Crown Copyright and database right 2026. Contains data from OS Zoomstack

Lime Down Solar Park

Title: Augmented Zone of Theoretical Visibility (ZTV) - Full Scheme including Cotswold National Landscape

Document:
Landscape and Visual
ISH2 Response

Legend:

- Order Limits
- Cable Route Corridor
- Highway Improvement Areas
- 1km Solar PV Sites Study Area
- 2km Solar PV Sites Study Area
- 5km Solar PV Sites Study Area
- 500m Cable Route Corridor Study Area
- National Forest Inventory
- Cotswold National Landscape

Development Parameters

- Solar PV Sites
- 400kV Substation
- 132kV Substation
- BESS Area

Augmented ZTV

Percentage of the Scheme theoretically visible

- 0.01 - 25%
- 25 - 50%
- 50 - 75%
- 75 - 100%

Note:

1. The Augmented Zone of Theoretical Visibility (ZTV) has been generated using the Environment Agency 2m DSM (2022) which takes account of screening effects such as vegetation, buildings and other structures, as well as the Forestry Commission's National Forest Inventory (NFI) dataset. The resulting ZTV demonstrates where the development may be visible from considering existing screening elements such as buildings from the DSM, as well as trees from the NFI dataset (modelled at 12m high). Additional screening effects resulting from the proposed development at only are also accounted for.

2. This ZTV was produced to indicate theoretical visibility as a worst case, with an assumption that the proposed development would fill the full extent of the development area at a maximum panel height of 4.5m, a BESS height of 4.5m, a 400kV substation height of 13m and 132kV substation height of 7m, with an observer height of 1.7m



APFP Regulation: 5(2)(a)

Application Doc No.: EN010168/EXAM/XXXX

Drawing no.: P4443_LPR_ZZ_XX_DR_Z_EXA_0381

Coordinate system: British National Grid

Scale: 1:75,000 @ A3

N W E S

0 2 4 km

Island GREEN POWER

Lanpro

380000 385000 390000 395000 400000

190000 185000 180000 175000

Lime Down Solar Park

Title: Augmented Zone of Theoretical Visibility (ZTV) - Lime Down A only including Cotswold National Landscape

Document:
Landscape and Visual
ISH2 Response

Legend:

- Order Limits
- Cable Route Corridor
- Highway Improvement Areas
- National Forest Inventory

Development Parameters

- Solar PV Area
- 400kV Substation
- 132kV Substation
- BESS Area
- 1km Solar PV Sites Study Area
- 2km Solar PV Sites Study Area
- 5km Solar PV Sites Study Area
- 500m Cable Route Corridor Study Area
- Cotswold National Landscape

Augmented ZTV (Lime Down A only)

Percentage of the Scheme theoretically visible

- 0.01 - 25%
- 25 - 50%
- 50 - 75%
- 75 - 100%

Note:

1. The Augmented Zone of Theoretical Visibility (ZTV) has been generated using the Environment Agency 2m DSM (2022) which takes account of screening effects such as vegetation, buildings and other structures, as well as the Forestry Commission's National Forest Inventory (NFI) dataset. The resulting ZTV demonstrates where the development may be visible from considering existing screening elements such as buildings from the DSM, as well as trees from the NFI dataset (modelled at 12m high). Additional screening effects resulting from the proposed development at Lime Down A only are also accounted for.

2. This ZTV was produced to indicate theoretical visibility as a worst case, with an assumption that the proposed development would fill the full extent of the development area at a maximum panel height of 4.5m, a BESS height of 4.5m, a 400kV substation height of 13m and 132kV substation height of 7m, with an observer height of 1.7m



APFP Regulation: 5(2)(a)

Application Doc No.: EN010168/EXAM/XXXX

Drawing no.: P4443_LPR_ZZ_XX_DR_Z_EXA_0382

Coordinate system: British National Grid

Scale: 1:75,000 @ A3

0 2 4 km

Island GREEN POWER

Lanpro

Data: IGP, Lanpro, Environment Agency, Forestry Commission 2025
Base map: © Crown copyright and database rights 2025 Ordnance Survey 0100031673Contains OS data © Crown Copyright and database right 2026. Contains data from OS Zoomstack

Lime Down Solar Park

Title: Augmented Zone of Theoretical Visibility (ZTV) - Lime Down B only including Cotswold National Landscape

Document:
Landscape and Visual
ISH2 Response

Legend:

- Order Limits
- Cable Route Corridor
- Highway Improvement Areas
- National Forest Inventory

Development Parameters

- Solar PV Area
- 400kV Substation
- 132kV Substation
- BESS Area
- 1km Solar PV Sites Study Area
- 2km Solar PV Sites Study Area
- 5km Solar PV Sites Study Area
- 500m Cable Route Corridor Study Area
- Cotswold National Landscape

Augmented ZTV (Lime Down B only)

Percentage of the Scheme theoretically visible

- 0.01 - 25%
- 25 - 50%
- 50 - 75%
- 75 - 100%

Note:

1. The Augmented Zone of Theoretical Visibility (ZTV) has been generated using the Environment Agency 2m DSM (2022) which takes account of screening effects such as vegetation, buildings and other structures, as well as the Forestry Commission's National Forest Inventory (NFI) dataset. The resulting ZTV demonstrates where the development may be visible from considering existing screening elements such as buildings from the DSM, as well as trees from the NFI dataset (modelled at 12m high). Additional screening effects resulting from the proposed development at Lime Down B only are also accounted for.

2. This ZTV was produced to indicate theoretical visibility as a worst case, with an assumption that the proposed development would fill the full extent of the development area at a maximum panel height of 4.5m, a BESS height of 4.5m, a 400kV substation height of 13m and 132kV substation height of 7m, with an observer height of 1.7m



APFP Regulation: 5(2)(a)

Application Doc No.: EN010168/EXAM/XXXX

Drawing no.: P4443_LPR_ZZ_XX_DR_Z_EXA_0382

Coordinate system: British National Grid

Scale: 1:75,000 @ A3

0 2 4 km

Island GREEN POWER

Lanpro

Data: IGP, Lanpro, Environment Agency, Forestry Commission 2025
Base map: © Crown copyright and database rights 2025 Ordnance Survey 0100031673Contains OS data © Crown Copyright and database right 2026. Contains data from OS Zoomstack

380000 385000 390000 395000 400000

190000 185000 180000 175000

Lime Down Solar Park

Title: Augmented Zone of Theoretical Visibility (ZTV) - Lime Down C only including Cotswold National Landscape

Document:
Landscape and Visual
ISH2 Response

Legend:

- Order Limits
- Cable Route Corridor
- Highway Improvement Areas
- National Forest Inventory

Development Parameters

- Solar PV Area
- 400kV Substation
- 132kV Substation
- BESS Area
- 1km Solar PV Sites Study Area
- 2km Solar PV Sites Study Area
- 5km Solar PV Sites Study Area
- 500m Cable Route Corridor Study Area
- Cotswold National Landscape

Augmented ZTV (Lime Down C only)

Percentage of the Scheme theoretically visible

- 0.01 - 25%
- 25 - 50%
- 50 - 75%
- 75 - 100%

Note:

1. The Augmented Zone of Theoretical Visibility (ZTV) has been generated using the Environment Agency 2m DSM (2022) which takes account of screening effects such as vegetation, buildings and other structures, as well as the Forestry Commission's National Forest Inventory (NFI) dataset. The resulting ZTV demonstrates where the development may be visible from considering existing screening elements such as buildings from the DSM, as well as trees from the NFI dataset (modelled at 12m high). Additional screening effects resulting from the proposed development at Lime Down C only are also accounted for.

2. This ZTV was produced to indicate theoretical visibility as a worst case, with an assumption that the proposed development would fill the full extent of the development area at a maximum panel height of 4.5m, a BESS height of 4.5m, a 400kV substation height of 13m and 132kV substation height of 7m, with an observer height of 1.7m



APFP Regulation: 5(2)(a)

Application Doc No.: EN010168/EXAM/XXXX

Drawing no.: P4443_LPR_ZZ_XX_DR_Z_EXA_0382

Coordinate system: British National Grid

Scale: 1:75,000 @ A3

0 2 4 km

Island GREEN POWER

Lanpro

Data: IGP, Lanpro, Environment Agency, Forestry Commission 2025
Base map: © Crown copyright and database rights 2025 Ordnance Survey 0100031673Contains OS data © Crown Copyright and database right 2026. Contains data from OS Zoomstack

380000 385000 390000 395000 400000

190000 185000 180000 175000

Lime Down Solar Park

Title: Augmented Zone of Theoretical Visibility (ZTV) - Lime Down D only including Cotswold National Landscape

Document:
Landscape and Visual
ISH2 Response

Legend:

- Order Limits
- Cable Route Corridor
- Highway Improvement Areas
- National Forest Inventory

Development Parameters

- Solar PV Area
- 400kV Substation
- 132kV Substation
- BESS Area
- 1km Solar PV Sites Study Area
- 2km Solar PV Sites Study Area
- 5km Solar PV Sites Study Area
- 500m Cable Route Corridor Study Area
- Cotswold National Landscape

Augmented ZTV (Lime Down D only)

Percentage of the Scheme theoretically visible

- 0.01 - 25%
- 25 - 50%
- 50 - 75%
- 75 - 100%

Note:

1. The Augmented Zone of Theoretical Visibility (ZTV) has been generated using the Environment Agency 2m DSM (2022) which takes account of screening effects such as vegetation, buildings and other structures, as well as the Forestry Commission's National Forest Inventory (NFI) dataset. The resulting ZTV demonstrates where the development may be visible from considering existing screening elements such as buildings from the DSM, as well as trees from the NFI dataset (modelled at 12m high). Additional screening effects resulting from the proposed development at Lime Down D only are also accounted for.

2. This ZTV was produced to indicate theoretical visibility as a worst case, with an assumption that the proposed development would fill the full extent of the development area at a maximum panel height of 4.5m, a BESS height of 4.5m, a 400kV substation height of 13m and 132kV substation height of 7m, with an observer height of 1.7m



APFP Regulation: 5(2)(a)

Application Doc No.: EN010168/EXAM/XXXX

Drawing no.: P4443_LPR_ZZ_XX_DR_Z_EXA_0382

Coordinate system: British National Grid

Scale: 1:75,000 @ A3

N W E S

0 2 4 km

Island GREEN POWER

Lanpro

Data: IGP, Lanpro, Environment Agency, Forestry Commission 2025
Base map: © Crown copyright and database rights 2025 Ordnance Survey 0100031673Contains OS data © Crown Copyright and database right 2026. Contains data from OS Zoomstack

380000 385000 390000 395000 400000

190000 185000 180000 175000

Lime Down B
Lime Down A
Lime Down D
Lime Down E
Lime Down C

Tetbury Beverston Oaksey Crudwell Long Newnton Tresham Leighterton Hankerton Upper Minety Westonbirt Shipton Moyne Charlton Didmarton Eastington Milbourne Malmesbury Hawkesbury Upton Sherston Parva Sopworth Sherston Lea Luckington Alderton Little Somerford Brinkworth Badminton Great Somerford Hullavington Stanley Dauntsey Acton Turville Lower Stanton St Quintin Upper Seagry Littleton Drew Grittleton Stanton St Quintin J17 M4 Burton Bradenstoke Christian Malford Sutton Benger Nettleton Upper Castle Combe West Kington Castle Combe Kington St Michael Foxham Kington Langley Yatton Keynell Langley Burrell North Wraxall Ford A420 East Tytherton Biddestone Chippenham Bremhill

Data: IGP, Lanpro, Environment Agency, Forestry Commission 2025
Base map: © Crown copyright and database rights 2025 Ordnance Survey 0100031673Contains OS data © Crown Copyright and database right 2026. Contains data from OS Zoomstack

Lime Down Solar Park

Title: Augmented Zone of Theoretical Visibility (ZTV) - Lime Down E only including Cotswold National Landscape

Document:
Landscape and Visual
ISH2 Response

Legend:

- Order Limits
- Cable Route Corridor
- Highway Improvement Areas
- National Forest Inventory

Development Parameters

- Solar PV Area
- 400kV Substation
- 132kV Substation
- BESS Area
- 1km Solar PV Sites Study Area
- 2km Solar PV Sites Study Area
- 5km Solar PV Sites Study Area
- 500m Cable Route Corridor Study Area
- Cotswold National Landscape

Augmented ZTV (Lime Down E only)

Percentage of the Scheme theoretically visible

- 0.01 - 25%
- 25 - 50%
- 50 - 75%
- 75 - 100%

Note:

1. The Augmented Zone of Theoretical Visibility (ZTV) has been generated using the Environment Agency 2m DSM (2022) which takes account of screening effects such as vegetation, buildings and other structures, as well as the Forestry Commission's National Forest Inventory (NFI) dataset. The resulting ZTV demonstrates where the development may be visible from considering existing screening elements such as buildings from the DSM, as well as trees from the NFI dataset (modelled at 12m high). Additional screening effects resulting from the proposed development at Lime Down E only are also accounted for.

2. This ZTV was produced to indicate theoretical visibility as a worst case, with an assumption that the proposed development would fill the full extent of the development area at a maximum panel height of 4.5m, a BESS height of 4.5m, a 400kV substation height of 13m and 132kV substation height of 7m, with an observer height of 1.7m



APFP Regulation: 5(2)(a)

Application Doc No.: EN010168/EXAM/XXXX

Drawing no.: P4443_LPR_ZZ_XX_DR_Z_EXA_0382

Coordinate system: British National Grid

Scale: 1:75,000 @ A3

N W E S

0 2 4 km

Island GREEN POWER

Lanpro

380000 385000 390000 395000 400000

190000 185000 180000 175000

Lime Down Solar Park

Title: Bare Earth Zone of Theoretical Visibility (ZTV) - Full Scheme including Cotswold National Landscape

Document:
Landscape and Visual
ISH2 Response

Legend:

- Order Limits
- Cable Route Corridor
- Highway Improvement Areas
- 1km Solar PV Sites Study Area
- 2km Solar PV Sites Study Area
- 5km Solar PV Sites Study Area
- 500m Cable Route Corridor Study Area
- Cotswold National Landscape

Development Parameters

- Solar PV Area
- 400kV Substation
- 132kV Substation
- BESS Area

Bare Earth ZTV

- Views of proposed development theoretically visible

Note:
1. The Environment Agency's Composite 2m DTM (2022) LiDAR Data was used to produce this Zone of Theoretical Visibility (ZTV) which demonstrates where the development may be visible from, without consideration of any existing screening elements such as trees, hedgerows or built form. Screening effects resulting from the proposed development are accounted for.

2. This ZTV was produced to indicate theoretical visibility as a worst case, with an assumption that the proposed development would fill the full extent of the development area at a maximum panel height of 4.5m, a BESS height of 4.5m, a 400kV substation height of 13m and 132kV substation height of 7m, with an observer height of 1.7m



APFP Regulation: 5(2)(a)

Application Doc No.: EN010168/EXAM/XXXX

Drawing no.: P4443_LPR_ZZ_XX_DR_Z_EXA_0379

Coordinate system: British National Grid

Scale: 1:75,000 @ A3

N W E S

0 2 4 km

Island GREEN POWER

Lanpro

Data: IGP, Lanpro, Environment Agency 2025
Base map: © Crown copyright and database rights 2025 Ordnance Survey 0100031673Contains OS data © Crown Copyright and database right 2026. Contains data from OS Zoomstack

380000 385000 390000 395000 400000

190000 185000 180000 175000

Lime Down B
Lime Down A
Lime Down C
Lime Down D
Lime Down E

Beverston
Tetbury
Oaksey
Crudwell
Long Newnton
Tresham
Leighterton
Hankerton
Westonbirt
Shipton Moyne
Charlton
Didmarton
Easton Grey
Malmesbury
Milbourne
Hawkesbury Upton
Sherston Parva
Lea
Sopworth
Sherston
Little Somerford
Luckington
Corston
Alderton
Badminton
Great Somerford
Hullavington
Stanley
Dauntsey
Acton Turville
Lower Stanton St Quintin
Upper Seagry
Littleton Drew
Grittleton
Stanton St Quintin
J17
M4
Burton
Bradenstoke
Christian Malford
Sutton Benger
Nettleton
Upper Castle Combe
West Kington
Castle Combe
Kington St Michael
Foxham
Kington Langley
Yatton Keynell
Langley Burrell
North Wraxall
Ford
A420
East Tytherton
Biddestone
Chippenham
Bremhill

Data: IGP, Lanpro, Environment Agency 2025
Base map: © Crown copyright and database rights 2025 Ordnance Survey 0100031673Contains OS data © Crown Copyright and database right 2026. Contains data from OS Zoomstack

Lime Down Solar Park

Title: Bare Earth Zone of Theoretical Visibility (ZTV) - Lime Down A only including Cotswold National Landscape

Document:
Landscape and Visual
ISH2 Response

Legend:

- Order Limits
- Cable Route Corridor
- Highway Improvement Areas
- 1km Solar PV Sites Study Area
- 2km Solar PV Sites Study Area
- 5km Solar PV Sites Study Area
- 500m Cable Route Corridor Study Area
- Cotswold National Landscape

Development Parameters

- Solar PV Area
- 400kV Substation
- 132kV Substation
- BESS Area

Bare Earth ZTV

- Views of proposed development theoretically visible

Note:
1. The Environment Agency's Composite 2m DTM (2022) LiDAR Data was used to produce this Zone of Theoretical Visibility (ZTV) which demonstrates where the development may be visible from, without consideration of any existing screening elemen:s such as trees, hedgerows or built form. Screening effects resulting from the proposed development are accounted for.

2. This ZTV was produced to indicate theoretical visibility as a worst case, with an assumption that the proposed development would fill the full extent of the development area at a maximum panel height of 4.5m, a BESS height of 4.5m, a 400kV substation height of 13m and 132kV substation height of 7m, with an observer height of 1.7m



APFP Regulation: 5(2)(a)

Application Doc No.: EN010168/EXAM/XXXX

Drawing no.: P4443_LPR_ZZ_XX_DR_Z_EXA_0380

Coordinate system: British National Grid

Scale: 1:75,000 @ A3

N W E S

0 2 4 km

Island GREEN POWER

Lanpro

380000 385000 390000 395000 400000

190000 185000 180000 175000

Lime Down Solar Park

Title: Bare Earth Zone of Theoretical Visibility (ZTV) - Lime Down B only including Cotswold National Landscape

Document:
Landscape and Visual
ISH2 Response

Legend:

- Order Limits
- Cable Route Corridor
- Highway Improvement Areas
- 1km Solar PV Sites Study Area
- 2km Solar PV Sites Study Area
- 5km Solar PV Sites Study Area
- 500m Cable Route Corridor Study Area
- Cotswold National Landscape

Development Parameters

- Solar PV Area
- 400kV Substation
- 132kV Substation
- BESS Area

Bare Earth ZTV

- Views of proposed development theoretically visible

Note:
1. The Environment Agency's Composite 2m DTM (2022) LiDAR Data was used to produce this Zone of Theoretical Visibility (ZTV) which demonstrates where the development may be visible from, without consideration of any existing screening elements such as trees, hedgerows or built form. Screening effects resulting from the proposed development are accounted for.

2. This ZTV was produced to indicate theoretical visibility as a worst case, with an assumption that the proposed development would fill the full extent of the development area at a maximum panel height of 4.5m, a BESS height of 4.5m, a 400kV substation height of 13m and 132kV substation height of 7m, with an observer height of 1.7m



APFP Regulation: 5(2)(a)

Application Doc No.: EN010168/EXAM/XXXX

Drawing no.: P4443_LPR_ZZ_XX_DR_Z_EXA_0380

Coordinate system: British National Grid

Scale: 1:75,000 @ A3

0 2 4 km

Island GREEN POWER

Lanpro

Data: IGP, Lanpro, Environment Agency 2025
Base map: © Crown copyright and database rights 2025 Ordnance Survey 0100031673Contains OS data © Crown Copyright and database right 2026. Contains data from OS Zoomstack

380000 385000 390000 395000 400000

190000 185000 180000 175000

Lime Down Solar Park

Title: Bare Earth Zone of Theoretical Visibility (ZTV) - Lime Down C only including Cotswold National Landscape

Document:
Landscape and Visual
ISH2 Response

Legend:

- Order Limits
- Cable Route Corridor
- Highway Improvement Areas
- 1km Solar PV Sites Study Area
- 2km Solar PV Sites Study Area
- 5km Solar PV Sites Study Area
- 500m Cable Route Corridor Study Area
- Cotswold National Landscape

Development Parameters

- Solar PV Area
- 400kV Substation
- 132kV Substation
- BESS Area

Bare Earth ZTV

- Views of proposed development theoretically visible

Note:
1. The Environment Agency's Composite 2m DTM (2022) LiDAR Data was used to produce this Zone of Theoretical Visibility (ZTV) which demonstrates where the development may be visible from, without consideration of any existing screening elemen:s such as trees, hedgerows or built form. Screening effects resulting from the proposed development are accounted for.

2. This ZTV was produced to indicate theoretical visibility as a worst case, with an assumption that the proposed development would fill the full extent of the development area at a maximum panel height of 4.5m, a BESS height of 4.5m, a 400kV substation height of 13m and 132kV substation height of 7m, with an observer height of 1.7m



APFP Regulation: 5(2)(a)

Application Doc No.: EN010168/EXAM/XXXX

Drawing no.: P4443_LPR_ZZ_XX_DR_Z_EXA_0380

Coordinate system: British National Grid

Scale: 1:75,000 @ A3

0 2 4 km

Island GREEN POWER

Lanpro

Data: IGP, Lanpro, Environment Agency 2025
Base map: © Crown copyright and database rights 2025 Ordnance Survey 0100031673Contains OS data © Crown Copyright and database right 2026. Contains data from OS Zoomstack

380000 385000 390000 395000 400000

190000 185000 180000 175000

Lime Down B
Lime Down A
Lime Down D
Lime Down E
Lime Down C

Tetbury
Malmesbury
Chippenham
Beverston
Oaksey
Crudwell
Long Newnton
Tresham
Leighterton
Hankerton
Westonbirt
Shipton Moyne
Charlton
Didmarton
Hawkesbury Upton
Sherston Parva
Sherston
Lea
Luckington
Alderton
Badminton
Great Somerford
Hullavington
Startley
Dauntsey
Acton Turville
Littleton Drew
Grittleton
Stanton St Quintin
Upper Seagry
Burton
Bradenstoke
Christian Malford
Sutton Benger
Nettleton
Upper Castle Combe
West Kington
Castle Combe
Kington St Michael
Foxham
Kington Langley
Yatton Keynell
Langley Burrell
East Tytherton
North Wraxall
Ford
Biddestone
Bremhill

M4 J17 M4 A420

Data: IGP, Lanpro, Environment Agency 2025
Base map: © Crown copyright and database rights 2025 Ordnance Survey 0100031673Contains OS data © Crown Copyright and database right 2026. Contains data from OS Zoomstack

Lime Down Solar Park

Title: Bare Earth Zone of Theoretical Visibility (ZTV) - Lime Down D only including Cotswold National Landscape

Document:
Landscape and Visual
ISH2 Response

Legend:

- Order Limits
- Cable Route Corridor
- Highway Improvement Areas
- 1km Solar PV Sites Study Area
- 2km Solar PV Sites Study Area
- 5km Solar PV Sites Study Area
- 500m Cable Route Corridor Study Area
- Cotswold National Landscape

Development Parameters

- Solar PV Area
- 400kV Substation
- 132kV Substation
- BESS Area

Bare Earth ZTV

- Views of proposed development theoretically visible

Note:
1. The Environment Agency's Composite 2m DTM (2022) LiDAR Data was used to produce this Zone of Theoretical Visibility (ZTV) which demonstrates where the development may be visible from, without consideration of any existing screening elemen:s such as trees, hedgerows or built form. Screening effects resulting from the proposed development are accounted for.

2. This ZTV was produced to indicate theoretical visibility as a worst case, with an assumption that the proposed development would fill the full extent of the development area at a maximum panel height of 4.5m, a BESS height of 4.5m, a 400kV substation height of 13m and 132kV substation height of 7m, with an observer height of 1.7m



APFP Regulation: 5(2)(a)

Application Doc No.: EN010168/EXAM/XXXX

Drawing no.: P4443_LPR_ZZ_XX_DR_Z_EXA_0380

Coordinate system: British National Grid

Scale: 1:75,000 @ A3

N W E S

0 2 4 km

Island GREEN POWER

Lanpro

Lime Down Solar Park

Title: Bare Earth Zone of Theoretical Visibility (ZTV) - Lime Down E only including Cotswold National Landscape

Document:
Landscape and Visual
ISH2 Response

Legend:

- Order Limits
- Cable Route Corridor
- Highway Improvement Areas
- 1km Solar PV Sites Study Area
- 2km Solar PV Sites Study Area
- 5km Solar PV Sites Study Area
- 500m Cable Route Corridor Study Area
- Cotswold National Landscape

Development Parameters

- Solar PV Area
- 400kV Substation
- 132kV Substation
- BESS Area

Bare Earth ZTV

- Views of proposed development theoretically visible

Note:
1. The Environment Agency's Composite 2m DTM (2022) LiDAR Data was used to produce this Zone of Theoretical Visibility (ZTV) which demonstrates where the development may be visible from, without consideration of any existing screening elemens such as trees, hedgerows or built form. Screening effects resulting from the proposed development are accounted for.

2. This ZTV was produced to indicate theoretical visibility as a worst case, with an assumption that the proposed development would fill the full extent of the development area at a maximum panel height of 4.5m, a BESS height of 4.5m, a 400kV substation height of 13m and 132kV substation height of 7m, with an observer height of 1.7m



APFP Regulation: 5(2)(a)

Application Doc No.: EN010168/EXAM/XXXX

Drawing no.: P4443_LPR_ZZ_XX_DR_Z_EXA_0380

Coordinate system: British National Grid

Scale: 1:75,000 @ A3

0 2 4 km

Island GREEN POWER

Lanpro

Data: IGP, Lanpro, Environment Agency 2025
Base map: © Crown copyright and database rights 2025 Ordnance Survey 0100031673Contains OS data © Crown Copyright and database right 2026. Contains data from OS Zoomstack

Annex E Baseline Existing Solar Schemes with the Wiltshire Landscape Character Assessment (2005)

Lime Down Solar Park

Title: Baseline Existing Solar Schemes with Wiltshire Landscape Character Assessment (2005)

Document:

Landscape and Visual
ISH2 Response

Legend:

- Order Limits
- 1km Solar PV Sites Study Area
- Study Area
- 5km Solar PV Sites Study Area
- 10km Solar PV Sites Study Area
- Existing Solar Farm
- Included Cumulative Developments

Wiltshire Landscape Character Assessment (2005)

Open Woodland
- 1A: Horton Downs

Low Chalk Plain and Scarp
- 4A: Avebury Plain

Wooded Greensand Hills
- 7A: Longleat-Stourhead Greensand Hills
- 7C: Bowood Greensand Hills

Limestone Ridge
- 8A: Swindon-Lyneham Limestone Ridge

Limestone Wold
- 9A: Cotswolds Dip Slope

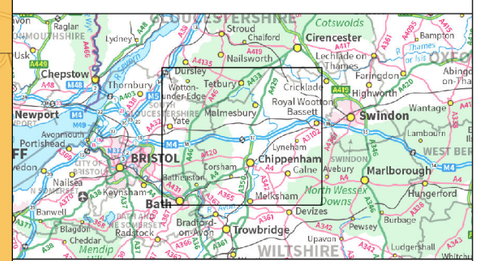
Limestone Valleys
- 10A: By Brook Limestone Valley
- 10B: Avon Limestone Valley

Rolling Clay Lowland
- 11A: Calne Rolling Clay Lowland
- 11B: Minety Rolling Clay Lowland
- 11C: Trowbridge Rolling Clay Lowland

Open Clay Vale
- 12A: Thames Open Clay Vale
- 12B: Avon Open Clay Vale

Greensand Vale
- 15A: The Vale of Pewsey

Limestone Lowland
- 16A: Malmesbury-Corsham Limestone Lowlands



APFP Regulation: 5(2)(a)

Application Doc No.: EN010168/EXAM/XXXX

Drawing no.: P4443_LPR_ZZ_XX_DR_Z_EXA_0383

Coordinate system: British National Grid

Scale: 1:120,000 @ A3

0 2 4 km

Island GREEN POWER

Lanpro

Data: IGP, 2026

Base map: © Crown copyright and database rights 2026 Ordnance Survey 0100031673. Contains OS data © Crown Copyright and database right 2026 Contains data from OS Zoomstack

Annex F Burnthouse Farm 2011 Appeal Decision

Communities and Local Government

www.communities.gov.uk
community, opportunity, prosperity

[redacted]
Pinsent Masons
3 Colmore Circus
Queensway
Birmingham
B4 6BH
(re Staffurth's Bridge Farm)

Our Ref: APP/D0515/A/10/2123739 and APP/D0515/A/10/2131194

[redacted]
Cobbetts
Number 1 Whitehall Riverside
Leeds
LS1 4BN
(re Burnthouse Farm)

6 July 2011

Dear [redacted],

TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)
APPEALS BY FIVESTONES LTD AND SCOTTISH POWER RENEWABLES (UK) LTD
LAND NORTH OF BURNTHOUSE FARM, BURNTHOUSE SIDINGS, TURVES PE7 2HP AND STAFFURTH'S BRIDGE FARM, MARCH, CAMBRIDGESHIRE PE15 0YP
APPLICATION REFS: F/YR09/0392/F AND F/YR09/0272/F

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Jill C Kingaby BSc(Econ) MSc MRTPI, who held a public local inquiry on 2-4, 8-11 and 16 February 2011, along with a site visit on 15 February, into your clients' appeals under Section 78 of the Town and Country Planning Act 1990 against the decisions of Fenland District Council to refuse planning permission for:

   Appeal A (Burnthouse Farm)
   The erection of 3 wind turbines (maximum height 100m to blade tip) together with ancillary structures and works including the erection of a control building, site access tracks and temporary compound (located on West Fen Drove) during construction, in accordance with planning application ref: F/YR09/0392/F, dated 22 May 2009; and

   Appeal B (Staffurth's Bridge Farm, hereafter referred to as Flood's Ferry Farm)
   The erection of 9 wind turbines with a maximum height of not more than 110.5metres from base to blade tip (when vertical), together with ancillary development, including control building housing switch gear, on-site

Maria Stasiak, Decision Officer
Department for Communities and Local Government
Zone 1/H1, Eland House
Bressenden Place
London SW1E 5DU

Tel 0303 444 1624
Email: PCC@communities.gov.uk

underground electrical cables, on-site access tracks and watercourse crossings, crane hardstanding areas, permanent meteorological mast, two temporary construction compounds and access from Quaker's Drove, in accordance with planning application ref. F/YR09/0272/F, dated 31 March 2009.

2. The appeals were recovered for the Secretary of State's determination on 19 August 2010, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because cumulatively the appeals involve proposals of major significance for the delivery of the Government's climate change programme and energy policies.

Inspector's recommendation and summary of the decision

3. The Inspector, whose report is enclosed with this letter, recommended that the appeals be allowed and planning permission granted, subject to conditions. For the reasons given in this letter, the Secretary of State unless otherwise stated agrees with the Inspector's conclusions and with her recommendation on Burnthouse Farm (Appeal A). However, he disagrees with her recommendation on Flood's Ferry Farm (Appeal B). All paragraph references, unless otherwise stated, refer to the Inspector's report (IR).

Procedural matters

4. In reaching this position the Secretary of State has taken into account the Environmental Statements and further environmental information submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as set out at IR6-7. The Secretary of State is satisfied that the Environmental Statements and further information comply with the above regulations and that sufficient information has been provided for him to assess the environmental impacts of the appeals.

Policy Considerations

5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the East of England Plan: the Revision to the Regional Spatial Strategy (May 2008) (RS), saved policies from the Cambridge and Peterborough Structure Plan (October 2003) and saved policies from the Fenland District Wide Local Plan (1993). The Secretary of State considers that the development plan policies most relevant to the appeal are those set out at IR15-16. The emerging Core Strategy is still at a relatively early stage of preparation (IR17), and the Secretary of State has given it limited weight.

6. The Secretary of State has made it clear, following the judgment of the Court on 10 November 2010 in Cala Homes (South) Ltd v Secretary of State for Communities and Local Government and Winchester City Council [2010] EWHC 2886 (Admin), that it is the Government's intention to revoke RSs, and the provisions of the Localism Bill which is now before Parliament reflect this intention. This gave rise to a subsequent decision of the Court on 7 February 2011 in *Cala Homes (South) Ltd v Secretary of State for Communities and Local*

Government [2011] EWHC 97 (Admin) which held that the Government's intention to legislate to revoke regional spatial strategies was capable of being a material consideration. However, while the Secretary of State has taken this matter into account in determining this case, he gives it limited weight at this stage of the parliamentary process.

7. Other material considerations which the Secretary of State has taken into account include PPS1: Delivering Sustainable Development, and its Supplement entitled Planning and Climate Change; PPS7: Sustainable Development in Rural Areas; PPS22: Renewable Energy and its Companion Guide; Circular 11/95: *Use of Conditions in Planning Permission*; Circular 05/2005: *Planning Obligations*; and the Community Infrastructure Levy (CIL) Regulations 2010; as well as the Wind Turbine Development Policy Guidance (WTG) adopted by the Council in June 2009 (IR18) and the climate change and renewable energy documents set out at IR286.

8. The Secretary of State has also taken account of the Written Ministerial Statement (WMS) of the Rt Hon Greg Clark MP, dated 23 March 2011, which emphasises that the Secretary of State will attach significant weight to the need to secure economic growth and employment.

Main Issues

9. The Secretary of State agrees with the Inspector that the main issues are those set out in IR226.

Living conditions of neighbouring occupiers

10. 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).

11. For the reasons given at IR233-258, the Secretary of State agrees with the Inspector that the Flood's Ferry Farm proposal (Appeal B) would not be harmful to the amenity of nearby residential properties (IR255). He further agrees that though there would be a significant impact on visual outlook for occupiers of a number of properties in the area, no properties would be rendered unpleasant places to live by the Burnthouse Farm proposal (Appeal A); and that it would not be seriously harmful to the living conditions of neighbouring occupiers with particular reference to visual outlook; nor would it conflict with Policy E8 of the Local Plan (IR256 and 258).

Character and appearance – cumulative impact

12. The Secretary of State agrees with the Inspector at IR259-60 that it is necessary to consider the likely cumulative impacts if one or more of the Burnthouse Farm

and Boardinghouse proposals and Flood's Ferry Farm were permitted (IR259). He further agrees at IR261 that it is necessary to consider whether any cumulative visual and landscape impacts would be such that they would cause harm to the public interest; and that this is different from finding that, in EIA terms, the proposal would cause significant cumulative impact.

13. It was agreed that if either Flood's Ferry Farm alone or in combination with Boardinghouse Farm went ahead, there would be significant landscape impact at a local scale, and that there would also be a significant landscape impact resulting from implementation of Flood's Ferry Farm and Burnthouse Farm over a small area (IR266). However, the Secretary of State agrees with the Inspector in giving weight to the issues raised at IR264-265, particularly the fact that all three proposals would be acceptable at the overall strategic level in the terms set down by the WTG. He concludes that cumulative landscape impact does not constitute a reason for refusing either of the appeals.

14. He has gone on to consider cumulative visual impact. For the reasons given at IR268-285, the Secretary of State agrees with the Inspector's conclusions that the Burnthouse Farm proposal (Appeal A) would be the main cause of a detrimental cumulative effect on visual outlook in the locality of Blackhall Cottages, giving rise to conflict with the Local Plan; but that the area over which the visual outlook would be adversely affected would be very localised (IR294).

15. The Secretary of State further agrees with the Inspector that the Flood's Ferry Farm proposal (Appeal B) would give rise to adverse cumulative visual impact over a sizeable area (IR295), that it would be the principal cause of materially harmful cumulative effects in the surrounding rural area (IR282), and that the proposal would conflict with the development plan (IR295). He has given this harm significant weight.

<u>The wider economic and environmental benefits</u>

16. For the reasons given in IR286-293, the Secretary of State agrees with the Inspector's conclusions that the harms arising from the cluster of three turbines at Burnthouse Farm (Appeal A) would be substantially outweighed by the ensuing economic and environmental benefits from the increased capacity for renewable energy generation (IR294).

17. However, he concludes that the harms arising from the Flood's Ferry Farm proposal (Appeal B) are not outweighed by the contribution which it would make to meeting national and regional targets for renewable energy installation and for helping to combat the threat of climate change.

<u>Planning obligations</u>

18. The Secretary of State has had regard to the s.106 unilateral undertaking from Fivestone Ltd in respect of the Burnthouse Farm proposal (Appeal A). He has considered it in the light of Circular 05/2005, the Community Infrastructure Levy (CIL) Regulations 2010, and the Inspector's assessment as set out at IR240 and 316. For the reasons set out at IR240, the Secretary of State agrees with the Inspector in giving little weight to the proposed landscaping scheme for Willow

Farm. He considers that in terms of the CIL Regulations the proposed decommissioning bond is not necessary, given that decommissioning is covered by a condition. He therefore gives it no weight. However, he considers that this type of bond can be in general form a useful part of a decommisioning and site restoration scheme required by a planning condition.

Conditions

19. The Secretary of State has considered the proposed conditions set out in Annexes 1 and 2 to the IR, the Inspector's comments at IR298-315, and the policy tests set out in Circular 11/95. He considers that the conditions are reasonable and necessary and comply with the provisions of Circular 11/95. However, in the case of Flood's Ferry Farm (Appeal B), he does not consider that the conditions overcome his reasons for refusing planning permission.

Overall conclusion

20. Both appeals give rise to some conflict with the development plan. The Secretary of State considers that in the case of Burnthouse Farm (Appeal A) this is substantially outweighed by the ensuing economic and environmental benefits arising from the increased capacity for renewable energy generation. However, in the particular circumstances of Flood's Ferry Farm (Appeal B), he concludes that the benefits of the scheme do not outweigh the harms arising, and that material considerations do not outweigh the development plan conflict.

Formal Decision

21. Accordingly, for the reasons given above:

Appeal A (Burnthouse Farm)
The Secretary of State hereby allows your client's appeal and grants planning permission for the erection of 3 wind turbines (maximum height 100m to blade tip) together with ancillary structures and works including the erection of a control building, site access tracks and temporary compound (located on West Fen Drove) during construction, in accordance with planning application ref: F/YR09/0392/F, dated 22 May 2009, subject to the conditions at Annex 1 of this letter.

Appeal B (Flood's Ferry Farm)
The Secretary of State hereby dismisses your client's appeal and refuses planning permission for the erection of 9 wind turbines with a maximum height of not more than 110.5metres from base to blade tip (when vertical), together with ancillary development, including control building housing switch gear, on-site underground electrical cables, on-site access tracks and watercourse crossings, crane hardstanding areas, permanent meteorological mast, two temporary construction compounds and access from Quaker's Drove, in accordance with planning application ref. F/YR09/0272/F, dated 31 March 2009.

22. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted

conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

23. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

24. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

25. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

26. A copy of this letter has been sent to Fenland District Council and those who appeared at the Inquiry. A notification letter has been sent to other parties who asked to be informed of the decision.

Yours sincerely

[redacted]
Authorised by the Secretary of State
to sign in that behalf

Annex 1

Schedule of Conditions – Burnthouse Farm (Appeal A)
Time Limits and Site Restoration

1) The development hereby permitted shall be commenced within 5 years of the date of this permission.

2) The development hereby permitted shall be carried out in accordance with the plans, Nos. EN12855/DR1.1, EN12855/DR2.1, EN12855/DR1.2 (July 2009), AK0001(rev June 2009), 949908/04, 949908/05A, 05B & 05C (revised Aug 2009).

3) The permission hereby granted shall expire not later than 25 years from the date when electricity is first exported from any of the wind turbines to the electricity distribution grid ("First Export Date"). Written notification of the First Export Date shall be given to the Local Planning Authority no later than 14 days after the event.

4) Not later than 12 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the wind turbines and associated ancillary equipment to a depth of at least 0.2 metres below ground. The scheme shall include the management and timing of any works, a traffic management plan to address likely traffic issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats and a programme of implementation. The approved scheme shall be fully implemented within 12 months of the expiry of this permission.

5) If any wind turbine hereby permitted fails to produce electricity for supply to the grid for a continuous period of 12 months then, unless otherwise agreed in writing by the Local Planning Authority, the wind turbine and its associated ancillary equipment shall be removed from the site within a period of 3 months from the end of the 12 month period. The land shall be reinstated in accordance with a scheme (including management and timing of the works and a traffic management plan) submitted to and approved in writing by the local planning authority.

Ecology

6) No development shall take place until a specification for a breeding bird survey on the development site has been submitted to and approved in writing by the Local Planning Authority. The specification, prepared by a suitably qualified independent ecologist, shall include the methodology for the survey, a timetable for checking of the survey and submission of a report detailing the survey results. The report shall also identify any mitigation measures required as a result of the survey for any construction works or clearance of vegetation between 1 March and 31 August. The specification and mitigation measures shall be implemented as approved.

7) No development shall take place until a specification for protected species surveys to be carried out has been submitted to and approved in writing by the Local Planning Authority. The surveys shall be undertaken by a suitably qualified ecologist in the last suitable season prior to site preparation and construction work commencing. The survey results and a programme of any mitigation works required shall be submitted to and approved in writing by the Local Planning Authority. The approved programme of mitigation works shall be implemented in full.

8) No development shall take place until an Ecological Management Scheme has been submitted for the approval of the Local Planning Authority. The scheme shall include details of land management measures on the site to deter avian species from foraging in the vicinity of the turbines and built structures; enhancement and maintenance of field margins and dyke verges; and measures to minimise foraging habitat on the site including the maintenance of margins around the access tracks and built structures which comprise the development and the management of surplus crops on the site. The scheme shall be implemented as approved in writing by the Local Planning Authority.

Surface and Foul Water Drainage

9) No development shall take place until a surface and foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with a programme of implementation setting out approved details.

10) All electrical equipment (critical infrastructure) should be raised to a level of at least 1.5 metres AOD to provide sufficient freeboard above the predicted flood water level.

Construction Traffic Management Plan and Highways

11) No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall include proposals for the routeing of construction traffic, scheduling and timing of movements, the management of junctions to and crossings of the public highway and other public rights of way, details of escorts for abnormal loads, temporary warning signs, temporary removal and replacement of highway infrastructure/street furniture, reinstatement of any signs, verges or other items displaced by construction traffic and banksman/escort details. The approved Construction Traffic Management Plan including any agreed improvements or works to accommodate construction traffic where required along the route, shall be carried out as agreed in writing by the Local Planning Authority.

12) No development shall take place until a scheme to secure any repairs to the length of the road shown on the attached plan titled “Road Survey Plan” required as a consequence of the development have been submitted to and improved in writing by the Local Planning Authority. The scheme shall include proposals for a condition survey of the length of road shown on the Road Survey Plan and a programme and methodology for any necessary repairs following the completion of construction. The scheme shall be implemented as approved.

13) Access roads should be set no lower than 300 mm above the average surrounding ground level.

Construction Method Statement

14) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Statement, subject to any variations agreed in writing by the Local Planning Authority. The Construction Method Statement shall address the following matters:

a) Details of the phasing of all construction works
b) Details of routeing of the access tracks
c) Details of the construction and surface treatment of all hard surfaces and tracks

d) Details of the proposed storage of materials and disposal of surplus materials
e) Dust management
f) Siting and details of wheel washing facilities
g) Details of the proposed temporary site compound for storage of materials and machinery (including areas designated for car parking)
h) Areas on site designated for the storage, loading, off-loading, parking and manoeuvring of heavy duty plant, equipment and vehicles
i) The construction of the site access and the creation and maintenance of associated visibility splays
j) Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway
k) Pollution control: protection of water courses, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage
l) Proposals for post construction restoration/reinstatement of the temporary working areas
m) Details of emergency procedures and pollution response plans
n) Details of the routeing of underground cabling
o) Working practices for protecting the nearby residential dwellings, including measures to control noise and vibration arising from on-site activities, such as piling, shall be adopted as set out in British Standard 5228 Part 1: 2009

Construction Hours

15) Construction work shall only take place between the hours of 07:00 – 19:00 on Monday to Friday inclusive, 08:00 – 13:00 hours on Saturdays with no such construction work on a Sunday or Public Holiday. Outside these hours, works at the site shall be limited to emergency works and dust suppression, unless otherwise approved in writing by the Local Planning Authority. The Local Planning Authority shall be informed in writing of emergency works within three working days of occurrence.

16) The delivery of any construction materials or equipment for the construction of the development, other than turbine blades, nacelles and towers, shall be restricted to the hours of 07:00 – 19:00 on Monday to Friday inclusive, 08:00 – 13:00 hours on Saturdays with no such deliveries on a Sunday or Public Holiday unless otherwise approved in writing by the Local Planning Authority having been given a minimum of two working days notice of the proposed delivery.

Appearance

17) Prior to the erection of any turbine, details of the finish and colour of the wind turbines and any external transformer units shall be submitted to and approved in writing by the Local Planning Authority. No name, sign, symbol or logo shall be displayed on any external surfaces of the turbines or any external transformer units other than those required to meet statutory health and safety requirements. The agreed colour finishes of the wind turbines shall not be changed without the prior consent in writing of the Local Planning Authority.

18) The temporary construction compound shall be removed from the site within 3 months of the commissioning of the final turbine.

19) The blades of all of the wind turbine generators shall rotate in the same direction.

20) Construction of a sub-station building shall not commence until details of the external appearance, dimensions, layout and materials of that building and any associated compound or parking area, and details of surface foul water drainage

from the sub-station building and any associated compound or parking area have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

21) All cabling between the turbines and sub-station shall be laid underground.

22) The overall height of the wind turbines shall not exceed 100 metres to the tip of the blades when the turbine is in a vertical position as measured from natural ground conditions immediately adjacent to the turbine base.

Television Interference

23) Prior to the First Export Date a scheme providing for the investigation and alleviation of any electro-magnetic interference to TV caused by the operation of the turbines shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the investigation by a qualified television engineer of any complaint of interference with television reception at a lawfully occupied dwelling, (defined for the purposes of this condition as a building within Use Class C3 and C4 of the Use Classes Order), which lawfully exists or had planning permission at the date of this permission, where such complaint is notified to the developer by the Local Planning Authority within 12 months of the First Export Date. Where impairment is determined by the qualified television engineer to be attributable to the wind farm, mitigation works shall be carried out in accordance with the scheme which has been approved in writing by the Local Planning Authority.

Shadow Flicker

24) Prior to the first Export Date a written scheme shall be submitted to and approved in writing by the Local Planning Authority setting out the protocol for the assessment of shadow flicker in the event of any complaint from the owner or occupier of a dwelling (defined for the purposes for this condition as a building with a Use Class C3 and C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission. The written scheme shall include details of possible remedial measures. Operation of the turbines shall take place in accordance with the approved protocol.

Aviation

25) No development shall take place unless and until a Radar Mitigation Scheme has been submitted to and approved in writing by the Local Planning Authority. The Radar Mitigation Scheme shall address the impact of the proposed development upon air safety.

"Radar Mitigation Scheme" means a scheme proposed by the wind farm operator which is designed to mitigate the impact of the development upon the operation of the Primary Surveillance Radar at RAF Cottesmore ("the Radar") and the air traffic control operations of the Ministry of Defence which are reliant upon the Radar. The Radar Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar and shall be in place for the period the Primary Surveillance Radar at RAF Cottesmore remains in operation.

26) No turbines shall become operational unless and until all measures required as part of the approved Radar Mitigation Scheme have been implemented in accordance with timescales within it and the Local Planning Authority has confirmed in writing that the Radar Mitigation Scheme has been implemented. The development shall thereafter be operated fully in accordance with the approved Radar Mitigation Scheme.

27) No development shall commence unless and until a scheme for lighting ("the Lighting Scheme") has been submitted to and approved in writing by the local planning authority. The Lighting Scheme shall include MoD approved infrared aviation lighting to be fitted to the hub of turbines 1 and 3, as denoted on EN12855/DR8.33, and lighting required during the construction period of the development and any periods of planned maintenance. The Lighting Scheme shall thereafter be implemented as approved.

Noise

28) The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty) hereby permitted when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in the tables attached to these conditions and:

A. Prior to the First Export Date the wind farm operator shall submit to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority

B. Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the Council to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out the conditions described in Guidance Note 2(b) and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component. The wind farm operator shall provide the information relevant to the complaint logged in accordance with paragraph (G) to the Local Planning Authority in the format set out in Guidance Note 1(e).

C. Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The submission of the proposed noise limits to the Local Planning Authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. The representative background noise environment and proposed noise limits shall be submitted for approval in writing by the Local Planning Authority. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

D. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed

measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the Local Planning Authority pursuant to paragraph (C) of this condition shall be undertaken at the measurement location approved in writing by the Local Planning Authority.

E. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority made under paragraph (B) unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

F. Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to paragraph 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (E) above unless the time limit has been extended in writing by the Local Planning Authority.

G. The wind farm operator shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at each wind turbine all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 12 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

Note: For the purposes of this condition, a "dwelling" is a building within Use Class C3 and C4 of the Use Classes Order which lawfully exists or had planning permission at the date of this consent.

TABLES TO BE USED IF JUST BURNTHOUSE IS OPERATIONAL

Windfarm Noise Limits (Burnthouse)

Table 4 - Between 07:00 and 23:00 - Noise level dB $L_{A90,\ 10\text{-minute}}$

Location	Standardised wind speed measured at 10 metre height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Burnt House Farm (financially interested)	45	45	45	45	45	45	45	47	51	53	53	53
Willow Farm	35	35	35	35	35	37	39	41	44	45	45	45
17 Burnthouse Sidings	35	35	35	35	35	37	40	43	47	49	49	49
Quaker's Drove Farm	35	35	35	36	38	40	43	47	51	53	53	53
Hakes Farm	35	35	35	35	37	40	42	46	50	52	52	52
Blackhall/Tokai	35	35	37	40	42	45	48	51	55	56	56	56
3 Burnthouse Sidings	35	35	39	39	41	42	45	47	51	53	53	53

Table 5 – Between 23:00 and 07:00 – Noise level dB $L_{A90, 10\text{-minute}}$

Location	Standardised wind speed at 10 metre height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Burnt House Farm (financially interested)	45	45	45	45	45	45	45	45	45	45	45	45
Willow Farm	43	43	43	43	43	43	43	43	43	43	43	43
17 Burnthouse Sidings	43	43	43	43	43	43	43	43	43	43	43	43
Quaker's Drove Farm	43	43	43	43	43	43	43	43	45	45	45	45
Hakes Farm	43	43	43	43	43	43	43	43	47	47	47	47
Blackhall/Tokai	43	43	43	43	43	43	47	51	54	54	54	54
3 Burnthouse Sidings	43	43	43	43	43	43	43	43	43	43	43	43

Table 6: Coordinate locations of the properties listed in Tables 4 and 5.

Property	Easting	Northing
Burnt House Farm (financially interested)	533498	294294
Willow Farm	533496	295046
17 Burnthouse Sidings	534227	294226
Quaker's Drove Farm	534082	295930
Hakes Farm	534607	295881
Blackhall	534692	294861
3 Burnthouse Sidings	533555	294252

Note to Table 6: The geographical coordinates references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Note 1

(a) Values of the $L_{A90,10\text{-minute}}$ noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with

the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The microphone should be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The $L_{A90,10\text{-minute}}$ measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and with operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s), arithmetic mean wind direction in degrees from north and nacelle orientation as logged by the turbine control system. The mean wind speed data as measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.

(e) Data provided to the Local Planning Authority in accordance with paragraphs (B), (E), (F), and (G) of the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging tipping bucket rain gauge shall be installed within 3m of any sound level meter installed in the course of the independent consultant undertaking an assessment of the level of noise immissions. The gauge shall record over successive 10 minute periods in accordance with the protocol detailed in Note 1(d).

Note 2

(a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).

(b) Valid data points are those measured during the conditions specified by the Local Planning Authority in its written request under paragraph (B) of the noise condition but excluding any periods of rainfall measured in accordance with Note 1(f). These specified conditions shall include the range of wind

speeds, wind directions, times of day and meteorological conditions and power generation. In specifying such conditions the local planning authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) Values of the $L_{A90,10\text{-minute}}$ noise measurements and corresponding values of the 10-minute wind speed for those data points considered valid in accordance with Note 2 paragraph (b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Note 3

(a) Where, in the opinion of the Local Planning Authority as advised to the wind farm operator in its written request under paragraph (B) of the noise conditions, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following rating procedure.

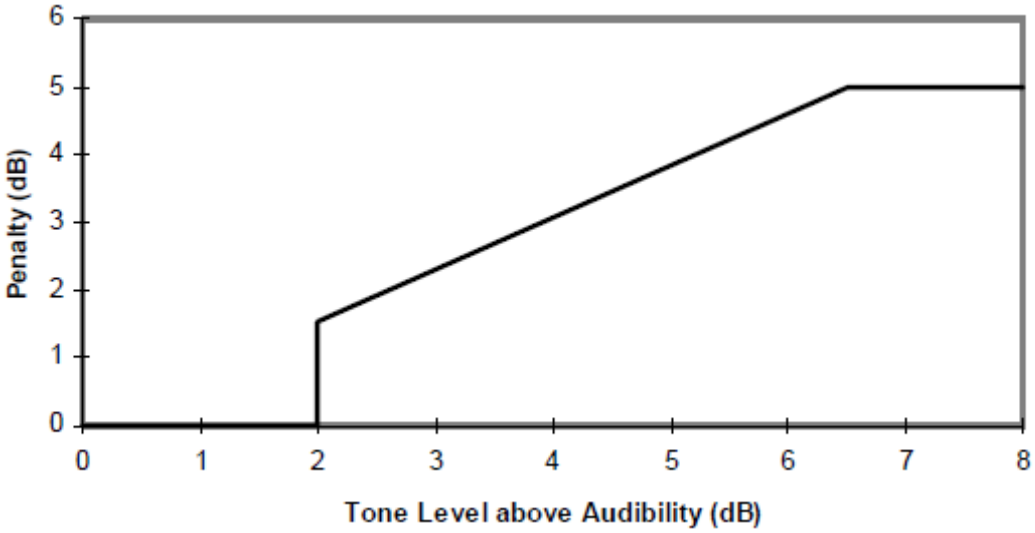
(b) For each 10-minute interval for which $L_{A90,10\text{-minute}}$ data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.

(c) For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.

(d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.

(e) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line fitted to values within ± 0.5m/s of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.


Penalty (dB)
0
1
2
3
4
5
6
0
1
2
3
4
5
6
7
8
Tone Level above Audibility (dB)

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

The Planning Inspectorate

Report to the Secretary of State for Communities and Local Government

by [redacted] **BSc(Econ) MSc MRTPI**

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

Date: 26 April 2011

THE TOWN AND COUNTRY PLANNING ACT 1990

REPORT ON RECOVERED APPEALS

BY

FIVESTONE LIMITED

AND

SCOTTISH POWER RENEWABLES (UK) LIMITED

AGAINST THE DECISIONS OF

FENLAND DISTRICT COUNCIL

Inquiry held on 2-4, 8-11, & 16 February 2011
Site visit made 15 February 2011

File Ref(s): APP /D0515/A/10/2123739 and APP /D0515/A/10/2131194

ABBREVIATIONS USED IN THIS REPORT

BDH Boardinghouse Farm
BHF Burnthouse Farm
[CD] Core Document
EHO Environmental Health Officer
EIA Environmental Impact Assessment
ES Environmental Statement
FDC Fenland District Council
FF Flood's Ferry Farm
ha(s) hectare(s)
km(s) Kilometre(s)
LDF Local Development Framework
L&V landscape and visual
LVIA landscape and visual impact assessment
MoD/MOD Ministry of Defence
MW megawatts
PPS Planning Policy Statement
RSS Regional Spatial Strategy
SF solar farm
SOCG Statement of Common Ground
SoS, SofS Secretary of State
SoSCLG Secretary of State for Communities and Local Government
SPR Scottish Power Renewables (UK) Limited
UKRES UK Renewable Energy Strategy
WTG Wind Turbine Development Policy Guidance

File Ref: APP/D0515/A/10/2123739 (Appeal A)
Land north of Burnthouse Farm, Burnthouse Sidings, Turves PE7 2HP

- 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 Fivestone Limited against the decision of Fenland District Council.
- The application Ref F/YR09/0392/F, dated 22 5 09, was refused by notice dated 4 1 10.
- The development proposed is the erection of 3 wind turbines (maximum height 100m to blade tip) together with ancillary structures and works including the erection of a control building, site access tracks and temporary compound (located on West Fen Drove) during construction.

Summary of Recommendation: The appeal be allowed, and planning permission granted subject to conditions.

File Ref: APP/D0515/A/10/2131194 (Appeal B)
Staffurth's Bridge Farm, March, Cambridgeshire PE15 0YP

- 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 Scottish Power Renewables (UK) Limited against the decision of Fenland District Council.
- The application Ref F/YR09/0272/F, dated 31 3 09, was refused by notice dated 4 1 10.
- The development proposed is the erection of 9 wind turbines with a maximum height of not more than 110.5metres from base to blade tip (when vertical), together with ancillary development including control building housing switch gear, on-site underground electrical cables, on-site access tracks and watercourse crossings, crane hardstanding areas, permanent meteorological mast, two temporary construction compounds and access from Quaker's Drove.

Summary of Recommendation: The appeal be allowed, and planning permission granted subject to conditions.

Procedural Matters

1. The site and proposal in Appeal A are described as 'Burnthouse Farm' or 'Burnthouse', and the site and proposal in Appeal B as 'Flood's Ferry Farm' or 'Flood's Ferry' in this report.

2. An application for planning permission for 5 wind turbines with blade tip height up to 125m at Burnthouse Farm was made in May 2009. Following further consideration by the Appellant, the application was revised in August 2009, before the Council had determined it, with the removal of two turbines and re-siting of one further south. The revised application sought permission for turbines with a blade tip height up to 100m (hub height approximately 60m). The amended application was supported by revisions to the Environmental Statement (ES), design and access statement and plans. The Council determined the application for 3 wind turbines; my report is based on the revised scheme.

3. Appeal A was refused by the Council for the single reason:

   "The proposal is contrary to policies E1 and E8 of the Fenland District wide Local Plan and Planning Policy Statement 22 – Renewable Energy in that a number of individual residential dwellings would be adversely affected with regard to visual outlook due to the close proximity of the windfarm."

4. Appeal B was also refused for a single reason:

"The proposal is contrary to policies E1 and E8 of the Fenland District wide local Plan and Planning Policy Statement 22 – Renewable Energy in that the cumulative impact arising from the development in visual terms would result in a harmful material change."

5. Following a Pre-Inquiry Meeting for the Fivestone appeal in July 2010, the Inspectorate decided that both appeals should be the subject of a conjoined Inquiry. The decision was taken because of the proximity of the sites and the potential for cumulative impacts to be significant in terms of both landscape/visual impact and residential amenity.

6. The Planning Inspectorate wrote to Fivestone Limited on 3 August 2010 in connection with the submitted Environmental Statement (ES) and updated ES. Pursuant to Regulation 19(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, further information was sought from the Appellant:

"An assessment of the cumulative effects of the proposed development which shall not be limited to consideration of only existing and consented schemes, but shall include proposals for which design information is in the public domain."

7. Further Environmental Information comprising an assessment of potential cumulative significant effects and updated noise assessment, to include a cumulative noise assessment, was produced by Fivestone in October 2010 [CD9.8, 9.9]. Scottish Power Renewables also produced a Supplementary Environmental Information report September 2010, EIA Additional Landscape and Visual Information – Review of Cumulative Situation August 2010, and Updated Cumulative Noise Assessment report, July 2010 [CD10.2]. The Planning Inspectorate considered all the submitted information and concluded that it was adequate in both cases and Schedule 4 of the EIA Regulations was met.

8. These appeals were recovered by the Secretary of State for his determination in August 2010 in exercise of his powers under section 79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990. The reason for the direction was that: *"cumulatively the appeals involve proposals of major significance for the delivery of the Government's climate change programme and energy policies".*

The Sites and Surroundings

9. Both sites lie some 12-13 miles east of Peterborough and in a rural area. The surrounding landscape is typically flat, low-lying agricultural fenland.

10. Located south of Turves, the Burnthouse Farm site occupies approximately 220 hectares (ha) of farmland. Other settlements within 5 kilometres (kms) are Benwick to the south, and Eastrea and Coates to the north. The site consists of arable land with field tracks and drainage ditches and in places native hedges mark field boundaries. Large agricultural buildings are present in the vicinity of the site associated with adjacent farmsteads. A minor public no-through road, West Fen Drove, provides access across the site.

11. The Flood's Ferry Farm site is some 5kms south-west of the settlement of March and about 2kms from Turves. Other nearby centres of population are Doddington and Benwick at about 5kms and Whittlesey, some 9kms to the west. Occupying about 377 has, this site too is characterised by agricultural fields divided by managed ditches, and built development includes farm buildings. A number of individual residential properties lie close to the site boundary.

12. The Flood's Ferry Farm site is accessed from Quaker's Drove to the west which connects to Burnthouse Road. The Hereward's Way long distance footpath (FP28) bisects the site along Hake's Drove. South-east of the site, runs the navigable River Nene with a holiday park at Staffurth's Bridge. National Cycle Route 63 and the railway line extend to the north in a west-east direction.

Planning Policy

13. The development plan for the area currently consists of the East of England Plan: the Revision to the Regional Spatial Strategy (May 2008) (RSS), saved policies from the Cambridgeshire and Peterborough Structure Plan (October 2003) and saved policies from the Fenland District Wide Local Plan (1993).

14. The Coalition Government declared its intention to abolish RSS shortly after last year's General Election. Following a successful legal challenge by Cala Homes (South) Ltd, in November 2010 the Secretary of State's revocation decision of July 2010 was quashed and it was confirmed that the RSS continued to form part of the development plan. A second challenge was made by Cala Homes to the Secretary of State's statement and letter to Chief Planning Officers of 10 November 2010, which indicated that the proposed revocation of RSS was material to the determination of planning applications and appeals. This challenge failed (February 2011) so that the proposed abolition of the East of England Plan is a material consideration in this appeal. The weight to be given to it is a matter for the decision-maker [S8].

15. Policy ENG1 of the RSS states that, to meet regional and national targets for reducing climate change emissions, new development should be located and designed to optimise its carbon performance. Local authorities should encourage the supply of energy from decentralised, renewable and low carbon energy sources and through Development Plan Documents set ambitious but viable proportions of the energy supply of new development to be secured from such sources. Policy ENG2 of the RSS sets targets for renewable energy capacity. By 2010, 10% of the Region's energy and by 2020, 17% should have come from renewable sources, excluding energy from off-shore wind. Policy ENV2 calls on planning authorities to protect and enhance the diversity and local distinctiveness of the countryside character by developing area-wide strategies and landscape character assessments [CD1.1].

16. Neither the Structure Plan [CD1.3] nor the Local Plan [CD1.2] contain policies which specifically address renewable energy or wind farm development. Saved Policies E1 and E8 of the Local Plan were cited in the reasons for refusal. E1 states that development likely to detract from the

unique, open character of the Fenland landscape will not normally be permitted. New development for which a rural location is essential should be i) sited close to existing buildings or on a site which minimises its visual impact, ii) of a scale and design and use materials that can be assimilated into the rural landscape, and iii) adequately screened and landscaped. Saved Policy E8 requires new development to be of a design compatible with their surroundings and have regard for the amenities of adjoining properties and the locality in general. Policy E7 relates to archaeological sites, and E20 resists any development which would give rise to unacceptable levels of noise, nuisance or other environmental pollution.

17. The emerging Core Strategy within the Local Development Framework (LDF) is still at a relatively early stage of preparation [CD2.2]. Emerging Policy N5 of Preferred Options 2 supports renewable energy development in principle, providing that specific criteria are met. Emerging Policy N6 permits proposals for wind turbines with ancillary buildings and infrastructure except where defined adverse effects would occur.

18. The Council commissioned the Landscape Partnership to undertake a wind turbine study in November 2007, to provide support for emerging policy in the LDF and to enable Planning Officers to make informed judgments in respect of the suitability of wind farm proposals. Following public consultation, the Wind Turbine Development Policy Guidance (WTG) was adopted and published in June 2009 [CD2.1]. It is not part of the development plan but represents a material consideration in these appeals. Its section 6 identifies a series of landscape and environmental criteria for application in all future wind turbine proposals at Scoping Opinion stage, during Environmental Impact Assessment and for review as part of the decision-making process.

19. The WTG references the established national guidance on Landscape Character Assessment in the Countryside Agency and Scottish National Heritage document “Landscape Character Assessment: Guidance for England and Scotland, 2002” [CD6.3]. The Topic Papers supporting this guidance draw attention to the importance of the value of the landscape when defining capacity to accommodate wind turbines [CDs 6.5 & 6.6]. There are no national, regional or local landscape designations within Fenland District.

20. The WTG considered the likely impact of turbine developments of varying sizes, categorising a group of 2-5 turbines with a typical height of 100-125m as a small scale group and 6-11 turbines as small to medium scale. Five Landscape Character Types within the District are identified in the WTG report, and the appeal sites would occupy the “drained fenland” type. The sensitivity of landscape character types, having regard to scale and sense of enclosure, impact of landform, landcover and landcover change, settlement pattern and density, skyline, landmarks and built development, visibility from outside and connection with adjacent landscapes, remoteness and tranquillity, was assessed. Small to medium scale development in the drained fenland generally scored “low” and occasionally “moderate” in terms of sensitivity (Appendix 6 of the WTG).

21. The WTG went on to evaluate the visual impact of turbine development at different distances. Within 400m, turbines over 100m in

height would have a "dominant" magnitude of impact – "Turbines form the principle [sic] element of the view and may overpower the viewer". Between 400m and 2km, they would be "prominent" and "form a very large element of the view, commanding and controlling the view". At 2-5km, turbines would be "conspicuous" and at 5-15km "apparent". For turbines of 86-100m in height a "dominant" impact would occur within 350m, and "prominent" at 350m-1.7kms.

22. Since Fenland District already contains wind turbine developments which affect the character of its landscapes, an assessment was made of the proportion of character types which were covered (in 2009) by different zones of visual impact. Flood's Ferry Farm and Burnthouse Farm are located within the Drained Fen character type. Table 9 of the WTG indicated that 16% of the drained fenland could be classified within the "prominent" zone and 57% in the "conspicuous" zone. Thresholds for capacity were then calculated which would allow for the sensitivity of different landscape character types but allow for suitable future turbine development. Thresholds for the Drained Fenland were given as 25% "prominent" and 75% "conspicuous", rising to 100% "apparent".

23. On cumulative visual impacts, the WTG, following the Scottish National Heritage document, identifies 3 types of effect: Combined/simultaneous impact (can see 2 or more developments from one viewpoint without moving head or over an arc of some 90 degrees); successive/repetitive impact (2 or more windfarms visible from one viewpoint but have to move head to do so over a 180-360 degree arc); and sequential impact (have to move to see other developments or the same development from a different view eg. travelling along a road). When turbines are within 4kms of each other ie. where the prominent zones of visibility overlap, there is likely to be a significant cumulative impact from a number of locations. If turbines are within 10kms of each other (where the conspicuous visibility zones overlap) there will be a noticeable cumulative visual impact. Settlements of 10 or more dwellings, it is suggested, should not have wind farms in more than 90 degrees of their field of view for a distance up to 5kms. Individual dwellings should not have wind turbines in more than 180 degrees for a distance of 10kms.

24. National planning policy relevant to the proposal is principally:

- Planning Policy Statement 1: Delivering Sustainable Development, and its Supplement entitled Planning and Climate Change [CD3.1];
- Planning Policy Statement 7: Sustainable Development in Rural Areas [CD3.3];
- Planning Policy Statement 22: Renewable Energy and its Companion Guide [CD3.5].

The Proposals

25. The Burnthouse Farm proposal would consist of three turbines each with a maximum electricity generation capacity of 2megawatts (MW), giving 6MW in total. In addition to the turbines, associated infrastructure would include a control building, new access tracks and the upgrading of existing tracks, crane hardstanding areas, a temporary construction compound on West Fen Drove, concrete turbine foundations and associated

underground power cabling. New site access points would be provided, from Burnthouse Sidings to serve Turbine 1 and from West Fen Drove to access Turbines 2 and 3. The overall construction period is expected to last about 20 weeks. After a life of some 25 years, the development would be de-commissioned [SOCG].

26. The 9 turbines at Flood's Ferry Farm generating up to 18MW of electricity would be supported by ancillary features comprising crane hardstandings, control building and compound housing switchgear, on-site access tracks, a permanent meteorological mast, on-site underground electrical cabling, provision to bury two existing powerlines that cross the site and a temporary construction compound. Two existing buildings and a derelict structure would be removed and replaced with the control building and compound. In order to protect the development against flood risk (1 in 100 years), infrastructure would be set at least 0.3m above the existing minimum ground level.

27. New access tracks and the upgrading of existing tracks would extend to about 3.5kms. New tracks would follow existing field boundaries wherever possible so that the land would remain useable for agricultural purposes. Selected access tracks would be retained throughout the operational life of the turbines to enable maintenance. An area of site accommodation and temporary works would be required during construction and de-commissioning, but would be removed and the area fully restored after the completion of construction. Planning permission for a meteorological mast of 70m height was granted in September 2007 on the site (Ref: F/YR07/0830/F) [SOCG].

Agreed and Other Facts

28. A Statement of Common Ground (SOCG) for the Burnthouse Farm proposal (Appeal A), was signed by the Appellant's solicitors and Fenland District Council in April 2010. A SOCG for the Flood's Ferry Farm proposal (Appeal B) was signed on behalf of Scottish Power Renewables and Fenland District Council in September 2010.

Baseline for Cumulative Landscape and Visual Impact Assessment

29. The SOCG for Burnthouse Farm stated that relevant wind energy schemes for the assessment of potential cumulative effects were "Foundry Way at Longhill, Stag's Holt, Coldham, Glassmoor, the five turbines at Ranson Moor, McCains, Redtile, Ramsey, Deeping St Nicholas, Gedney March, Wryde Croft and Abbey." (paragraph 8.4). Although it was agreed that *"there are no other schemes which are required to be included within the ambit of the cumulative LVIA"*, this position was changed with the Regulation 19 request. It is clear that the above list would not include all potential wind energy schemes, notably those at Flood Ferry's Farm and Boardinghouse Farm.

30. Following the Regulation 19 request from the Planning Inspectorate, further information was provided by Scottish Power Renewables to extend the list of relevant wind energy schemes which it considered relevant to assess any cumulative impacts. The Review of Cumulative Assessment [CD10.2] explains that the Appellant reviewed wind farms within 60kms radius of Flood's Ferry and identified a study area of

15kms radius "being the maximum extremity at which significant cumulative effects could potentially occur". It listed the following sites for consideration in the assessment of cumulative impact:

- Operational: Ramsey, Coldham 1, Glassmoor, Longhill Road, McCain's Foods, Ransonmoor Farm, Red Tile Farm, Stag's Holt, Abbey Group (Whittlesey).
- Consented: Coldham Extension II, Longhill Road 2, Anglian Water, March, Nutsgrove, Stag's Holt extension, Wryde Croft
- In Planning: March Landfill
- Appeal: Burnthouse Farm, Boardinghouse Farm, French Farm.

31. A number of wind farms of 1MW capacity or more were identified as being at the scoping stage. Given their preliminary status and the high prospects of change, these were not included in the assessment. Proposals for Australia Farm, Greenvale, Yewtree Farm and White Fen Farm were mapped on Figure 3 of CD10.2 but not included in the assessment.

32. Fivestone also undertook additional work on cumulative effect [CD9.8] identifying 19 wind farms, single turbines or extensions to wind farms within 20kms of its site which were either in operation, under construction or in the planning system. These were listed in Table 1.5 and shown in Fig 1.1 of CD9.8 and they correlate closely with those considered by Scottish Power Renewables. Concerning the request for a scoping opinion at Australia Farm, this was sought in March 2009 for 4 turbines up to a maximum height of 120m to blade tip (described in places as 20m). They would be located some 1.8kms from Burnthouse Farm and much closer to the Flood's Ferry Farm scheme. However, the Council reported no further communication or follow up action for this site.

Proposed Wind Turbines at Boardinghouse Farm

33. A planning application for 5 wind turbines with associated infrastructure on land south of Boardinghouse Farm, Knight's End Road, March was made in August 2009 to Fenland District Council by Ecogen Limited (F/YR09/0562/F). It was refused because, it was alleged, it would have a detrimental impact on the existing landscape and be contrary to Policy E1 of the Local Plan. The site is at Ranson Moor immediately north of the existing Ransonmoor wind farm. Its position in relation to the proposals for Flood's Ferry Farm and Burnthouse Farm is shown in the Appendix to Mr Billingsley's Proof at JB04. The Boardinghouse Farm proposal is included in the planned schemes which form the baseline for cumulative assessment by both Scottish Power Renewables and Fivestone Limited for Appeals A and B [30, 32].

34. An appeal was lodged for the Boardinghouse Farm proposal in October 2010 (Ref: APP/D0515/A/10/2138585) and the case recovered by the Secretary of State in December because it involves proposals of major significance for the delivery of the Government's climate change programme and energy policies.

Proposed Solar Farm at Burnthouse Farm

35. A planning application for a solar farm at Burnthouse Farm was submitted in December 2010 by Abbey Renewables Limited. The site of just under 17has comprises agricultural land on the north side of Burnthouse

Sidings. The proposal is *"Construction of solar energy farm, to include the installation of solar panels to generate up to 5mw of electricity, with on site equipment rooms and plant, access tracks, security fencing and cameras, landscaping and other associated works"* [F5]. A screening request for Environmental Impact Assessment (EIA) was submitted in November 2010 with the acknowledgement that it *"would by virtue of its size be caught by Schedule 2 of the Regulations"* but based on experience elsewhere, the Applicant observed that EIA would be unlikely to be required [F5(2)].

36. Banks of solar panels or strings would be around 8m apart to avoid any overshadowing. The panels would be angled at about 25 degrees to horizontal, rising from 0.75m to 2.2m above ground at the lowest and highest points. At strategic points within the development, inverters and transformers would be housed in small buildings of about 3x5m designed to appear like traditional agricultural buildings. A dark coloured fence of about 2.4m height would provide site security and would be screened by hedgerows and planting on the eastern, western and southern sides of the development.

37. Notwithstanding the Applicant's opinion on the requirement for EIA, a Landscape and Visual Impact Assessment was undertaken which covered viewpoints and 17 residential properties within 1km of the proposed site [F5,(4)]. It concluded that 6 properties would experience moderate adverse effects in year 1: Forties Farm, Model Farm, 200 Cock Bank, 1 & 2 Blackhall Cottages and Willow Farm. By year 10 with mitigation in place, these would experience moderate/slight neutral impacts. Burnt House Farm, 5, 15 and 17 Burnthouse Sidings and Garton House, Jones Drove were judged as likely to experience moderate/slight adverse impacts in Year 1 reducing to slight neutral or moderate/slight neutral by year 10. For viewpoints along Hereward's Way as it continues along Hake Drove, along the River Nene (Old course) and local minor roads, moderate/slight neutral effects in year 1 would become slight neutral by year 10.

38. Evidence on behalf of Scottish Power Renewables indicated that EIA was not being sought for the solar farm application [S7(2.0)]. The proposed Flood's Ferry windfarm would be about 1.35km from the solar farm site and at this distance SPR asserted *"I consider it inconceivable that the addition of Flood's Ferry windfarm to a baseline that contained the solar farm, would give rise to any significant or visual impacts, including cumulative effects."*

39. A Cumulative Landscape and Visual Assessment of Burnt House Wind Farm in combination with the Turves Solar Farm was completed in February 2010 during the Inquiry [F6 RevA & RevC]. The assessment found that in combination the schemes would not give rise to more than a moderate cumulative effect at any of the residential properties along Cock Bank or Burnthouse Sidings. Willow Farm, assessed by the Solar Farm LVIA to have a moderate adverse effect, had been assessed as having a substantial effect from the proposed wind turbines. The cumulative visual effect was also assessed as substantial. Regarding users of public rights of way and local roads, the study found that substantial cumulative effects would arise along a short section of Hereward's Way and on sections of Burnthouse Road and West Fen Drove. Where substantial cumulative effects were identified, these were largely attributable to the proposed wind

farm. The effects from the solar farm, it was concluded, would be limited in extent and nature and would diminish over time.

40. Response to the document from Scottish Power Renewables raised the following points:

- lack of clarity as to whether the baseline includes the solar farm, to which Burnthouse wind farm would be added, or vice versa. The methodology for the solar farm assessment was not calibrated with that for the wind farm and did not follow good practice guidance [CD6.4, 6.8];
- the assessment of the cumulative impact was not logical where it stated that a moderate effect from the solar farm plus a moderate effect from the wind farm gave an in-combination moderate effect. The impact on amenity might be much greater;
- confusion as to the effect on Jones Drove;
- misrepresentation of the line of Hereward's Way which does not run along West Fen Drove [S10].

41. Some of these points were addressed in the RevC version of the Burnthouse report which concluded that *"the solar farm will not give rise to significant cumulative effects in combination with the proposed Burnt House wind turbines other than at those locations within the immediate locality of the two sites for which a substantial visual effect has already been assessed in relation to the wind turbine scheme in its own right."*

Noise

42. **For Burnthouse Farm**, the SOCG records agreement that the methodology in ETSU-R-97: The Assessment and Rating of Noise from Wind Turbines is appropriate for the assessment and rating of operational noise from the proposed development [CD8.1]. Locations selected for background noise monitoring were agreed. The wind turbines could be constructed and operated so that noise levels remained within acceptable limits, and planning conditions could be applied to ensure compliance with ETSU-R-97 standards.

43. In May 2010, the noise assessment was updated in line with current and new good practice [CD8.2]. The assessment also included a cumulative noise assessment in response to the PINS Regulation 19 request [CD9.9]. This updated assessment led to the conclusion that the proposed wind farm, Flood's Ferry wind farm and Boardinghouse could all operate within the ETSU-R-97 limits concurrently at all noise sensitive receptors save one. This was Willow Farm where a minor exceedance would occur, though only at specific windspeeds during quiet daytime periods when wind would come from a specific direction.

44. The noise impact assessment contained in the **Flood's Ferry Farm** ES also compared the predicted noise from the candidate wind turbines with noise limits in ETSU-R-97. Noise predictions were revised in line with good practice published after the ES was submitted. Predictions of typical downwind turbine noise would meet the ETSU-R-97 nighttime limit and a limit midway between the upper and lower daytime limits. Noise levels were judged to be acceptable at all locations under all conditions and the Council made no objections on grounds of noise.

45. **Cumulative assessment** was carried out in July 2010 for Scottish Power Renewables to evaluate the effect of developing the Flood's Ferry site in conjunction with existing and proposed turbines at Ransonmoor, Burnthouse Farm and Boardinghouse. It established that significant cumulative effects would occur only at Tokai and Blackhall Cottages located between Burnthouse Farm and Flood's Ferry where acting together they would cause an increase of around 1.5dB [CD10.2] for worst case wind conditions. The complexity of assessing cumulative noise effects is discussed in this report (the relative contribution from different schemes to noise will vary with wind directions and speeds). If planning permission were granted for both Flood's Ferry and Burnthouse, it is argued that noise limits for this location as specified in planning conditions would need to be reduced to take account of the predicted cumulative impact.

46. Proposed noise limits to be applied through planning conditions in accordance with ETSU-R-97 for daytime and nighttime were submitted by both Appellants. However, different assumptions and inputs were used eg. Fivestone Limited set a daytime noise limit of 35dB(A) and Scottish Power Renewables used 37.5dB(A). Background noise level monitoring had been undertaken by both Appellants in accordance with ETSU guidance but for differing lengths of time and at different times of year. As a result, different noise limits were put forward [PC1, 2 & 3]. The case for applying the same set of conditions to control developments which are closely related, as in these appeals, was set out by the Inspector in the appeal at Nutsgrove Farm [CD4.30]. However, the content of noise conditions was not agreed by the two Appellants in the current cases.

47. The Council reviewed both parties' figures and reached the following conclusions [PC1]:
- for consistency both sites should use a lower daytime limit of 37.5dB(A)
- using the lower background noise levels monitored for each site would provide most protection to neighbouring properties
- if both schemes were permitted, the most appropriate noise limits would be the total windfarm noise limits (cumulative) as submitted by Scottish Power Renewables with the lowest of the limits identified for Blackhall/Tokai.

Other Factors

48. The ESs for both schemes with updates and additions addressed a range of possible impacts. There was agreement that these impacts would not be so harmful as to give grounds for refusal and that adverse effects could be addressed by planning conditions.

The Case for Fenland District Council

The main points were:

49. The determination of these appeals involves striking the appropriate balance between the protection of the local landscape and the amenity of the local people from the harmful effects of development, including its cumulative effects, and the need to tackle climate change through the development of renewable energy projects [C6]. The narrow focus of the issue in each appeal may be summarised:

- Burnthouse – Whether the adverse impacts on the residential amenity of individual residential dwellings tip the balance so as to justify refusal of the appeal.
- Floods Ferry – Whether the adverse cumulative visual impacts of the proposal, set against the existing baseline, or a baseline including either one or both of the Burnthouse and Boardinghouse proposals, would tip the balance so as to justify refusal of the appeal.

50. The Council struck the correct balance when it refused each application. The cumulative assessments which have been carried out for the purposes of these appeals only serve to underline the Council's concerns and further justify refusal of each scheme. The Appellants' landscape and visual impact evidence has shifted towards the position taken by the Council.

51. Despite the degree of agreement on significant impacts between the experts, there remain the questions of judgment as to whether the impacts on residential amenity in the Burnthouse appeal amount to overbearing impacts, and whether the cumulative visual impacts in the Floods Ferry appeal give rise to harm. Whilst inspectors' decisions on appeal can provide some context as to how others in different circumstances have considered those issues, those decisions do not form any kind of binding precedent for these appeals.

52. The Appellants argued that even if the Council's case on landscape and visual impact is taken at its highest, the weight to be given to the need for renewable energy and the wider economic and environmental benefits would outweigh any landscape and visual impacts. If the Appellants' arguments on renewable energy were accepted, it might be thought that there would be no way in which to refuse a renewables scheme, as the imperative for renewable energy would always win out. That cannot be right. In particular, whilst Government energy policy statements are material considerations carrying weight, the way in which those statements are expressed in land use planning policy should be considered first. Whilst there might be a direction of travel in energy policy, the planning system must reflect a balance with other competing land use factors.

Wind Turbine Development Policy Guidance 'WTG'

53. Although the WTG is not a Supplementary Planning Document, it forms part of the evidence base for the LDF Development Plan Documents and is not described as a 'development control' document. The WTG is consistent with the advice contained in PPS22 to assess small scale developments using objective descriptive material and analysis wherever possible (para. 19), and to use a criteria based approach to assessing applications for renewable energy projects (para. 1(iii)).

54. The fact that the WTG identifies areas and circumstances where turbine development is unlikely to be acceptable (para. 0.1) is not inconsistent with PPS22. Key Principle (iii) of PPS22 provides that planning policies that place constraints on the development of all, or specific types of renewable energy technologies should not be included in local development documents without sufficient reasoned justification.

55. Overall, the WTG should carry considerable weight as a material consideration in these appeals. It derives from an independent assessment of the District and was subjected to a consultation process following which changes were made. Published in June 2009, it was up to date when the Council refused the applications in December of the same year. The Inspector dealing with a wind turbine appeal at Creek Road, March, gave the document 'some weight' in January 2009, prior to its adoption [CD 4.28].

56. The Council in determining these appeals took into account the Landscape Partnership's application of the WTG, and the detailed review of each appeal scheme. Agreeing with those views, it then undertook the planning balance.

Burnthouse Appeal – the effect on the living conditions of local residents, with particular reference to outlook / visual amenity and noise / shadow flicker

57. The Council's consultant on landscape and visual impact examined the effect of the development on individual residential properties within 1km of the turbines and concluded (JB, App. 2):

- There would be significant adverse impacts in EIA terms on 17 of those properties
- There would be major adverse impacts (as distinct from major / moderate impacts) on 8 of those 17 properties
- 7 of the eight individual residential properties would be rendered unattractive places to live as a result of the overbearing impact of the turbines on residential amenity.

58. The fact that certain impacts on residential amenity are not found to be 'overbearing' does not mean that they should be ignored. A finding of 'significance' in EIA terms is not meaningless and should be carefully considered along with any other adverse impacts in the assessment. In particular, it should be noted that 4 of the 7 properties rendered unattractive places to live are within 550m of T1 or T2. The combination of the relative proximity of the turbines and the angle of view from living rooms and garden areas would result in them becoming unattractive places to live. (Mr Billingsley's proof at para. 4.33ff', the table at Appendix 2, comment on the Residential Impact Note produced by Burnthouse and the combined Table of Impacts also by Burnthouse).

59. The other 3 properties are relatively further away at 850-940m. However all have open south facing views with the turbines occupying a central part of the view from the house. They would control the outward aspect to the south from living rooms and gardens. Finally, significant adverse impacts on the settlement of Turves are also identified, including those on the March Road looking south with open aspects to the rear (JB, 4.98 - 4.99). These aggregated impacts should also be weighed in the balance.

60. The thoroughness and consistency of the Council's case contrasts with that put forward by Burnt House. At the ES stage, for example, the assessment was that only one property (Willow Farm) would experience a substantial adverse effect ([CD 9.2] at 8.7.3), but it was later conceded that the visual effects on dwellings had been underestimated and

6 properties would experience a significant adverse impact in EIA terms (BD, 6.28). The Appellant did not gain access to the individual properties or their gardens to carry out the assessment.

61. Whilst it is accepted that the ES is broadly compliant with the suggested methodology in the GLVIA [CD 6.4], it did not follow good practice in certain aspects. For example, the criteria defining sensitivity included residential dwellings in all 3 categories (high, moderate, and low) depending on proximity and screening ([CD 9.2], Table 8.10). The categories for magnitude of viewpoints took into account the duration of the deterioration of the view as a result of the development, meaning that the development (for a 25 year period) could only ever reach a moderate high adverse impact since it would not be permanent ([CD 9.2], Table 8.12). These and other points cast doubt over the accuracy of the findings of the ES.

Approach to whether any of the impacts on residential amenity are overbearing

62. It is accepted that the higher threshold relating to residential amenity in wind turbine decisions reflects the public interest in delivering projects which can deliver sources of renewable energy. Significant adverse impacts should still be carefully considered and can be added into the balance with any which are found to be overbearing. Further, a high degree of caution should be exercised before identifying a 'test' of whether an impact on residential amenity can be considered to be overbearing for a number of reasons.

63. Firstly, the concept is a relatively recent one, and was first referred to in the Enifer Downs decision in April 2009 [CD 4.3]. When properly analysed, the approach in the Inspectors' decisions is not to formulate a 'test' as such, but rather to find a way of articulating, on a case by case basis, the threshold which would need to be passed before an impact on residential amenity could be said to be harmful. The approach does not derive from statute, nor from planning policy, and has not been considered by the Courts. Whilst the decisions of other planning inspectors are capable of being material considerations, the weight to be attached to them is a matter for the decision maker. They are not binding and a mechanistic approach is inappropriate. Ultimately, each case must be decided on its own merits using professional judgment [CD 4.25].

64. Analysis of the decisions undertaken by the Council's witness provides a useful context as to the types of distances which have been found to involve overbearing impacts (JB, 4.8ff.). As a material consideration, the decision in the Nutsgrove Farm appeal carries more weight since it is a recent decision dealing with wind turbine development in the Fenland Area ([CD 4.30], para.s 39-52). The Inspector's finding that a property about 840m away from the development was on the margins of acceptability is consistent with previous decisions and provides a benchmark for the assessment here, where there are several properties at roughly that distance or closer to the proposed wind turbines.

65. The fact that Burnthouse are prepared to offer a Unilateral Undertaking of mitigation planting for one property, Willow Farm, should carry little weight in the assessment. Whilst the potential for effective new

screening can be a relevant factor, the planting is not put before this inquiry as a joint agreement.

66. The criticism of the Council's photomontages is both overstated and unwarranted. There is a range of photomontages for each property provided, and each is transparent insofar as it provides all of the specifications so that it can be considered against relevant guidance. All photomontages should be treated with caution, but these provide a helpful illustration of the views in the context of the relevant Guidance and proof.

67. Valency should not form part of the equation for assessing impacts. It is a consideration in the overall planning balance. It is also unhelpful to make the issue simply one of numbers. As a matter of principle, the impacts on one property if sufficiently serious could lead to harm and justify refusal.

68. The Burnthouse wind turbines are sited close to a number of residential properties. There are significant adverse impacts on a number of them. The fact that the proposal was amended to reduce the number of turbines and their heights has provided some mitigation, but does not go far enough in the light of the impacts identified. Overall, it is submitted that in concluding that not one property would experience an overbearing impact as a result of this development, the Appellant has substantially underestimated the impacts on residential amenity.

The effect of the proposed developments on the character and appearance of the local landscape (including any cumulative effects).

69. The assessment of the cumulative visual effects arising from the Burnthouse proposal followed the Regulation 19 request from PINS. The impacts can be summarised as follows:

- Addition of Burnthouse proposal alone to existing and consented schemes - There would not be any significant cumulative visual impacts. (Table at JB, Appendix 4).

- Addition of Burnthouse, Flood's Ferry, and Boardinghouse to existing and consented schemes -12 viewpoints would experience significant cumulative visual impacts. (Table at JB, Appendix 4, 'TLP assessment' boxes with ticks. Viewpoints 1 and 14 are agreed by Appellant (ibid. under 'Pegasus Significance')).

- Addition of Burnthouse and Flood's Ferry (without Boardinghouse) to the existing and consented schemes - 8 viewpoints would experience significant cumulative visual impacts. (Table at JB, Appendix 4. Also, 12 individual properties within 1km of the Burnthouse proposals would experience significant cumulative visual effects (major and moderate-major adverse impacts), as well as the village of Turves. (Table at JB, Appendix 2). A number of recreational routes, including Hereward Way, River Nene (Old Course), Whittlesey Dyke and National Cycle Route 63, would experience significant sequential visual impacts. (JB05 Drawing). There would be local landscape character impacts particularly in the area between the two sites extending up to 2km from the turbines. (JB04 Drawing).

70. Each of the viewpoints considered by Burnthouse is simply representative of the impacts of the scheme as a whole in the cumulative situation. The actual impacts would be wider than merely those identified for each location. The cumulative impacts should be weighed in the balance together with those on individual properties, when the cumulative case for granting more than one appeal scheme is considered. The cumulative visual impacts cannot be ignored and must be weighed in the balance.

71. Addition of Flood's Ferry to the existing and consented schemes would result in significant cumulative visual effects on 6 out of 7 locations identified by the Appellant and at a further 3 locations. There would be significant cumulative visual impacts on the Flood's Ferry Marina Park arising from a combination of simultaneous and successive views notwithstanding the line of trees / vegetation seen on site. Sequential views at this location would have to be considered as well. There would be significant cumulative visual impacts on various recreational routes, other footpaths and rights of way. The impacts would comprise a combination of simultaneous, successive, and sequential views. (JB05 Drawing).

72. Although there would not be a significant cumulative landscape character impact on the Drained Fen landscape character type overall, there would be significant landscape impacts at a local scale, especially in the area between Flood's Ferry and Ranson Moor. (JB04 Drawing where the 2km radii for Flood's Ferry and Ranson Moor overlap).

73. There would be significant cumulative visual impacts on a number of residential receptors with 15 experiencing major significant adverse impacts. (JB, Appendix 6, shading in yellow). The residential receptors cover a number of settlements (most notably Turves) and a number of properties to most aspects of the compass. Whilst the professional view of the Council's witness remains that certain of the cumulative visual impacts on individual properties would render them unattractive places to live (JB, Summary, 5.9), in light of the position agreed in the Statement of Common Ground (that the Council's case is limited to cumulative visual impacts), the Council does not rely on this evidence.

74. Addition of Flood's Ferry, Burnthouse, and Boardinghouse to the existing and consented schemes would lead to significant cumulative visual effects at Viewpoint 2 on Whittlesey Road, and Viewpoint 16 on the edge of Turves. The Council considers that Viewpoint 11 would be affected too (Table at JB, Appendix 5).

75. Addition of Flood's Ferry and Boardinghouse (without Burnthouse). There would be additional significant cumulative impacts from Viewpoints 4 and 8 and from the settlements to the east including March and Wimblington. There would also be a further significant reduction in the existing 'gap' that currently exists between Ranson Moor and the Flood's Ferry site.

76. Overall, the Council's case is that there are sufficient cumulative impacts with the addition of the Flood's Ferry scheme alone to cause harm. The addition of either or both of Burnthouse or Boardinghouse would only increase the harm. The decision-maker should have regard to all of the

viewpoints selected by the parties in its ultimate assessment of the cumulative impact of each scheme (JB06 Drawing).

77. There is a relatively narrow area of disagreement between the Council's and Flood's Ferry landscape professionals on the extent of various impacts, and the major issue between them is the exercise of professional judgment as to whether the cumulative visual impacts tip the balance such that there are harmful effects. It has never been the Council's case that the overall capacity for the Drained Fenland Landscape Character Type would be exceeded by the grant of either or both of the appeal schemes. Nor is it disputed that wind turbines are already a distinctive feature of the Fens as a landscape (WTG, Appendix 5, p.5) and that some degree of concentration of turbines is likely in the area as a whole. However, the Council contends that the wide range, number, and extent of cumulative impacts caused by the development would amount to harm in cumulative visual terms.

78. Visual clustering might be seen as a positive approach generally, but that cannot mean that clustering can continue without restriction in this area. The recent decision in Monkwith [CD 4.36] provides a useful illustrative example of where cumulative visual impacts, and particularly sequential impacts, can lead to refusal. The Inspector accepted that cumulative visual impacts can occur over comparatively extensive areas (para. 33). Although a cumulative landscape impact was identified in that case (para. 23), sequential cumulative impacts formed a main part of the decision to dismiss the appeal (para.s 33, 36). The Inspector there included that the proposal for 3 turbines would increase the numbers of turbines and windfarms in the area (there were 3 other wind farms) to an extent where the resultant harm would outweigh the presumption in favour of such schemes (para. 78). The conclusion that the repeated visual effects of the 4 windfarms would dominate and overpower the receptors' experience of the locality (para. 36) is consistent with the cumulative visual impacts which the Flood's Ferry scheme would bring.

Whether any effects would be outweighed by wider economic and environmental benefits which the proposals would bring (with reference to PPS22)

79. The starting point must be section 38(6) Planning and Compulsory Purchase Act 2004 which seeks to ensure that the development plan is given added weight in decision making. The importance of that section must not be overlooked in the analysis of the weight to be attached to development plan policy and in particular policies E1 and E8 in this case. The decision maker is required to apply properly adopted and saved development plan policy, and determine in accordance with those policies unless material considerations indicate otherwise.

80. The RSS continues to remain in force until it is abolished by the SoS. Following the decision in Cala Homes (South) Limited v SoSCLG and Winchester CC, 2011, EWHC 97 (Admin) the Government's stated intention to abolish the RSS and to promote legislation for that purpose is a material consideration. It is submitted that whilst the policies of the RSS remain applicable, they carry considerably less weight, and certainly less weight than extant local plan policy, as a result of the SoS's stated intention.

81. In the RSS, Policy ENG1 and ENG2 provide some support for the appeal proposals. Whilst the Core Strategy is not yet in force, Policies N5 and N6 provide a positive framework within which to consider renewable energy and wind turbine development. Yet the terms of those policies also reflect the issues in these appeals. Policy N5 supports renewable energy in principle, whilst requiring that it should minimise any adverse impacts on the environment and amenity through careful siting and design. Likewise, Policy N6 is permissive, save where the cumulative effect of the proposal would have an adverse impact on the visual quality of the open landscape.

82. The Council applied the relevant policies of the development plan, identifying conflicts with Local Plan Policies E1 and E8. Since E1 forms part of the general policy approach to controlling development in the countryside, where wind turbines are generally located, it is necessarily engaged and relevant. The policy provides a criteria based approach, and refers to minimising visual impact which reflects the wording of key principle (viii) in PPS22, paragraph 1. The mere fact that the policy is old, and pre-dates wind turbine development, is no answer to its application as a general policy which reflects the wording of extant national policy on renewables.

83. Policy E8 of the Local Plan similarly relates to new development and its impacts on the environment. New development is required to have regard for the amenities of adjoining properties and the locality in general. Insofar as the visual impacts in the Burnthouse scheme are found to affect adversely residential amenity, the proposal is in breach of that part of the policy. Insofar as the cumulative visual impacts of the Flood's Ferry proposal are significant and adverse, the proposal could be deemed not to have had regard for the locality. Conflict with these policies should be afforded full weight.

Other material considerations

84. Overall conflict with the Development Plan can be outweighed by other material considerations. The various national energy policy documents referred to by each Appellant are all capable of being material considerations, but when considering national energy and planning policies, it is national planning policy which should be the starting point and should carry considerable weight. It flows from that that the provisions of European Directives carry considerable weight insofar as they are relevant. Their relevance to the planning system will be manifested in national planning policy which refers to and supersedes them and should carry more weight. Where a governmental White Paper foreshadows the issue of national planning policy, the publication of the latter and its terms should carry more weight.

85. National planning policy on renewables is up to date and not materially affected by more recent statements of energy policy. The more recent national energy policy carries less weight because it is either in draft and therefore subject to change or has not yet been formulated into the planning context. This would bring with it the need to protect the environment, the matter which is at the heart of these appeals.

86. Both Appellants referred to the White Paper 'Meeting the Energy Challenge' (5/07) [CD5.1] and the 'clear steer to planning

professionals and local authority decision makers, that in considering applications they should look favourably on renewable energy developments' (AB, 4.7, PF, 2.8 – emphasis added). But that quotation is contained in a section which discusses the application of energy policy to the planning system and ultimately anticipates the publication of the PPS on Climate Change ([CD 5.1], p.157, 5.3.70). The Supplement on Planning and Climate Change includes express reference to the White Paper indicating that that document has been taken into account (para. 3, footnote 5). Also, the favourable consideration 'test' has been considerably watered down as applicants for renewable energy projects which will contribute to the delivery of Key Planning Objectives 'should expect expeditious and sympathetic handling' of their planning application (PPS1, Supplement, para. 40 [CD3.1]).

87. The wording which the Appellants seek appears in the new draft PPS Planning for a Low Carbon Future in a Changing Climate ([CD 5.7], at p.25, LCF14.2). However, the PPS is in draft and therefore subject to change, and the reference is not a stand-alone test being one of eight considerations to be taken into account when determining applications. The reference in the draft PPS therefore carries little weight when set against extant national policy.

Targets

88. The Council accepts that there is a shortfall against the regional targets, that that is a material consideration to be weighed in the planning balance, and that as a material consideration it does carry weight. However, the weight to be attached to Flood's Ferry's analysis of the shortfall on UKRES targets should be limited. The current targets are set in PPS22 (10% of UK electricity from renewables by 2010 with an 'aspiration' to double that), and in EU Directive (2009/28/EC) where the UK target for share of energy from renewable sources in gross final consumption of energy by 2020 is 15%. The UKRES [CD 5.2] is part of Government energy policy which provides a 'lead scenario' that 'about' 30% or more of all electricity 'could' come from renewables. The draft PPS does not contain that new target so that the aspiration to achieve about 30% electricity from renewables by 2020 is far from being planning policy. It is the targets at RSS level that should be applied here.

The wider environmental and economic benefits and Committee reports

89. On the significant weight which is to be applied to the wider environmental and economic benefits of all renewable energy proposals (PPS22, para. 1 Key Principles (iv)), although it is a key principle, it should be considered in context. It is not a stand-alone test. The principle is one of eight within PPS22, paragraph 1. Key Principle (i) provides that renewable energy developments should be capable of being accommodated in locations where environmental impacts can be addressed satisfactorily, envisaging that landscape and visual impacts might not be satisfactorily addressed in any given case. Similarly, Key Principle (viii) requires development proposals to demonstrate how environmental impacts have been minimised through careful consideration of location, scale, design, and other measures. With regard to small scale developments it is recognised in the guidance that landscape and visual effects will vary and that planning authorities

should take account of the cumulative impact of wind generation projects in particular areas (para.s 19 and 21).

90. The Methodology section in the WTG refers to the advice of PPS1 Climate Change, PPS 22 and the Key principles which are set out in full, the Companion Guide to PPS22, the East of England Plan policies, and the targets within it (para. 2.1 – 2.8). It had proper regard to the planning policy context.

91. This is not an authority which is new to wind farm developments or the arguments put in support of them. With the experience of handling and granting wind farms in the area and the attendant knowledge base at the Council, together with the assessment carried out by the Landscape Partnership, the Council was well placed to recommend refusal in each case on specific grounds.

92. There are different perceptions of wind farms both before and after they are built. However, valency should form no part of an ES assessment. The planning system exists in part to protect people from the unacceptable impacts of development. Because some people have a positive reaction to wind turbines, it should not be concluded that that makes unacceptable impacts acceptable. The Nuon (UK) Ltd v SoSCLG, Bedford BC (CO/4170/2010) consent order is not a High Court decision and does not have equivalent status. The fact that some people living close to the turbines are in support should be taken into account, just like the fact that there are objectors. However, the weight to be attached is very small; this is not a numbers game.

93. The permissions sought by the Appellants are not 'temporary' in any real sense of the word. 'Reversibility' is a euphemism. The wind turbines if either scheme is granted, will be in place for 25 years plus, due to decommissioning, a further 18 months in the case of Burnthouse, and a further 12 months in the case of Flood's Ferry. Further, it is highly likely that the argument for renewable energy will remain for some time to come. The temporary nature of the permissions sought must be taken into account, but should, it is submitted, carry little weight in the planning balance.

94. It is readily accepted by the Council that the concept of residential amenity covers noise, shadow flicker, dust, TV interference, as well as visual residential amenity (JB, 4.3). However, the broad nature of the concept does not preclude any one aspect of it, such as visual impacts, from affecting residential amenity on its own. The Council accepts any impact caused by shadow flicker can be adequately mitigated by condition, and each Appellant has provided a scheme based condition which satisfies the Council.

95. As for noise, it is accepted that noise impacts can be controlled by condition. The particular concern is with regard to the impact in the event that both Appeals were allowed and both Appellants have demonstrated that they can meet noise limits in accordance with ETSU-R-97. There is clearly a need for consistency between the conditions for an enforcing authority. The Council's preferred option is that both sites use the lower day-time limit of 37.5 dB(A), and that the lower of the two

background noise levels monitored for each site are used, as set out during the conditions session. It is submitted that such an approach is not unlawful. In any given case, the background noise level will have derived from ETSU compliant monitoring. The lower figure has been chosen to provide the greatest protection for residents.

96. If, however, only one set of figures should be used, the Council would prefer that Scottish Power's figures are used, since, apart from at wind speeds of 11 – 12m/sec (when the wind itself would be very high, and noisy), they are the lower figures.

97. Whilst the solar farm application has been submitted, the outcome cannot be second guessed. It is made by a separate company from Fivestone and is due for completion well before the SoS is likely to produce a decision for these appeals. The cumulative assessment made during this Inquiry is welcomed but the Council is unable to comment on it now.

98. In summary, the Council accepts that there is an urgent need for renewable energy, that the Regional Targets contained in the RSS have not been met, that the wider economic and environmental benefits of wind energy should carry significant weight, and that there are economic benefits brought forward by the schemes. However, national planning policy reflects the balance to be struck with environmental and social impacts with particular regard to landscape and visual effects. Statements of national energy policy are material, but when properly considered, do not substantially change the balance of planning policy. The visual impacts in each case are such that the environmental and social impacts have not been addressed satisfactorily and have not been minimised. Overall, it is submitted that the Appellants have attached undue weight to the arguments in favour of renewable energy.

99. It is difficult to make a value judgment as between harm caused by impact on residential amenity, and cumulative visual impacts. The Council refused each individual application and would not be drawn on which is the 'better' scheme.

The Case for Fivestone Limited (Appeal A)

The main points were:

100. If the massive scaling up set out in the Renewable Energy Strategy, the Renewable Energy Action Plan and the Ministerial Statement of 18 October 2010 is to be achieved, an urgent response is required to hit the 2011-2012 interim target [F9]. The proposed development, whether taken on its own or in combination with the proposed 5MW solar farm on the same site would provide vital installed capacity in an excellent location.

101. In this case, the Council raises the single issue of the effects of the proposed development on the residential amenity of nearby dwellings. Indeed, the reason for refusal is even narrower than that, alleging unacceptable harm to visual outlook. During the course of the evidence, the Council's case has been refined yet further such that it now alleges that just seven properties would be unacceptably affected by Burnthouse Farm and

eight properties would be unacceptably affected by Burnthouse Farm in combination with Flood's Ferry. The Council is satisfied that the effects of noise and shadow flicker would not be unacceptable. Whilst it is accepted that there would be significant effects upon the visual component of residential amenity from a limited number of local properties, in no case would those effects be overbearing or overwhelming and when considered in the round, would not give reason for refusal of planning permission. Given the small scale nature of the development, spacing of the turbines, distances involved, orientation of properties and amenity space, any effects on outlook would not justify refusal of planning permission as a matter of public interest.

102. In all other respects, the proposed development has a clean bill of health. In the event that the decision maker concludes that planning permission can only be granted for either the Burnthouse development or the Flood's Ferry development, the planning balance weighs firmly in favour of the Burnthouse scheme. It would result in less harm to interests of acknowledged importance. Most importantly, in combination with other developments such as the solar farm and the Boardinghouse extension at Ransonmoor, a greater installed capacity than that provided by Flood's Ferry could be achieved but in a way which more satisfactorily preserves landscape character and which better preserves future options for spatial distribution of additional renewable energy schemes in the area. A disaggregated approach would provide more installed capacity but with "a lighter environmental touch". The degree of potential harm caused to landscape character and general visual amenity caused by the Flood's Ferry development is of a different degree of magnitude and significance to the alleged harm to outlook from residential amenity of individual dwellings caused by the Burnthouse development.

Threshold of acceptable change

103. It is not suggested that there is a presumption in favour of this scheme. Nor does the Appellant argue that once the requirement to minimise environmental, social and economic impacts pursuant to Key Principle 1(viii) in PPS 22 has been met, it is not necessary to go on and consider residual harm. It clearly is. But minimising effects within Key Principle 1(viii) does not mean to make minimal; taken literally, that would mean either to have no wind farm at all or to reduce to absurdity the scale of the already modest proposed development such as to a single turbine of very small dimensions.

104. The key point is that in order to meet vital policy objectives, the threshold of acceptable change, including change to outlook from some existing residential properties has to be set at the right level; at a level which allows us to 'get on with it'. Protection of residential amenity in the public interest means that unacceptable harm has to be avoided; not that no change or no harm has to be guaranteed. It is interesting to note how other decision makers and bodies have attempted to draw together all the various policy statements and articulate the correct test. Within a number of appeal decisions, made by both Inspectors and the Secretaries of State, there are various attempts to articulate the correct test but all are minor variations on the same one-way theme; the scales in the planning balance do not start on an even keel for this project.

105. In summary:

- If we are to adhere to Government policy and Key Principle 1(1) in PPS 22 then renewable energy developments are capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily.

- The policy imperative can be translated to mean "as many schemes as possible and as fast as possible, providing that in each case the impacts of a given scheme have been satisfactorily addressed".

- The Council agreed that "satisfactorily addressed" can be interpreted to mean that planning permission should follow unless interests of acknowledged importance would be "seriously compromised". The authors of the ARUP Study contended that planning permission should follow unless an "exceptional reason" can be shown [CD5.6]. This is an agreed articulation of a test which should be applied by the Inspector and Secretary of State in this case.

- "Satisfactorily addressed" does not equate to finding the ideal or even the best solution. Serious harm is not the same thing as a "significant effect" for the purposes of the Environmental Impact Assessment Regulations 1999. It must indicate something more harmful and of greater overall gravity than that which otherwise would arise from any commercial wind energy development. Calibration of what does or does not equate to "seriously compromised" or an "exceptional reason" must take into account the massive shortfall against regional and national targets.

- Pursuant to Paragraph 40 of the Supplement on Climate Change to PPS 1, the proposed development deserves "expeditious and sympathetic handling" in the planning system and in the language of Chapter 5 of the White Paper on Energy (May 2007) a "clear steer" has been given to decision makers, including the Inspector and Secretary of State himself to "look favourably" upon the grant of consent. The White Paper is expressly stated to be a material consideration in planning decision making and carries significant weight. The Council's suggestion that Paragraph 40 somehow waters down Chapter 5 is misguided. Both policy "anchors" apply in this case and are to do with the substance of decision making and not procedure. The only way to give expression to the overwhelming policy drive is to set the threshold of acceptable change at a level which allows sufficient schemes to go through in sufficient places; the limbo bar has to be raised high enough to let sufficient numbers of wind farms to pass through but not so high that unacceptable schemes which cause unacceptable environmental harm qualify.

Energy policy context

106. Energy policy is clear and was set out comprehensively in Meeting the Energy Challenge: A White Paper on Energy in May 2007 . When this document is read in conjunction with :

- PPS 22 and its Technical Companion

- Supplement to PPS 1 on Climate Change
- Climate Change: The UK Programme
- EU Climate Change and Energy Package
- Planning for a Sustainable Future
- The Renewable Energy Strategy
- The Planning Act 2008
- The Energy Act 2008
- The Climate Change Act 2008
- UK Low Carbon Transition Plan
- Draft National Policy Statement on Energy Infrastructure (and response)
- Draft National Policy Statement on Renewable Energy (and response)
- The Renewable Energy Action Plan
- The Annual Energy Statement of July 2010
- Ministerial Statement of 18 October 2010

there is no reasonable room for dispute regarding (1) the seriousness of climate change and its potential effects (2) the seriousness of the need to cut carbon dioxide emissions or (3) the seriousness of Central Government's intention regarding deployment of renewable energy generation [CDs3.1, 3.5 & 5.1-5.29]. None of this is challenged by the Council.

107. Such trenchant policy cannot just be mentioned in passing or agreed quickly in cross-examination and then forgotten. Amidst consideration of the potential effects on visual amenity and residential outlook from local properties, sight cannot be lost of the underlying policy mission. Even if effects were considered to be harmful, which is not accepted, they do not need to be rendered harmless to be acceptable. They have to be "satisfactorily addressed".

Planning policy framework

108. For the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004, the adopted development plan currently comprises: The East of England Plan: The Revision to the Regional Spatial Strategy for the East of England (May 2008); Saved policies of the Cambridgeshire and Peterborough Structure Plan (2003); and Saved policies of the Fenland District Wide Local Plan (1993) [CDs1.1-1.3].

109. In relation to the East of England Plan, the RSS is up to date in relation to renewable energy generation and represents a recent expression of top tier development plan policy relevant to the proposed development. It provides a clear policy imperative for further provision of renewable energy (Policy ENG 2) in support of the sustainable development objectives of the Plan in Policy SS1.

110. In relation to Cambridgeshire and Peterborough Structure Plan, none of the saved policies are relevant to the proposed development.

111. In relation to the Fenland District Wide Local Plan, the only policies which are referred to by the Council are Policy E1 and Policy E8. Both policies are very stale indeed and were written long before the advent of renewable energy schemes such as the current one. The

Inspectors dealing with the applications at Foundry Way [CD4.8] and Creek Road [CD4.28] specifically commented on the agedness of the policies. In cases such as Earls Hall Farm [CD4.6] in which Inspectors have considered modern wind turbines against policies which were never designed to countenance them, it has not taken long for decision makers to decide that little policy harm results. A strict interpretation of a general policy aimed at preventing development in the open countryside would result in all modern wind farms failing the basic policy test. Attention should turn very quickly to the "other material considerations" which in this particular case would be every renewable energy specific policy document since 1993. In shorthand, that means all of them. In this case, the pivotal issue remains the acceptability of the effects on outlook from local properties.

Renewable energy targets

112. Policy ENG2 of the RSS sets specific targets for installed renewable energy capacity.

113. It is an agreed position that the 2010 target was not met. The onshore installed capacity figure for 2010 is 820 MW and as at December 2009, there was 436.5 MW of installed capacity. This very substantial shortfall results in an urgent and compelling need for renewable energy projects such as the proposed development. The Inspector in the Carsington appeal [CD4.2] rightly placed great weight on the prevailing shortfall. It is not the case that the 2010 target should simply be forgotten until the 2020 target arrives; any shortfall has to be made up quickly before progress towards meeting the greater target can commence. Again, this is agreed.

114. PPS22 makes plain the importance that Central Government attaches to the setting and achievement of regional targets, as a tool to ensure timely achievement of national renewable targets. Targets at RSS level are all that is required. Disaggregation of sub-regional targets to County or District level may be useful but is neither required nor endorsed by PPS22 and cannot be used as a device for obfuscation or unacceptable delay. Drawing the agreed facts and figures together:

- The shortfall between current provision of renewable energy production capacity and adopted policy targets is very substantial. The 2010 target has been missed.
- There is no evidence to suggest that development is occurring or being planned at anywhere near sufficient levels to match the shortfall. The statistics are a depressing read with scheme after scheme being refused planning permission, getting caught up in the appeal system or being snagged by legal challenges.

Wind Turbine Development Policy Guidance

115. The proposed development lies in the zone between 400 m and 2 km in which all schemes require to be properly assessed in terms of their relationship with settlements and properties. This is a not a "pass or fail" criterion; it is one calling for individual assessment. In the view of the Appellant, the scheme is acceptable. Against all other criteria, Burnthouse would comply with the WTG. It would comply with it more closely than would the Flood's Ferry Farm proposal.

The ARUP Study

116. To inform the future review of the RSS, ARUP was commissioned to undertake a study of the region's capacity to accommodate renewable energy schemes and to provide a framework for meeting challenging targets [CD5.6]. One of the aims of the ARUP Study was to define broad areas of greater potential; that is, greater than other areas as opposed to the exclusive areas to be used.

- The appeal site lies within the "area of likely concentration".
- Even in the "business as usual" lower scenario, wind farms would be located all over the unconstrained and variably constrained areas.
- 370 MW of small scale wind is relied on by the study as a windfall allowance to get to the target capacity; all indications are that this just isn't going to happen.
- The authors identify that on the realistic scenario, over 500 commercial wind turbines will be needed across the region, that is, over one hundred and sixty Burnthouse Farm equivalents. This stepped change in renewables' development is the reality of what is required to meet the 2020 target given the indicative technology mix. If binding targets are to be met then landscape character across the region is going to change.

Landscape and visual effects

117. The acceptability of the proposed development does not depend on whether someone thinks it is good or bad or a head count or a show of hands. Modern wind turbines inevitably bring with them significant change by reason of them being wind turbines and this is written in to PPS22 and every policy document published since. As the Appellant's landscape witness explained, he has adopted a precautionary approach and assumed an adverse environmental effect whilst all the time recognising that there is a wide spectrum of response from the negative through to the extremely positive.

118. It is agreed with the Council that there are no reasons for refusal relating to landscape impacts, impacts on landscape character or cumulative landscape and visual effects.

Visual component of residential amenity

119. The single outstanding issue remains the likely effects upon outlook from a limited number of local properties. The Appellant's landscape witness has undertaken a detailed residential receptor analysis, upon which the planning witness is able to draw in reaching his conclusions. The separation between what is a private interest and what should be protected in the public interest is tolerably clear; it has been the subject of particular focus in wind farm cases since the decision at Enifer Downs in April 2009 [CD4.3]. 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.

120. 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. Indeed, following Beech Tree Farm [CD 4.22], even a fundamental change in outlook is not necessarily unacceptable. The Appellant's landscape witness clearly identified what factors he had taken into account in his determination that no effects were unacceptable. The Council failed to set out how it moved from identification of a substantial adverse effect to identification of an unacceptable effect objectively assessed.

121. The visual component of residential amenity should be assessed "in the round" taking into account factors such as distance from the turbines, the orientation, size and layout of the dwelling, internal circulation, division between primary and secondary rooms, garden and other amenity space, arc of view occupied by the wind farm and the availability of screening. The landscape witness has provided the visual assessment and made his decision in the round. It has then been for the planning witness to make his overall assessment of residential amenity.

122. Each case has to be decided on its own merits but the Council agreed that other appeal cases provide a useful benchmarking exercise. Specific consideration has been given to Enifer Downs [CD 4.3], Earls Hall Farm [CD 4.6], Hempnall [CD 4.7], Wadlow Farm [CD 4.10], Carland Cross [CD 4.17] and Beech Tree Farm [CD 4.22]. Granting permission here at Burnthouse would be entirely in line with such decisions.

123. Given the small scale nature of the development, spacing of the turbines, distances involved, orientation of properties and amenity space and openness of view, any effects on outlook would not cross the public interest line here at Burnthouse. The factors relied on by the Appellant in the case of each of the identified properties is set out in the Appellant's Residential Impact Note prepared jointly by the landscape and planning experts [F3].

124. The dwelling likely to sustain the highest degree of change would be Willow Farm. However, properly analysed, the visual effect from this property is akin to that from a single turbine by reason of the substantial outbuildings to the South East of the main house. Whilst it is not necessary for the grant of planning permission, as a matter of good neighbourliness and in the public interest, the Appellant has offered to fund a mitigatory planting scheme. Such a scheme was held to be a material factor in the grant of planning permission at Earls Hall Farm.

125. What became clear during the Council's evidence was that the Council's assessment was overly cautious, too protective and if followed would be out of kilter with what has happened nationally. In other words, the Council has calibrated its scale of harm too pessimistically. If such calibration were to be followed then as a matter of fact, a large number of wind farms already approved would not have been approved and few would come forward in the future. One very telling piece of evidence is that the same landscape witness gave evidence at the Wadlow Farm inquiry [CD 4.10]. The calibration of harm was rejected at that appeal. The Council has

relied entirely on the landscape witness and if he has been too restrictive then it necessarily follows that the Council has been too restrictive.

Cumulative visual effects

126. There would be no significant cumulative landscape and visual effects arising from the proposed development in conjunction with existing constructed or consented sites or with the proposed Boardinghouse extension to Ransonmoor, should this be consented. From some viewpoints in close proximity to the proposed development, there would be some significant cumulative visual effects that would arise in relation to Burnthouse in combination with Flood's Ferry. This is a result of the Flood's Ferry proposal being much larger in nature and scale in comparison to the proposed.

127. Whether regarded as positive or adverse, the visual and landscape effects of the proposed development can be substantially reversed. The proposed development would be a sustainable form of development from the perspective of safeguarding a landscape resource and the perspective of long term visual amenity. The link between climate change and character must also be acknowledged and given significant weight. The Council has placed no weight on it at all and as a result has failed to take into account a material consideration.

Noise

128. The Council does not object to the proposed development on the basis of noise. PPS22 and its Companion Guide, together with various Government Statements in other places and previous appeal decisions both by Inspectors and Secretaries of State, make clear that assessment and rating of noise from commercial wind farm developments in England is to be made through the application of ETSU-R-97. The assessment demonstrates that predicted wind turbine immission levels using a candidate turbine meet the ETSU-R-97 derived noise limits under all conditions and at all locations for both quiet daytime and night-time periods with comfortable margins.

129. Suitably worded conditions have been proposed which would secure adequate control. The limits set out in the proposed condition were derived from an ETSU-R-97 compliant noise monitoring exercise, carried out over an extended study period in summer months. The data set is robust and reliable. Tempting though it might be for the Council to mix and match lowest values from the Burnt House assessment with those from the Floods Ferry assessment, this would produce a corrupt and inappropriate result. The ETSU-R-97 system is an hermetically sealed one. The Appellant is quite firm in its submission that the scheme specific assessment and resulting derived levels should apply.

Other material considerations

130. The aviation objection from the Ministry of Defence has been withdrawn.

131. In relation to ecology, the Appropriate Assessment concluded that the Burnthouse scheme would have no adverse effects on

the integrity of the designations whether on its own or in combination with Flood's Ferry. Collision rates would not come close to approaching the threshold of significance, let alone undermining the integrity of the designated areas. In the event that both the Burnthouse and the Flood's Ferry proposals were consented together, it is clear that the greater effect would result from the latter but the absolute levels remain incredibly low. Following the conclusions of the report, the Appellant submits that a post-construction monitoring and mitigation condition is neither necessary nor reasonable within the terms of Circular 11/95.

132. The Statement of Common Ground records that there is no dispute between the appellant and the Council regarding:

- Ecology including impacts on protected species and designated sites
- Impact on tourism
- Impact on cultural heritage features
- Impact on landscape character
- Impact on the local highway network, including construction traffic routeing and any disturbance to other road users arising therefrom
- Shadow flicker
- Horse and pony riding
- Impacts on radar or aviation interests both civil and military
- Public safety, ice throw or driver distraction
- Infrasound, Low Frequency Noise, amplitude modulation, the effects of wind shear and overall noise impacts during construction, operation and decommissioning (subject to the imposition of suitable conditions to control the impacts of construction and operational noise)
- Loss of agricultural land
- Human Rights under Article 8 and Article 1 of the First Protocol to the ECHR and the Human Rights Act 1998, including diminution in the value of residential property
- Hydrology and hydrogeology, including flood risk and surface water runoff from the site during construction and operation
- The effects of electro-magnetic interference on telecommunications and public broadcast services.

Flood's Ferry

133. The Appellant has set out its position in relation to the Flood's Ferry scheme both in its Statement of Case to that inquiry and in its evidence to this one. The starting position of the Appellant is largely neutral about Flood's Ferry. Accordingly, the Appellant's primary submission is that the Inspector should consider whether (1) planning permission can be granted for Burnthouse on a solus basis and (2) go on to consider whether planning permission could be granted for both.

134. However, in the event that the decision-maker forms the view that there is insufficient capacity in the local landscape to accommodate both wind farms, it is open to him and in the submission of the Appellant incumbent upon him to consider the comparative merits of the two schemes. In the leading authority on this topic R on the application of J (by his litigation friend (VJ) and TH (by his litigation friend (LH) v North Warwickshire Borough Council [2001] EWCA CIV 315, after a review of the authorities, Lord Justice Laws in the Court of Appeal held that

"If I may say so, with respect, it seems to me that all these materials broadly point to a general proposition, which is that consideration of alternative sites would only be relevant to a planning application in exceptional circumstances. Generally speaking-and I lay down no fixed rule, any more than did Oliver LJ or Simon Brown LJ-such circumstances will particularly arise where the proposed development, though desirable in itself, involves on the site proposed conspicuous adverse effects that the possibility of an alternative site lacking such drawbacks necessarily itself becomes, in the mind of a reasonable local planning authority, a relevant planning consideration upon the application in question".

135. This has not been considered as an "alternatives case" but when a comparative exercise is undertaken, the proposed development has fewer drawbacks than the Flood's Ferry proposal. In particular:

- The degree of effect on landscape character and visual amenity is of a different degree of magnitude to the alleged harm to outlook from residential properties resulting from Burnthouse.
- The issue of cumulative visual effects, both static and sequential was considered in the recent Monkwith appeal decision [CD4.36]. There are a number of similarities between that part of the East Riding and this part of the Fens. In plan view, the point is obvious. Using the 'thumb test' it becomes clear that in spatial terms, the introduction of Flood's Ferry would mark a transformative change. There would be little respite from the presence of turbines in large wind farms, a point which lies at the heart of the Council's case. By way of comparison, a combination of Burnthouse and Boardinghouse extension, with or without the solar farm, would result in clear and continued separation between installations and no sense of coalescence. On the ground, an observer in the local area would enjoy little respite from the presence of turbines either travelling by car on routes such as that from March to Benwick or walking along the Hereward's Way
- Flood's Ferry would bring about a greater change in the background noise environment than would Burnthouse. In order to operate, a day time absolute noise limit of 37.5 db(A) at all properties is required. Burnthouse would operate with a lower day time noise limit of 35 db(A) at all properties.
- The reasons why Flood's Ferry performs relatively worse in landscape character, visual amenity and design terms are set out in the Statement of Case to the Flood's Ferry inquiry and in Mr Denney's proof. The basic proposition put forward by Scottish Power, namely that more energy would result from the scheme is no longer correct; the Boardinghouse extension, the solar farm and Burnthouse would deliver a higher installed capacity in a more environmentally acceptable way.

Concluding remarks

136. The proposed development would result in change to the local landscape and this would involve change to the local character and composition of a number of views for a limited number of residential occupiers. But a change in a view is not in itself unacceptable. To refuse planning permission in the public interest, the degree of harm to outlook would have to be such that the turbines dominated, overwhelmed and were

overbearing on the living experience of residents. In this case, that degree of change simply would not arise at any property.

137. The Council's case has suffered from two serious flaws: Firstly, it has been based wholly upon a visual assessment prepared by the Council's landscape witness which is incorrectly calibrated and unduly pessimistic. This has infected the officer report to committee, the views expressed to members, the reason for refusal and the case put at inquiry. In short, the landscape witness's judgements lie at the heart of the Council's case. If he has got it wrong, the Council has got it wrong.

138. Secondly, in assessing whether or not the public interest test had been failed and in purporting to strike the planning balance, the Council failed to accord any or any significant weight to the wider benefits of the scheme. It is quite clear having identified a substantial adverse visual effect when a turbine would be visible in a view from a dwelling, it moved straight to a finding of unacceptability. Even on the case as it was put by its own landscape witness, this was incorrect.

139. In the evidence it has called, the Appellant has demonstrated that the environmental, economic and social impacts of the proposed development would be satisfactorily addressed and respectfully requests that planning permission should be granted in the form in which it has been sought.

The Case for Scottish Power Renewables (UK) Limited (Appeal B)

The main points were:

A. Introduction

140. Fenland District Council's objection is limited[1] to alleging unacceptably adverse cumulative impact arising from the development in visual terms, not landscape (emphasis added). Thus the only issues that can here arise in respect of the Flood's Ferry Farm proposal (FF) are as follows: First, whether when added to the relevant baseline – namely one which is assumed to include not only existing wind farms but also those consented but not built and those for which applications have been made – FF has materially adverse visual impact (no allegation of materially adverse landscape impact is advanced[2]); second, even if the answer to the first issue is affirmative, whether any such cumulative visual effects are capable of outweighing the significant benefits of the FF scheme (ie the overall planning balance[3]).

141. A third issue arises if the Secretary of State ("SofS") concludes that, though FF – and either or both of Burnthouse Farm ("BHF") and Boardinghouse ("BDH") – are each acceptable on a solus basis, only

[1] ibid

[2] So far as concerns the late raising of a very limited residential impact point, that is dealt with under separate heading below. As a matter of law, it can form no part of FDC's case; in any event, even if one ignores the legal position, FDC accepts that it is not a major part of its case

[3] FDC, through Mr Nourse (xx Newcombe), accepts that the overall planning balance can only be drawn after all material considerations have been reviewed

one, or two, of the three schemes can be accommodated. Though not in itself a principal issue, a fourth matter arises in the event that both FF and BHF are to proceed; that matter is the terms of any noise condition(s) governing operational noise.

142. FF is a materially bigger scheme than either BHF or BDH and is, in principle, to be preferred or favoured on that ground; Government policy requires[4] any decision on these appeals to secure the highest viable resource and energy efficiency and reduction in emissions. In saying that, Scottish Power Renewables (SPR) in no way resiles from its position that all three schemes can come forward acceptably.

143. The scheme has generated a number of representations from local residents and interested members of the public; at application stage, these amounted to some sixteen letters of support as against thirteen such objections, as Fenland District Council's (FDC) Committee Report records[5]. Whilst planning decisions are not made on the basis of 'votes', third party representations are a material consideration where they relate to planning matters[6]. FDC, having considered the various third-party objections to FF, chose only to advance the very narrow objection identified above; thus, although quite properly FDC invites the SofS to have regard to the objections, it has considered them and decided not to object on grounds other than that specified above.

144. The Planning System: General Principles correctly identified that it does not exist to protect the private interests of one person against the activities of another. The basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

B. Policy context (and need)

Overview of (inter)national policy and legal obligations

145. In the case of renewable energy the relevant policy inter-relates with various domestic and international legal obligations and cascades down from international through European, national and regional to the local level. The development plan takes effect as a product of that overall chain. Notwithstanding its statutory status, it falls to be considered in the context of the higher legal and policy tiers. In so far as the development plan fails to accord with those higher tiers, the latter are most material considerations indicating otherwise.

146. The Annex to the latest EU Directive[7] identifies various overall targets for Member States (2020) for the percentage share from renewable sources in final energy consumption. The UK failed to meet the

[4] CD 3.1 – Supp to PPS 1 on Climate Change at para 9
[5] CD 10.5 page 3. Only four later representations have been received – one each from RSPB and Natural England; one from Doddington parish Council and one from Pauline Dear of 4 Ransonmoor Farm. It is only the last two which are objections
[6] Additionally, in the case of individual residential receptors, a letter of support is, as a matter of law, a material consideration – see Inquiry Doc 10, the Consent Order in the **Nuon** case. By parity of reasoning an absence of such objection is also material
[7] CD 5.9

2010 target of 10%. The UK Renewable Energy Strategy[8] identifies a much more ambitious lead scenario for the UK in 2020 of 30% of the country's renewable energy generated from renewables. This means that in drawing any planning balance, considerable weight is to be attached to bringing forward any relevant renewable energy project. Thus there must be an imperative and overriding reason for refusal.

147. The content of Government policy is not an appropriate subject for discussion and review at a pubic inquiry; the inquiry's role is, rather, to apply such policy[9]. Additionally, where policies in other PPSs (and, logically, elsewhere) differ in emphasis from those in the relevant policy document on Planning and Climate Change, the latter prevails[10]. The prevailing policy matrix fully reflects the general acceptance of the urgency and importance of responding to climate change by, inter alia, bringing forward renewable energy projects. The question is not of maintaining the status quo and comparing the existing situation with and without the wind farm. The question is rather whether this proposal should come forward to assist in responding to climate change.

148. The Government's Energy White Paper 2007[11] stated, amongst other things that new renewable projects may not always appear to convey any particular local benefit, but they provide crucial national benefits. Moreover, the present site and its surroundings (including landscape and visual interests) are – and will remain - as much subject to the adverse effects of climate change as are other places. Here the FDC objection advances reasons why, in essentially local terms, FF should be refused. SPR's case is that any impacts of the FF proposal will not be unacceptable. But, even were SPR wrong in that, any adverse impact must still be weighed against the wider regional, national and global imperative.

149. PPS 22 embodies an important recognition of the fact that any specified renewable energy targets are <u>minima</u>; the prescribed target figures are to be expressed as the <u>minimum</u> amount of installed capacity to be achieved[12]. PPS 22 also confirms that (1) targets should be reviewed upwards (if met, and subject to the stated criteria) and (2) the fact of a target having been reached should not be used in itself as a reason for refusing consent.

150. The region has not performed well in terms of meeting the 2010 minimum target for the provision of energy from renewable sources. In any event, even were the targets here being (or about to be) met that would still not be a reason for refusal and, further, targets are to be revised upwards[13]. The failure, at all levels, to meet relevant targets, necessarily reinforces the already urgent requirement to bring forward renewable energy projects.

---

[8] CD 5.2 at eg page 8
[9] **Bushell v SoSE** [1980] 2 All ER 608 HL
[10] PPS 1 Supplement on Planning and Climate Change at page 1 – CD 3.1
[11] CD 5.1 May 2007 – Box 5.3.3
[12] PPS 22 para 3
[13] PPS 22 para 3

Development Plan

151. Section 38(6) of the 2004 Act provides the correct approach. The RSS still forms part of the development plan for the moment[14]. For present purposes: (1) the RSS, including the renewable energy targets (as referred to in PPS 22), exists and is part of the development plan; (2) the policies therein are most material – indeed, one can conclude that their weight is the greater given the agreed lack of relevance of the Structure Plan and wholly outdated character of the Local Plan (LP); (3) even assuming the RSS had been revoked, no other reliable source exists for considering what the relevant renewables targets should be. Thus the figures in the RSS (and the background study work which underpinned them) remain relevant and of weight, irrespective of (i) the precise legal status of the RSS as a whole and (ii) of whether one should or should not – and does or does not - have regard to the Government's stated intention to revoke the RSSs. The RSS is here a material consideration. SPR submits it is a significant one.

152. The Council accepted[15] that, as between the substantially up-to-date RSS (May 2008) and the Local Plan (adopted 1993 and reaching the end of its intended life at the end of 2001[16]), the preferred starting point must be the RSS. Policies ENG 1 and 2 contain the dominant development plan policy or theme for present purposes. Policies E1 and E8 of the LP are cited in the reason for refusal of FF; they are thus, by definition and at least to that extent, 'relevant'[17]. But the LP was adopted some seventeen years ago and pre-dates much of the later policy and legal requirements in respect of renewables and climate change. The LP, including the 'saved' policies was never intended or designed to guide development after 2001. The Council's Wind Turbine Development Planning Guidance (WTG) itself recognizes[18] this when it states that the LP did not provide any specific guidance on wind turbine development and refers only to Policy PU2, wisely ignoring Policies E1 and E8.

153. Policy E1 or E8 were applied in an unduly restrictive fashion by FDC. It is common ground that commercial wind farms cannot be brought forward without significant (adverse) landscape and visual impacts. Moreover, Policy E1 uses the word 'minimize' in terms of visual impact (the same qualification must be assumed to Policy E8). Thus, notwithstanding their age these two policies still cannot be read as requiring the elimination of all such (adverse) impacts. The FF proposal has been the subject of an iterative design process expressly to achieve an appropriate minimisation.

154. FF here accords with a proper construction of Policies E1 and E8 of the LP. In any event, it accords with the dominant theme or policy of the development plan, read, as it should be, as a whole; that

[14] SoCG para 4.4 (reflecting agreement as at 1.ix.10) is clearly overtaken by the later decision in **Cala Homes** [2010] EWHC 2866 (Admin). See also the proposals in the Localism Bill. The case of **Cala Homes (No 2)** [2011] EWHC 97 (Admin) does not alter matters
[15] xx Newcombe
[16] Cd 1.2 at para 1.1 identifies that the LP was only designed to guide development up to 2001
[17] SoCG para 4.3
[18] CD 2.1 at para 1.9

dominant theme or policy, for present purposes is to be found in Policies ENG 1 and 2 of the RSS. Even were there some material failure to accord with the development plan, other material considerations indicate decisively that FF should be permitted.

White Paper and the UK Renewable Strategy

155. The Council has failed to consider all relevant national and local policy issues. It did not weigh the White Paper in the balance, a most material consideration. The latest UK Renewable Energy Strategy[19] builds on and strengthens earlier policy and FF is wholly consistent with it. Again, FDC does not allege otherwise.

Need, targets, benefits

156. The regional on-shore wind targets are set for 2010 and 2020[20]. The RSS indicates[21] that for the East of England, the combination of vulnerability to the effects of climate change and the level of development with its potential contribution to emissions means that addressing climate change is particularly urgent and challenging (emphasis added) and the development of new facilities for renewable power should be supported. First, the 2010 target has still not been met and, far from becoming irrelevant after 2010, will become yet more urgent.

157. Even were one to ignore the regional targets, RSS Policy expressly directs consideration to national and international climate change objectives; the mismatch in the UK between renewables provision and need is a most material contributor to the bringing forward of schemes such as FF[22]. It is accepted by all parties that, where targets are not being met, the weight and urgency of the need becomes yet more important in the drawing of any planning balance.

158. PPS22 requires regard to be had to the wider environmental and economic benefits of FF and significant weight attached to them. As the Swinford Inspector identified[23], it is not enough to pay lip-service to such benefits merely because they are common to other renewable energy schemes. So far as concerns benefits:

- the Council could not readily identify the environmental and economic benefits it had actually taken into account. Reference was made generically to renewable energy benefits, which is no substitute for a full consideration of the scheme-specific benefits. The witness was unable to recall what Stern had said [24]: including that ignoring climate change will

[19] CD 5.1 and 5.2
[20] CD 1.1 RSS Policy ENG 2 and para 9.6
[21] ibid para 1.1 and ENG 2
[22] Para 16 of the Climate Change Supplement to PPS 1 indicates that strategic targets for renewable energy should not be applied directly to individual planning applications. The Carsington Inspector robustly rejected any suggestion that this meant he must ignore regional targets and that approach was equally robustly endorsed by Carnwath LJ in the subsequent, unsuccessful High Court challenge by the LPA – see the **Carsington** judgment (CD 4.5) at paras 38 to 42
[23] CD 4.15 at para 236. The SofS agreed ith the Inspector's approach at decision letter para 22
[24] CD 5.24 Exec Summary page ii

eventually damage economic growth and could lead to major economic and social disruption which could be difficult to reverse. There was no evidence that any weight had been give to these fundamental matters, nor that any consideration had been given to the Landscape & Visual benefits of the SPR scheme.

- the Council's overall weighing of the planning balance was virtually non-existent. As suggested elsewhere in, for example, the Committee Reports, FDC feels it has done its bit and seems to feel it can thus ignore Government policy. Paragraph 1(iv) of PPS22 is of central importance: "The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission."

C. The landscape and visual impacts of the proposed development

159. FDC's objection[25] is materially limited. Additionally, much of the cumulative visual impact alleged against FF is dependent on BDH and BHF coming forward; if, for whatever reason, those schemes were not consented, the substance of FDC's objection to FF almost entirely disappears.

Additionally:

- The landscape resource is already subject to the deleterious effects of climate change. FF – whether with or without BDH or BHF - will clearly not, of itself, solve global warming. However, provision of renewable-energy generation is predicated on cumulating many schemes.
- Public perceptions of wind turbines vary from person to person and display a marked polarity. Research reveals anticipation often to be worse than actuality; surveys of local residents after the construction of wind farms reveal a shift in favour of turbines, or towards a more neutral stance. Notwithstanding the role for professional judgement in this area[26], that role includes assessing impacts on 'visual receptors' ie primarily human beings with a pair of eyes; significant visual effects cannot thus be simplistically and automatically characterised as adverse.
- PPS22 recognizes that, of all renewable technologies, wind turbines are likely to have the greatest visual (and landscape) effects[27]. These are big structures but the national policy is clear. Even if the impacts are properly to be viewed as adverse, that of itself is not a sufficient reason for refusal.
- There would be no material effect on any nationally designated landscape area. Moreover, FF is proposed in an area where, as FDC accepts, wind farms will be concentrated or clustered. Indeed, the conclusion of the independent Arup Review for the East of England Regional Assembly suggested that[28]:

"…this broad area of search is termed an 'area of likely concentration' for onshore wind, to suggest that the intensity of development is encouraged to

[25] See Reason for refusal CD 10.6
[26] PPS 22 para 19
[27] PPS 22 para 20
[28] CD 5.6 at section 8.4; even were the RSS revoked, this document remains part of the evidential base

be higher than the regional average. This 'likely concentration' may suggest a slightly different approach to landscape and visual cumulative impact, which will have to be reflected in any detailed policies that are developed. Locally, there is a possibility that 'wind farm landscapes' will develop within this broad area, ie landscapes which are characterised wholly or partly by the presence of wind turbines."

FDC has not heeded this suggestion.

- The scheme if built would have a finite life and then be decommissioned; the source of any alleged adverse effect, namely the turbines, would thus disappear. Whether wind farm proposals can properly be described as 'temporary' – though that is the word which PPS22 uses[29] - matters not. On any analysis, the development here is reversible.
- The reason for refusal cites only visual impact. The mere fact that there may be a significant (adverse) effect on a view from a residential receptor does not equate to an adverse effect on residential amenity. The addition of FF, even to a baseline extended to include other consented schemes and those subject to planning applications, does not produce such an effect.

Wind Turbine Development Planning Guidance ("WTG")

160. SPR advances two strands of cogent criticism to the WTG, as contained in the landscape witness's detailed and wide-ranging critique[30]. In addition, the planning witness criticizes FDC's mathematical approach to the application of that guidance here. SPR has always made clear its approach as being two-pronged in this respect. The SPR Statement of Case summarises it[31]. The WTG's methodology leads to an unnecessary restraint on the inherent capacity of the District to accommodate wind turbine development. The 'thresholds' set out in the Guidance impose a degree of prescription on the acceptability of the individual wind turbine proposals which is inappropriate in the context of the Fenland landscape, and is not in accordance with the approach in PPS22. The weight to be attached to the thresholds in the Guidelines in the determination of the application was therefore inappropriate. The Appellant thus (1) retains its criticisms of the WTG but (2), and in any event, submits that on a proper consideration of that guidance, Floods Ferry complies. That remains SPR's case.

161. In both the WTG and the Report to Committee on the FF proposal[32], FDC and its advisers, set out an inappropriate but very revealing starting point for its analysis of FF. As the Committee Report puts it: *"The Council fully supports the requirements of PPS22 as witnessed by the high concentration of wind turbines in Fenland compared to neighbouring authorities. In recent years the Council has fully supported Government targets for renewable energy generation. As a result FDC has more than met the renewable energy targets set for it by the East of England Regional Authority to 2010."*

[29] PPS 22 para 20
[30] Welch Proof section 7 and Appendix C; Welch Rebuttal
[31] SPR Statement of Case at paras 9.4 to 9.5
[32] CDs 2.1 at para 1.7 and CD 10.5 at page 8

162. Not dissimilar wording appears in the WTG. The assertion of what amounts to 'we've done our bit' is irreconcilable with Government policy. And the assertion about complying with targets is wrong.

163. The WTG expressly accepts[33] that it is not to be read in isolation and is not intended to replace the ES for a given project; further, 'detailed consideration of a site may identify factors specific to a site that counteract issues identified in this document.' Nor does non-compliance with a particular criterion necessarily preclude turbine development. (3) Even were the decision-maker here to find some material conflict or tension between FF and the WTG, it is common ground that this is still not determinative; there remains the overall planning balance. Significantly, the reason for refusal specifies no failure to accord with the WTG.

164. The Council's landscape evidence set the bar too high, finding adverse effects where none exist; the overall conclusions are undoubtedly coloured by various fundamental failures to have regard to important material considerations.

- PPS22 requires the wider environmental benefits of any given renewable energy project to be considered[34]. It was accepted by the Council that this included the landscape and visual ("L&V") benefits, which would follow as part of FF's putative contribution to combating climate change. It was further accepted that these had not been identified or considered, or weighed in the overall L&V balance – as distinct from the overall planning balance. As the Council's evidence expressly referred to the characteristic of The Fens Landscape Character Area and stressed the identified need, amongst other things, to 'conserve and restore or conserve and strengthen' etc that[35]; the benefits of FF would demonstrably be most material in this respect.
- The Council accepted that both landscape and visual receptors, including within FDC's area, were already, and would continue to be, subject to the deleterious effects of climate change[36]. The relevant professional guidance from the Landscape Institute, the GLVIA, expressly requires[37] that, in establishing both the visual and the landscape baselines, a landscape professional identifies and takes into account any existing trends for change; the Council accepted that the deleterious effects of climate change were such trends and that they had failed to take them into account. This necessarily skewed consideration against FF.
- No consideration had been given to valency, addressed below.

165. Additionally, there is a failure properly to consider cumulative assessment; that process requires the construction of a baseline which includes not only existing schemes but also those consented (but not yet built) and those the subject of planning applications/appeals. The substance of FF's criticism is set out in written evidence[38]. This failure is fundamental

[33] CD 2.1 para 1.6
[34] CD 3.5 PPS 22 para 1(iv)
[35] WTG CD 2.1 at page 5 of Appx 5
[36] See eg Topic Paper 9 – CD 6.5
[37] See eg paras 6.5 and 7.14 of the GLVIA – CD 6.4
[38] Welch Rebuttal Proof para 3.8

as the only point taken by FDC against FF relates to cumulative effects – and it necessarily undermines all the down-stream appraisal. This alone is a sufficient reason for rejecting the FDC case on L&V considerations.

Landscape impact

166. Extensive and comprehensive landscape impact reviews are found in the FF Environmental Statement and Supplementary Environmental Information and the evidence of the landscape witness. Additionally :

- It is common ground that the Fens has a high capacity to accommodate wind turbine development[39].
- It is agreed that there would be no adverse impact on the overall integrity of the Drained Fen Landscape Character Area but that there would be significant cumulative effects at the local level, primarily in the area between FF and Ransonmoor[40]; substantially limited to the small area where a 2km radius from each wind farm overlapped[41].
- The Council further alleges[42] significant cumulative impacts with the superimposition of FF into a baseline including either or both of BDH and BHF. So far as concerns assertions of cumulative effects in landscape terms of FF with BDH, the area where the overlap of the two-kilometre radii occurs[43] is not materially different from that for Ransonmoor; the same response applies. Similarly, the two-kilometre overlap of FF and BHF[44] covers a slightly larger area but any effects are still very localised.
- The Council further alleges[45] adverse cumulative landscape (and visual) impacts in terms of supposedly incompatible layout and turbine height between FF and BHF. Even assuming there were substance in this point, the point sounds against BHF, not FF. The Council's ES review accepts[46] that, in the case of FF:
- *"… the arrangement of the proposed turbines largely responds to the grain of the local landscape. The turbines would be located in the 'Drained Fenland' Landscape Character Type which has a high capacity to accommodate turbines in small/medium groups dependant on the cumulative proposals".*
- By contrast, it remained critical of the form and site layout of the BHF turbines[47], preferring, on the whole, that of FF[48].
- The Council fairly accepts that, even with the addition of FF, BHF and BDH, either individually or in combination, neither the 25% nor 75% thresholds in the WTG would be exceeded.

[39] See eg Mr Nourse Proof at para 6.5
[40] Billingsley Proof para 8.2
[41] BillingsleyAppendix 1 (FDC/2B) at Fig JB 04
[42] Billingsley proof para 8.11
[43] Billingsley Appx 1 at Fig JB 04
[44] ibid
[45] Billingsley Proof para 8.9
[46] CD 9.5 at para 2.3; FF falls within the category of *Small to Medium Scale Group* – see WTDPG at para 0.3, CD 2.1
[47] TLP Memo to FDC – CD 9.7
[48] See ES Review CD 9.5 at para 5.7 where TLP conclude that *…the Floods Ferry proposals are, on the whole, more acceptable in layout terms in relating to the existing landscape pattern than the Burnt House proposals* [Though the two FF turbines to the north of the Hereward's Way are excepted from this general preference]

- It is common ground that none of the above amounts to a reason for refusal. By contrast, FDC advances adverse landscape impact as the reason for refusal against BDH[49].

167. It follows that there can be no tenable or rational basis for refusing FF in this regard, and irrespective of whether BHF and/or BDH proceed.

Visual impact

168. Visual impact (including that on residential receptors) is the only reason for refusal advanced by FDC against FF. Visual impact should be approached having regard to a number of matters. These matters act to qualify landscape assessment as well but, given the absence of objection on that ground, it is more convenient to group them here:

a. It is impossible to bring forward commercial wind farms without significant visual (and landscape) effects. The Council further accepted that 'something more'[50] is needed before refusing a wind farm on such grounds or something exceptional. FDC has failed to identify what that further element is in the present case. There is thus no evidence from FDC in the case of FF of what translates a significant visual impact into a reason for refusal and rejection of the undeniable (and accepted) benefits of the scheme.

b. Use of the appellations adverse or neutral or beneficial should be approached with caution. The Council did not consider the topic of valency to be an important one; and it is not to be found in their proof or in the ES Reviews or in the WTG. Yet the landscape witness fairly accepted that it is an important caveat to apply once the magnitude of impact has been identified. This omission is an important one. PAN 45 – albeit Scottish guidance, is relevant here and provides helpful information on what are material considerations; it refers expressly[51] to the extensive research into public attitudes to wind farms. The more recent Sustainable Development Commission document stresses the same point[52]. There is a huge polarity of views on wind farms ranging from outright dislike to those who find them design icons. In between there are those who might ideally wish wind turbines were not necessary but nonetheless see them as a welcome sign that somebody is doing something in response to climate change. Yet neither of FDC's witnesses has had any regard to this important aspect of valency.

c. The view of the Sustainable Development Commission[53] was put to the Council:

"Fossil fuels such as gas and coal, and the uranium for nuclear fission, all rely on the extractive industries for fuel supply. In the case of coal and uranium, this can have a wide and devastating effect on the

[49] See eg FDC Statement of Case re BDH

[50] Mr Hardy in xx used the word 'exceptional'
[51] cd 6.15 at page 24
[52] CD 5.23 at 6.6
[53] CD 5.23 para 6.7

landscape surrounding the mine, with the associated infrastructure and waste production contributing to a landscape and environmental impact that can last for years… Although many of the landscape and environmental effects of our fuel needs will not be borne in the UK, a sustainable development approach implies that all effects should be considered, wherever they occur in the world. It would not be equitable to suggest that landscape destruction in other countries is justified in order that UK landscapes are preserved."

d. PPS22 expressly use the word temporary to describe the L&V effects. And the SDC stresses the same point[54]. The FF scheme, were it built, would be subject to a condition requiring decommission at the end of 25 years. It remains important that the sensitivity and magnitude of effect are considered before turning to questions of their duration. Thus the apparent approach of BHF's Updated ES is open to criticism, as the effects have been assessed on the basis of their being temporary/reversible[55]. The duration of impacts is a material consideration, but did not feature in the Council's assessment[56].

e. The Council accepted that climate change represented a force for past, present and continuing change in the baseline for both visual and landscape assessment. It further accepted the requirement under the GLVIA[57] to take account of such change in any assessment. Yet this is another matter which was ignored when assessing the proposal. This contributed to an exaggerated view of, inter alia, visual impact.

f. The overall planning balance is a matter for the planner, based on the input from other experts. But three points arise in relation to the landscape and visual benefits, in terms of a response to climate change, which merit attention. First, PPS22 expressly requires not only that they be taken into account but that they be accorded significant weight. It follows that there should be a balancing exercise by the L&V expert; not all impacts should be regarded as adverse and given no credit whatsoever, much less significant weight. The Council failed to carry out any L&V balance. Third, this failure carried through into the overall planning balance.

As a result, the Council's L&V conclusions must at the very best be taken as materially and excessively pessimistic.

169. The Council advances four limbs of objection in terms of cumulative visual impact:

[54] CD 5.23 at paras 6.1 and 6.7

[55] BHF Updated ES at para 8.5.1. There is additionally the other aspect of this point, namely the mismatch between that assumption and the definition of magnitude of change, making it impossible using that methodology for a *high adverse impact* to arise – See Welch Appx E at para E13

[56] xx Newcombe

[57] See CD 6.4 at eg paras 6.5 and 7.14; the importance and extent of such baseline change is dealt with extensively in, eg, Topic Paper 9 (CD 6.5) produced by SNH and the former Countryside Agency

- Adverse visual impact with addition of FF (1) to Ransonmoor[58], (2) to BHF[59], (3) to BDH[60] and (4) to BHF and BDH together[61]. These include an assertion of cumulative visual impacts in respect of various residential locations broadly within c. 2 km of the nearest turbine[62].
- Adverse visual impact on Floods Ferry Marina with the addition of FF to Ransonmoor and BHF[63].
- Adverse visual impact on various recreational routes (including the Hereward Way, River Nene (Old Course), NCR 63 and various rights of way[64]. [NB it was accepted that the over-sailing concern with regard to the Hereward's Way can be dealt with by way of condition].

170. FF's landscape witness made a detailed consideration of these matters and rebuttal of the Council's points. That analysis and conclusion is commended to the SofS. There was very limited challenge to it; this contrasts with the much more extensive and detailed cross-examination of the other parties' evidence on this matter.

171. (1) Even if the Council's L&V assessment were 100% correct about FF, FF still achieves a materially positive overall planning balance and should be permitted; (2) the Council has, on any reasonable analysis, adopted too pessimistic an approach and, as has been accepted, has effectively left out of account all positive aspects; (3) a substantial amount of the criticisms of FF occur only in combination with BDH and BHF; if either, or both, of those schemes were not to come forward the substance of the case against FF evaporates, leaving but little scope for allegations of adverse effects.

D. Residential amenity

172. FDC now makes no such objection to the FF proposal.

A There are only six properties within the guideline figure of 800 m[65]. Of these, Australia Farm is considered to be 'derelict'[66]. Gaulka Bungalow is apparently unoccupied[67]. Moreover, these two properties stand on land of which the relevant landowner is proposing (at Scoping Opinion stage[68]) four turbines at 120 m and materially closer to the two properties than are any of the Floods Ferry turbines; it would thus seem that the prospect of turbine development and impact on residential amenity is not a matter of concern for the landowner in respect of these two properties. Self-evidently there is no occupier objection in respect of either. So far as concerns the other four

[58] Billingsley Proof para 8.1 and 8.3
[59] Billingsley para 8.4
[60] Billingsley proof para 8.5
[61] Billingsley 8.11
[62] Billingsley proof para 8.6, first two sentences
[63] Billingsley Proof para 8.7
[64] Billingsley Proof para 8.8
[65] ibid
[66] Billingsley Appendix 6
[67] Welch in x
[68] Welch Rebuttal at para 3.13

properties, there is a letter of support in each case[69]. There is nothing to support a conclusion of adverse effect on residential amenity, whether in respect of the six properties between 690 and 800 m or those beyond 800 m.

B Concerning the addition of FF to BHF, the first of the two properties is Australia Farm and the other is Airedale Lodge, which is more than 800 m distant from both the nearest FF turbine[70] and the nearest BHF turbine. Significantly, there is also a letter of support from this property. Whilst there may be a significant cumulative visual effect, this falls materially short of the test for interference with residential amenity[71].

C In so far as concerns cumulative impacts with Ransonmoor, the three properties concerned are all in excess of 1.5 km away from the nearest FF turbine and there can be no basis for concluding a cumulative adverse impact[72]. This is, perhaps, borne out by the apparent absence of objection from any of these properties.

E. Other matters

Noise generated by the proposed development and its impact on residential properties

173. There is no objection from the relevant local environmental health authority. No substantive issue can here arise in respect of noise. Conditions can be imposed were both FF and BHF consented. There is a note from FDC's Environmental Health Officer (EHO) identifying agreement between SPR and FDC. In particular the EHO has expressly considered the situation with both BHF and FF and the lower day-time noise limit; she agrees with FF that this should be 37.5 dB(A). There is also agreement between FDC and SPR as to how to populate the rest of the table of noise limits using the available data. Such agreement does not exist with BHF.

Aviation

174. The Aviation Written Note (prepared by Mr Smith of Skylines UK Ltd) confirms the position that (1), in so far as MoD concerns remain live, the MoD is satisfied that they can be met by appropriately worded condition and (2) that there is no other aviation reason why permission here should not issue.

Ecology/ornithology

175. Written agreement has been reached with Natural England. Material has been provided to inform both the appropriate assessment already carried out by FDC and for the decision-maker in this appeal. It confirms there is

[69] The Secretary of State consented to judgment in the **Nuon** High Court challenge on the basis that the Inspector had erred in law in failing to take into account the fact that the occupants of the nearest residential properties were wholly supportive of the development. By parity of reasoning, an absence of objection should also be a material consideration. This approach is common ground given Mr Billingsley's acceptance of it in xx (Newcombe)

[70] Mr Billingsley gives the distance as 840 m – Billingsley Appx 6, property 15 (Property 11 in Billingsley Appx 2). This is Mr Welch's property 12. NB Mr Billingsley calls it Airedale Cottage, Mr Welch Airedale Lodge

[71] See Welch Rebuttal at para 3.13

[72] Welch rebuttal Proof para 3.10

accordingly no ecological or ornithological reason, whether in terms of European sites or otherwise, why FF should not be consented [CD10.7].

Conditions etc

176. Fivestones here proffer a section 106 dealing with provision of a decommissioning bond. In the case of FF, decommissioning is dealt with as necessary by way of condition; that condition requires submission of a decommissioning and site-restoration scheme and accords with the guidance on the use of conditions[73]. The approach is agreed between FDC and SPR. It is further agreed that no section 106 is here necessary[74]; no decommissioning bond has been sought. Should the SofS, however, take a different view, SPR anticipates it will be so informed by the SofS in advance of any decision on FF and given an adequate and fair opportunity to respond, including by the provision of a section 106 if the SofS concludes one is here required, before any final decision is made in respect of FF.

F. Overall balance

177. A full review of the overall balance should be made only after examination of the various other considerations which arise. There is a need to identify and give significant weight to the various environmental and economic benefits of the scheme. This was the approach taken at Swinford[75]. It is not enough to take renewable energy benefits as being common to all projects.

178. Even if FF, as with any such scheme, may produce significant effects which are viewed as adverse, that does not, of itself, amount to a justifiable reason for refusal. The clear evidence from the landscape witness is that, nonetheless, the scheme is acceptable. Even were that not the case, the matter still falls to be weighed in the overall planning balance. Any such balance must here be drawn decisively in favour of the FF scheme.

179. FF here accords with a proper construction of the LP. In any event, it accords with the dominant theme or policy of the development plan, read, as it should be, as a whole; that dominant theme or policy, for present purposes is to be found in policies ENG 1 and 2 of the RSS.

180. Even were there some material failure to accord with the development plan, other material considerations indicate decisively otherwise ie that FF should be permitted. The allegation in the reasons for refusal of a failure to accord with PPS22 is similarly misconceived. First, there is, in fact here, no material failure to accord with any part of PPS22 and compliance when PPS22 is read as a whole. Second, PPS22 (and its reference to 'minimisation') is expressly subordinate to the Supplement to PPS1. Third, PPS22 should be weighed in the overall balance along with all other material considerations; the latter overwhelmingly dictate grant of consent regardless.

181. That there is no allegation of any breach of other, relevant national energy policy is of paramount importance. The context is provided by the Sustainable Development Commission in its guidance on Wind Power in the

[73] See the Carland Cross decision at para 43 – CD 4.17
[74] FDC/SPR SoCG para 4.5
[75] CD 4.15

UK[76]: *"With increasing pressures on energy policy and the need to reduce emissions of carbon dioxide, it is hard for any community to be considered exempt from the task of delivering a low carbon future. As climate change presents the most serious threat to UK landscapes, technologies that help limit our contribution to climate change should be encouraged, even where this represents a temporary loss of amenity."*

182. On the only basis for objection here, cumulative visual impact, the objection to BHF and BDH are to those two schemes on a solus basis; the case for them gets no better even if BDH or BHF were permitted in isolation. By contrast, a substantial amount of the FDC case against FF evaporates if either or both of BHF and BDH are refused. Even were all three schemes to come forward together, the objection to FF – cumulative visual impact – is the least serious objection against any of the three schemes. In point of fact, the case against FF is materially over-stated by the Council. Even were that not the case, the overall benefits of FF materially exceed those of either BHF or BDH. There can be no reason for dismissing the FF appeal.

G. What if only one or two of the schemes are to come forward?

183. There is no reason why both FF and BHF should not both proceed [S2]. Equally, there can be no good reason why Boardinghouse (BDH) should not also proceed along with FF and BHF. Those promoting BHF take a similar view. If, however, the decision-maker were to take the view that not all schemes should be permitted, SPR's witnesses have set out why FF should be the consented scheme or one of the two consented.

The Solar Farm Proposal ("SF") -Timescale for bringing forward the SF and whether BHF can lay exclusive claim to cumulate its MW.

184. The installed capacity of the SF proposal has no relevance in considering which wind farm(s) should come forward. There is no link between SF and BHF such that the former cannot come forward without the latter (or vice versa). Indeed, the promoters of the SF made expressly clear[77] their intention, subject to a favourable planning consent, to start work on site in late spring 2011; and the earliest date at which the SofS might be expected to issue a decision on BHF (or FF or BDH) is July 2011 [F5,F6&S7].

185. BHF opened its case[78] on the basis that the SF installed capacity could be cumulated with BHF (and BDH) so as to trump the larger FF. That point has conspicuously failed to survive closer examination and has been conceded. In respect of looking at total installed capacity from the various combinations of FF and BDH and BHF, presence or absence of the SF would be common to all possible scenarios.

Potential for Cumulative Impact

186. The SF does, however, remain relevant in terms of considering the potential for cumulative adverse impact on visual or residential amenity when

[76] CD 5.23 at section 6.1
[77] See Planning Statement on Solar Farm application at Tab 2 in Solar Farm Application Documents, paras 6.34-36 and Appx 3 (Exhibition Board), second page, top right and corner under "Construction and Maintenance"
[78] BHF Opening Submissions at para 9.3

it forms part of a baseline to which BHF is added. BHF initially argued that, since the SF application post-dated the BHF application, there was no need to consider the potential for cumulative impact. Additionally, the SF application itself was advanced without any consideration by the applicant of any cumulative impacts of imposing the SF on a baseline assumed to include BHF. That this was a flawed approach in both respects was accepted by BHF's witness[79]. An assessment of cumulative impacts was undertaken belatedly after all other evidence (including L&V) had been called and tested. By contrast, SPR's landscape witness gave (unchallenged) written evidence[80] that the presence (or absence) of the solar farm made no difference to the conclusions of the FF EIA Additional L&V Information[81].

187. Given that BHF is EIA development, and the resulting legal requirement to consider in-combination effects, the appraisal and evidence of BHF's own L&V witness should not have ignored a commercial renewable energy project extending to some 17 ha immediately to the south of BHF and in close proximity to residential receptors. The omission must operate as a significant caveat on BHF's conclusions. The omission of the SF from the evidence (and its conclusions) becomes yet more material when one notes that residential receptors such as 15 and 17 Burnthouse Sidings and Willow Farm are indicated – in the Pegasus SF LVIA - as suffering Moderate or Moderate/Slight Adverse visual effects from the SF <u>in isolation and without regard to BHF</u> in Year 1 of that development[82] .

188. FDC had known all about the SF application, having received a screening application in November and then the formal planning application in, apparently, December. Yet the landscape witness had not been asked to consider it. He was unable to answer questions about the substance or L&V implications of the SF application. This failure to consider the SF represents a most material omission. FDC had, for instance, concluded that BHF (without the SF) would have an adverse impact on residential amenity on Willow Farm. The potential for relevant cumulative effects in the context of BHF and the SF is not then considered. Willow Farm is but one example of this.

189. At a very late stage in the inquiry (Day 6 of 8), BHF finally adverted to the need for cumulative assessment in respect of the SF. The documents now received comprise two separate cumulative impact assessments both for BHF in the light of the SF and vice versa. FF's response identifies various matters. Its criticisms are cogent and call into question the robustness of this exercise. Accordingly the SofS should, we submit, adopt a precautionary approach in examining the potential for cumulative impacts when BHF is added to a baseline including the SF.

190. In conclusion, the SF has no bearing on which wind farm scheme (or combination thereof) can claim the largest installed capacity. It is, however, of relevance in any consideration of BHF's potential for adverse impacts on visual receptors, whether those effects be purely visual or tip over into affecting residential amenity.

[79] xx Newcombe
[80] Inquiry Doc S7
[81] CD 10.2
[82] Inquiry Doc F6 Tab 4 Table 2

Comparative assessment of FF and BHF

191. Fivestones proof (Mr Brand, section 8) is materially flawed as was accepted[83], having failed to mention or consider the requirement to secure the maximum renewable energy resource[84]. This would be a necessary starting point in any consideration of which site(s) should receive consent. The Council expressly accepted when questioned by the Inspector that FDC did not consider there to be a material difference, in terms of alleged adverse impacts, between FF and BHF.

192. Reliance on the North Warwickshire case is mistaken. It was not concerned with how 'alternatives' should be considered but, rather, with the antecedent question of whether other sites are a material consideration[85]. Before one can have an 'alternative' one must first identify what the need is. In N Warwickshire the need was that of a Housing Association for bungalows intended as affordable housing for elderly persons. There were two sites, each of which could have completely satisfied the need. The present case is different. The need is unconstrained; it is for as much renewable energy as can possibly be brought forward, regionally, nationally, even internationally. BHF, FF and BDH cannot, as a matter of the simplest logic, be alternatives in meeting that need; all three are needed and many more besides. Each can make a contribution to meeting need without satisfying it.

193. That requirement on the facts to start with an examination of relative installed capacities is also a matter of Government policy. PPS22, it is agreed, imposes a requirement to maximize installed capacity, subject to environmental capacity. The Supplement to PPS1 requires that any decision here secure the highest viable resource and energy efficiency and reduction in emissions. Comparison only becomes potentially relevant if the SofS concludes that two, or all three, sites are acceptable on a solus basis, but only one of them – or only two of the three – should be consented. The question then arises how should comparison be made.

194. Two scenarios have been considered: (1) the SofS, contrary to the submissions of both FF and BHF, concludes that only one scheme out of three can come forward; and (2) the SofS concludes – again contrary to submissions - that only two out of the three schemes can come forward. In each of these two scenarios, FF must still be allowed. Irrespective of any relative disparity in adverse impacts (as to both the substance and relevance of which, see below), it is acceptable in itself and offers the highest renewables benefits.

195. The point is clear in law. As Laws LJ indicated (citing Simon Brown J – as he then was - with approval)[86] in the very case upon which BHF relies: *"Land ….may be developed in any way which is acceptable for planning purposes. The fact that other land exists which would be yet more acceptable for planning purposes would not justify the refusal of planning permission upon the application site…".*

[83] xx Newcombe
[84] CD 3.1 para 9
[85] ibid at para 17
[86] N Warwichshire at para 22. Laws LJ citing from **Trusthouse Forte Hotels v SoSE** (1986) 53 P&CR 293

H. Conclusion

196. This is a carefully, and sensitively, designed scheme which will make a material contribution to the government's renewable energy targets for the sub-region, the region and the country as a whole, whilst respecting its surroundings. SPR commends it to the Inquiry.

Representations from Interested Persons

The following persons spoke at the Inquiry and the material points were:

197. On behalf of **The Secretary of State for Defence (MOD)** it was confirmed that early objections to the proposals, on the grounds that there would be unacceptable effects on aviation safety, principally to the Primary Surveillance Radar and the provision of Air Traffic Services at RAF Cottesmore, could be overcome. In the case of Flood's Ferry Farm, early concerns relating to RAF Lakenheath and the civil airport at Cambridge were unconditionally withdrawn. In December 2010, for both appeal proposals, letters on behalf of the MOD had stated that objections relating to RAF Cottesmore were formally withdrawn subject to imposition by the Inspector of suitable planning conditions. These would have to address the potential effects of wind turbines on radar services in the vicinity of the appeal sites both individually and cumulatively [O1].

198. **Mr Lee** expressed concern about wind farms in general. His main consideration is that the interests of local residents should not be usurped by the 'national need'. He referred to newspaper reports, articles and speeches by academics, engineers and politicians questionning the need for onshore wind turbines given that off shore wind is more efficient [O2].

199. **Mr Salmons** raised doubts about the Swan figures quoted in the core documents. By his calculations there were 13,000 Swans in the area, of which 7,600 were Whooper Swans. He highlighted the lack of support for the Swan population by Natural England in their representation (page 29 of Burnt House Environmental Statement). The Washes are the two main centres for Swans to roost overnight and 70% of crops on or around the sites are root crops which are particularly attractive to Swans.

200. In recommending a visit to the local Wetlands Centre Mr Salmons drew attention to other migrating birdlife and potential for harm to other birds and wildlife. He expressed disappointment over the use of good agricultural land for wind farm development when it seemed that there was resistance to agricultural land take elsewhere [O3].

201. **Mr Stoneman** has for nearly a decade campaigned against wind turbines which he described as "dead end technology". As a member of the public in Fenland, his main concern is the siting of wind turbines close to domestic properties. He gave an example where, without minimum distance guidance in place, a turbine had been sited so close to a dwelling that ice thrown from the blade went into the curtilage. He questionned the validity of energy security through development of onshore wind turbine development claiming that, during December 2010 and January 2011, only 0.4% of full capacity renewable energy was derived from wind turbines. Although this was due to very cold weather conditions, he argued that wind turbines are not an efficient way of securing renewable energy provision. Further issues included

possible blade flicker, social impacts and restless landscapes. He supported Mr Salmons and his general concern over potential impacts to local habitats and wildlife adding that turbines disturb feeding grounds.

202. **Mrs Lock** was concerned about impacts on residents' amenity including outlook and shadow flicker. She pointed out that people need food as well as power and that the turbines would occupy agricultural land.

Written Representations following Recovery of Appeals

The main points were:

203. **Natural England** commented on both Flood's Ferry and Burnthouse proposals and the Appropriate Assessment undertaken in relation to the Nene Washes Special Protection Area (SPA) [CD9.6, 10.7]. While the assessment concluded 'no effect on site integrity' for each proposal, either alone or in combination, this was in part based on a suite of mitigation measures proposed for each site being secured as part of a legally binding agreement.

204. Natural England considered that measures would be required to give reasonable certainty of the conclusions of the Appropriate Assessment. The following measures must be secured as part of any permission(s) granted:

- Undertaking precautionary land management action over the life of the permission, in accordance with a submitted management plan;
- Undertaking post-construction monitoring in accordance with a submitted monitoring programme;
- Participating in an annual review of monitoring results;
- Undertaking appropriate actions if unpredicted collision mortalities occur, in accordance with an agreed contingency plan.
- In particular the commitment to contingency actions being undertaken where necessary, because of uncertainties over bird movements across the development sites, which would be influenced by land management in the wider farming landscape that is outside the Appellants' control.

205. **RSPB** expressed serious concern for both projects where there would be adverse impacts on the bird communities associated with the Nene Washes SPA. In addition, Bewick Swans, Whooper Swans and Golden Plovers are species listed on annex 1 of the birds directive (79/409/EEC) and as such are afforded a high level of protection in their own rights. Principally, concerns centred on the potential losses from collision with wind turbines of migratory wild swans (Bewick Swans and Whooper Swans) that roost at the Nene and Ouse Washes SPA and forage in the landscape between.

206. In the case of both Flood's Ferry and Burnthouse projects, the approach to the Appropriate Assessment was deemed acceptable. However further data on Swan activity at the proposal sites needed to be collected. The two years of support data for Flood's Ferry had shown a substantial difference in Swan activity. Both proposal sites are ornithologically sensitive and the activity of wild swans within their vicinity would vary over time.

Additional points made against the proposed development at Floods Ferry, are summarised below:

207. **Doddington Parish Council** objected to the appeal considering that there are enough turbines in the Fens already. The Parish Council are able to

monitor the performance of wind turbines in the surrounding area. During the winter months still air prevented turbines functioning and output was nil. The Parish Council was of the opinion "that more conventional power stations will be required as supply from turbines will cease when they are not working". Parishioners are concerned with the rise in electricity bills which seemingly covers the subsidies of building more turbines.

208. Heavy lorries during the construction phase would cause and had previously caused a great deal of damage to the environment and badly maintained roads.

209. **Pauline Dear** was also opposed to any further wind turbine development in the Fens. Whilst acknowledging the need for renewable energy, she argued that the Fens are becoming saturated with "those monstrosities". Views of the turbines were gained from all directions. Wind turbines should be placed off shore to limit impact on people's homes and take up of valuable agricultural land.

Additional points made against the proposed development at Burnthouse Farm, are summarised below:

210. **Mr and Mrs Holman**, residents of Willow Farm, expressed concern that the 3 turbines proposed would be all around their property; turbine 3 having been moved closer in the last application plans. The health and well being of their children was the primary concern and the erection of wind turbines adjacent to their property could jeopardise that.

211. Noise and blade flicker from the turbines would affect every aspect of their property. The proximity of the nearest turbine would be well within European and British Wind Energy Associations good practice guidelines for minimum distance from dwellings and their property could become almost unsaleable. In addition, the development would cause "a sad loss of beautiful open and peaceful countryside" which would affect the wider population. The possibility of ice shards being thrown more than 500m could affect the property and noise during construction were also matters of concern to the Holmans.

212. **Mr C Dunn** opposed the installation of wind turbines in close proximity to his home and small holding as it would be "visually intrusive, pose(s) a severe risk to health, and remove(s) the ability to enjoy my home and living environment". There would be a loss of value to his land and home. He also claimed that the best practice guidelines of the British and European Wind Energy Associations would be breached and noise levels would exceed World Health Organisation guidelines. Additional concerns were blade flicker; construction traffic noise and access; and disruption to television reception.

213. **Mr and Mrs Brown**, residents of Whittlesey question the proximity of the turbines to their property and the impact they could have on their residential amenity. Their understanding is that "all turbines should not be erected within 700m of any private residence". Whilst generally in support of "green energy power" they contend that other sites without property surrounding them should be found.

214. **Mrs Humphrey** objected as she perceived there were already too many wind turbines in the surrounding area; the proposal would further add to the

decline of the unique Fenland landscape. The ecological benefits of wind turbines were unproven and the only beneficiaries would be the developer.

Written Representations following Applications

215. The main points were:

216. **Floods Ferry Farm**: *Mr N J Weekes*, and others, wrote in support of the development proposed because renewable energy is an important resource now and in the future, and the site is suitable for wind farm development. *Mr Hugh Whittome* supported the proposal arguing that noise and appearance would not harm living conditions and the diversification to farming would give job security. There could be improvements to Hakes Drove recreational path secured as part of the proposal. Harnessing good wind resource would maximise the use of renewable energy to meet a growing need for power whilst reducing the carbon footprint. *Benwick Parish Council* agreed to support the Floods Ferry application and made a request that any Section 106 monies ought to be made available to the Parish Council.

217. *Anglian Water Services (AWS)* did not object to the proposed development so long as measures were adopted to mitigate any adverse interference with UHF radio scanning telemetry communications in the region. *Cambridgeshire Police* had no objection providing a suitable condition was in place for the provision of navigational lights on each turbine. No concerns were raised regarding the operational activity at *Conington Airfield.*

218. *Cambridgeshire County Council (Highways)* suggested that a joint survey of sections of public highway along the proposed access route 'that give cause for concern' be carried out so that any damage caused by vehicle movement during the construction stage could subsequently be carried out by the developer at his expense. The Countryside Access Team sought a condition to provide a temporary alternative route to the Hereward's Way during construction. The County Archaeologist sought a planning condition to secure a programme of archaeological investigatory work ahead of any development.

219. **Burnthouse Farm** : *March Town Council* opposed the proposal arguing there are already too many wind turbines in Fenland. *Whittlesey Town Council* unanimously rejected the application arguing that the turbines should be sited no closer than 2,000m from a property. Residents would suffer noise and interference from light reflecting off the blades.

220. *The Environment Agency* had no objection in principle but recommended that conditions be appended to any planning permission to raise access roads and electrical equipment above predicted floodwater levels. *Natural England's* presentations on the application reflected their appeal submission as above. *The Wildlife Trusts* (Bedfordshire, Cambridgeshire, Northamptonshire and Peterborough) did not agree with the survey and collision modelling presented in the Environmental Statement because the surveys did not record either Bewick or Whooper swans using the site for foraging. There is alleged to be potential for significant impacts on key bird species associated with the Nene Washes and Ouse Washes SPAs; a precautionary approach should be taken when assessing significance.

221. Of some 40 other representations received by the Council, all objected to the proposed development at Burnthouse. The predominant issues included proximity to dwellings; noise; blade flicker; impact on wildlife and birds; and a lack of consultation. Less frequent points included landscape visual impacts; impact of construction vehicles on the road network; blade throw and ice shards; and the protection of human rights.

Written comments on Ministerial Statement of 23 March 2011

222. Mr Greg Clark, Minister of State for Decentralisation, published a written statement entitled Planning for Growth after the Inquiry had closed. However, the main parties to the appeals were asked through the Inspectorate whether they considered that this affected their case. Written responses were received as follows.

223. The Council indicated that the Ministerial Statement did not affect its case in this instance noting that the Statement had not specifically mentioned renewable energy. Fivestone argued that the Ministerial Statement provided further support for the Burnthouse proposal which complied with the relevant development plan and national planning policies and accorded with Government's sustainable development objectives. Scottish Power Renewables stated that granting permission for the Flood's Ferry scheme would be consistent with the Government's commitment to be 'proactive in driving and supporting the growth that this country needs'. It would be in line with 'national planning policies aimed at fostering economic growth and employment given the need to ensure a return to robust growth after the recent recession.' For the MoD, it was pointed out that the expectations and duties to plan positively referenced in the Statement are placed primarily on local authorities and not the MoD. The MoD's case is not altered by it.

Conditions and Obligations

224. Draft conditions for both appeal schemes were presented at the Inquiry and discussed [PC5, 8]. There is a close correlation between the two sets and most of the conditions were agreed by the Council. In addition, draft planning conditions were agreed by both Appellants with the MOD to secure the provision of radar mitigation schemes for aviation safety. As already stated, the content of draft noise conditions was not agreed.

225. Two unilateral undertakings pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) in respect of Landscaping at Willow Farm and Decommissioning of the Burnthouse Farm wind farm were submitted by Fivestone Limited [F4].

Inspector's Conclusions

References in square brackets [x] refer to paragraph numbers in the earlier sections of this report.

Main Considerations

226. From the evidence submitted on these appeals and having regard for the SoS's reason for recovery, these are:

- the effect on the living conditions of neighbouring occupiers with particular reference to visual outlook;
- the effect on the character and appearance of the area with particular reference to cumulative impact;
- whether any harmful effects would be outweighed by wider economic and environmental benefits which the proposals would bring.

Living conditions of neighbouring occupiers

227. In view of the Council's reason for refusal, I focus on the proposed development at Burnthouse Farm (Appeal A), but also comment on the Flood's Ferry Farm proposal (Appeal B). The living conditions of occupiers of properties may be affected as a result of these proposals in other ways than through changed visual outlook. I address these other matters which include noise and shadow flicker below.

Visual Outlook (Appeal A)

228. Regarding Burnthouse Farm, the Council asserts that there would be a significant adverse impact on the visual outlook from 17 properties if these three turbines were erected, with a major adverse impact at 8 of them. Seven of those 8 properties would become unattractive places to live. Four out of 7 of them lie within 550m of the proposed turbines and the remaining 3 less than 1km away, with south-facing views from living rooms and gardens towards the appeal site [57-59].

229. 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 [62-63,119-120] 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, as is demonstrated in the Council's own evidence, should be adopted.

230. In my experience, there can be no substitute for site visits to individual properties so that the likely impact can be judged in the particular and unique circumstances of each [64]. Nevertheless, it is helpful to consider the factors and thresholds of acceptability which have guided decision-makers in other cases [51,122].

231. The Council's WTG, to which I give some weight [18-23 & 53-56], categorises the magnitude of visual impact for turbines of differing height at

varying distances from a receptor. I have had regard to WTG's categorisation in assessing impact on visual outlook.

232. As the Council observes, the level of impact is normally assessed in Environmental Impact Assessment (EIA) terms as the result of the 'sensitivity' of the receptor and the 'magnitude' of the impact. Residential locations are normally considered to be of high sensitivity and, where the magnitude of an impact would be moderate or high /major, there will typically be a 'significant' adverse impact. There was agreement that serious harm to living conditions should be distinguished from 'significant effects' identified under the EIA Regulations 1999 [62,105]. Thus, 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. 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 ie be so unpleasant, overwhelming and oppressive that this would become an unattractive place to live?"*

233. I visited the principal properties highlighted in evidence, surveyed the wider area and sought to visualise how the proposed turbines might appear. In addition to the specialist evidence on landscape and visual impact assessment, I read the appeal decisions made elsewhere regarding the likely impact of wind turbines on residential occupiers including that for Nutsgrove Farm [64]. While each property has its own characteristics relating to size, layout, orientation and potential screening, it was apparent that distance from the proposed turbines would be an important factor in determining the level of impact. Given the flat topography of Fenland District, hills and valleys and differences in ground level have negligible influence. It is noteworthy that no properties would lie within 350m or 400m of a turbine at Burnthouse Farm, where the WTG suggested that a dominant impact could be expected [21].

234. Notwithstanding their limitations, the photomontages and other illustrations were helpful in visualising the likely impact of the proposed turbines during my site visits [66]. I consider that the parties have properly identified the principal residential properties which would be significantly affected by the proposal. My assessment of the likely impact on visual outlook is as follows:

235. **Willow Farm** on West Fen Drove includes a bungalow and is estimated to be some 500-525m from the proposed position of the nearest turbine. A kitchen and sitting area at Willow Farm face south as does the front garden with play area. Turbine T1 at Burnthouse Farm would be very prominent in views from this side of the house and garden, and T2 would also appear in garden views between a substantial barn and children's play equipment. In spite of the relatively short distance between the dwelling and the proposed turbines, I noted that the turbines would occupy only a small part of the wide views available to the south and south-west. One, and sometimes two, would be seen within the context of electricity poles and wires as well as the barn and play equipment. Thus, man-made features already contribute significantly to the outlook.

236. From the rear garden, T3 would be clearly visible as a substantial new feature. However, the panoramic views over predominantly flat, agricultural land to the north-east would be uninterrupted by the Burnthouse scheme. Overall, I conclude that the proposal would not be so overwhelming for occupiers that their visual outlook would be seriously compromised.

237. I have considered the impact of implementing the Flood's Ferry Farm scheme as well as the Burnthouse Farm one on Willow Farm. The Council's illustrations (Appendix 1, Mr Billingsley) show that views from the rear would include eight of the proposed Flood's Ferry turbines. As these would be about 2kms from Willow Farm, they would not appear dominant. I am satisfied that they would not compound the impact of the T3 Burnthouse turbine to such an extent that occupiers would find them oppressive.

238. Whilst the existing turbines at Ransonmoor feature in views to the south-west, they are sufficiently far away that they have limited effect on outlook. The addition of turbines at Boardinghouse Farm would not change this.

239. Regarding the proposed solar farm, the cumulative assessment [F6] undertaken for Fivestone Limited concluded that there would be a moderate adverse impact in year 1 relating to the solar farm. This would reduce over time as the boundary hedging became established [36, 37]. This report was criticised for being hastily prepared and containing errors. However, at Willow Farm, it seems to me that the solar farm would introduce a new horizontal feature of low height which would have quite a different impact from the wind turbines. I accept that once the vegetation has matured, it should not compound any harm to the visual outlook of residents of this property.

240. The s106 unilateral undertaking relating to a landscaping scheme for Willow Farm depends upon consent from the owners of Willow Farm. It is uncertain therefore whether such a scheme would be implemented and, if it were, whether it would provide effective, ameliorative screening for occupiers. I am unable to attach much weight to this document [65,124].

241. **5 Burnthouse Sidings** The rear of the more westerly property, No 3, includes much vegetation with farm storage behind. These features limit views towards the appeal site. From No 5, all three turbines would be seen to the north-east at a close distance of some 430-470m. Rooms at the back with north-facing windows including a living room as well as the rear garden would enable views of the turbines. However, as shown in the Council's photomontage (Appendix 1, Mr Billingsley), the turbines would appear to the side rather than straight down the garden. All the turbines would be partially screened especially in the summer by trees along a drive to the east of the property. The photomontage suggests that the trees would appear as taller and more substantial features than the turbines from the curtilage of the property. Account has to be taken of the fact that they would not be static; their blades would rotate. Nevertheless, I consider that they would not be so dominant as to render the property an unpleasant place to live.

242. 3 & 5 Burnthouse Sidings are estimated to be some 260m west of the site proposed for development as a solar farm. The proposed solar farm if permitted would appear in views from the side of No 5. From the rear it would be seen in succession with the proposed turbines so that the outlook

from No 5 to the east and north-east would be significantly changed. Nevertheless, it seems to me that once the proposed hedge was established, the solar farm, if permitted and developed, would blend into the landscape with its scattered farmsteads and occasional copses. It would not be seriously harmful to the visual outlook of neighbouring occupiers in combination with the proposed turbines.

243. **Burnt House Farm** is a two-storey dwelling with gardens to the front and rear. It is located within some 420-460m of the nearest proposed turbine. Though the front of the dwelling faces south and away from the appeal site, there are living rooms and more private gardens to the rear, albeit enclosed by substantial farm buildings and boundary vegetation. There could be some views of turbines at close quarters from the upper floors of the dwelling. However, the property owner has a financial interest in this scheme.

244. **Forties Farm, Cock Bank** This is a two-storey property at a distance of some 555-620m from the nearest turbine. A living room and kitchen at ground floor look north and would face the proposed turbines, although the Council's photomontage indicates that the turbines would appear against the skyline in the context of existing electricity poles and wires. Windows on the first floor are not oriented to give views towards the site and the principal private garden is south and west of the dwelling. To my mind, the impact of the turbines would not be oppressive for occupiers of this dwelling.

245. The visualisations in Document F6 include a viewpoint close to Forties Farm, and indicate that the proposed solar farm could be blended satisfactorily into the scene. It would not contribute to any harmful cumulative impact with the intended turbines.

246. **Quaker's Drove Farm** is also a two-storey farmhouse just over 900m from the proposed turbines but with principal windows and a rear patio and garden which face south towards the appeal site. The wide and open views of fenland which are generally available in this area are narrowed at ground level at Quaker's Drove Farm by trees. These would frame views of the turbines but because of their distance from the appeal site, I consider that they would not look overwhelming. Whilst there would be a significant impact, this would not amount to it becoming an unattractive place to live.

247. **Glatton Kennels** is a working kennels for greyhounds and a residential property some 870m from the nearest proposed turbine. A kitchen/ conservatory at ground level as well as a patio and garden provide wide open views across the countryside. Existing turbines at Glass Moor and Ranson Moor can be seen in the distance. The kennels in the foreground can distract the eye, but the turbines would be prominent, vertical features in the landscape. Again, there would be a significant change but because of the width of view, the fact that only three turbines are intended and the distance from the property, I consider that this property would not be rendered an unattractive place to live.

248. **Bates Cottage** This bungalow in Quaker's Drove would be some 930m from the nearest turbine. With open, south-facing views from living rooms and a front entrance, the turbines would change the visual outlook for occupiers substantially. Because of the distance involved and the limited effect of this small cluster of turbines on the panoramic scene, however, I

cannot find that the turbines would render the cottage an unattractive place to live.

249. **Airedale Cottage / Hakes Farm** is a bungalow on Hake's Drove at an estimated 920m from the nearest turbine proposed at Burnthouse Farm. With a hangar-like building and other structures/ storage in its curtilage, some views from the dwelling towards the south and south-west may be reduced already. From the southern side of the garden, however, there are currently panoramic views of the countryside. The Council accepts that the Burnthouse cluster would not in itself have such an impact that it would make this an unattractive place to live and I concur with that view.

250. However, it contends that there would be significant additional cumulative impacts from the Flood's Ferry turbines some 860m to the east. As illustrated on Mr Billingsley's photomontage, most of the turbines at Flood's Ferry Farm south of Hake's Drove would be prominently seen within the same wide scene as all the turbines at Burnthouse Farm. Nevertheless, they would be separated by a substantial tract of open farmland and at 800-900m distance, the dominance of the turbines would be reduced. For all these reasons, in my opinion Airedale Cottage/Hakes Farm would not be changed to an unattractive place to live.

251. The visual outlook from a number of other residences within the locality would be significantly affected by this proposal. These locations are listed in the Schedule of Properties (Mr Billingsley Appendix 2). I am satisfied that these would be less seriously affected than those considered in more detail above for reasons of distance from the proposal, orientation of the properties or presence of screening from vegetation or other development.

252. **South Turves** The proposed turbines would appear in views from many properties on the southern and south-eastern edges of this settlement. The effect on visual outlook over open countryside would be significant and adverse, but as a closely located group of three and at a distance of 1.5kms or more, the turbines would not be overwhelming or oppressive.

Visual Outlook (Appeal B)

253. The Council made it clear in closing that adverse impact on residential amenity was not its concern in relation to the proposal for Flood's Ferry Farm [49,73]. Although the Council's landscape consultant judged that the impact on the visual outlook of a handful of properties would render them unattractive places to live, the evidence including that from my site visits suggests that this would not be the case [172].

Other effects on living conditions

254. Impacts from noise and shadow flicker are of concern to local residents [201-2, 211, 212]. They were assessed when EIA was undertaken (and updated). There is agreement among the main parties that noise levels would not be raised unreasonably and shadow flicker would be negligible, except at Willow Farm and Blackhall where there would be moderate effects. If the proposals were acceptable in other respects, I am satisfied that planning conditions could be imposed to mitigate these effects and keep noise within prevailing guidelines [94]. In addition, measures could be put in place to manage noise and traffic effects during construction. There is no

substantive evidence of risk to human health and safety, nor to human rights which should count against the proposals [212].

Conclusions on effects on living conditions

255. The Flood's Ferry Farm proposal (Appeal B) would not be harmful to the amenity of nearby residential properties. On Appeal A, whilst the Council concluded that Fivestone had substantially under-estimated the impacts on residential amenity, the Appellant contended that Fenland District's assessment had been overly cautious and too protective [68,125]. The parties followed recognised assessment methodologies though the Council made reasonable criticism of some aspects of Fivestone's approach [61]. Nevertheless, a measure of agreement was reached as to where significant impacts would occur [51].

256. It seems to me that the differences in conclusions as to where harm would arise stemmed from relatively small differences in subjective but professional judgment rather than from methodological flaws or omissions. Though there would be a significant impact on visual outlook for occupiers of a number of properties in the area, I found that no properties would be rendered unpleasant places to live by the Burnthouse Farm proposal; nearby occupiers would not be oppressed, or overwhelmed by the erection of this modest cluster of turbines. If the proposed solar farm were granted permission and implemented, because its impact would be at a low level and could be largely diminished over time by planting, I am satisfied that there would be no cumulative harm arising from it and the proposed wind turbines.

257. With reference to the development plan, the Core Strategy is at a relatively early stage of preparation; its policies could change before adoption and I therefore attach it only limited weight [17]. I shall comment on Policy E1 of the Local Plan later, but consider that the Burnthouse Farm proposal would comply with saved Policy E8 as the scheme design did have regard for the amenities of surrounding properties; the number and layout of the turbines were the subject of changes at application stage [2,16,68].

258. The duration of the turbines may be temporary in historical terms and reversible, but residents would regard 25 years as a long time to put up with any overbearing or oppressive development which made their home unpleasant. I have not therefore taken account of duration in my assessment of impact on residential amenity [93]. However, I conclude that the Burnthouse Farm proposal (Appeal A) would not be seriously harmful to the living conditions of neighbouring occupiers with particular reference to visual outlook, nor would it conflict with Policy E8 of the Local Plan.

Character and Appearance – cumulative impact

259. The Flood's Ferry Farm proposal was refused for the single reason that it would have a harmful visual impact in combination with existing wind farms and those in receipt of planning permission. As the proposals for wind turbines at Burnthouse Farm and Boardinghouse Farm have gone forward to appeal, and having regard for the SoS's reason for recovery, it is also necessary to consider the likely cumulative impacts if one or more of these and Flood's Ferry Farm were permitted. The Appellant identified all the existing operational and planned wind turbines in this part of Fenland to establish a baseline for assessment [30-31,140].

260. I consider that this is a suitable basis for assessment. Furthermore, as far as combined/ simultaneous and successive/repetitive impacts are concerned, the interrelationship of the three schemes which are now at appeal and the existing wind farm at Ransonmoor would be the main features.

261. As with the effect on visual outlook for local residents, it is necessary to consider whether any cumulative visual and landscape impacts would be such that they would cause harm to the public interest. This is different from finding that, in EIA terms, the proposal would cause significant cumulative impact. The local landscape is large scale, flat and open, offering extensive views and big skies. With its regular field patterns, lack of hedgerows and many drainage ditches, the landscape has already been heavily modified by humans. Within this context, I consider that there is potential for some additional turbines to be accommodated without causing serious visual harm. The Companion Guide to PPS22 [CD3.5] states that cumulative visual outlook concerns the degree to which development becomes a feature in particular views and the effect this has on the viewers.

262. In assessing cumulative visual impact from various viewpoints, I have considered the extent to which turbines would dominate or come to define views, and whether this would be so substantial that viewers would perceive a seriously detrimental change. There has to be an awareness of valency and the research which supports the notion that there is a wide range of perceptions of wind turbines, which may change over time with experience [159,168]. However, I consider that a precautionary approach assuming that big changes would usually be seen as adverse should be taken [117]. I have had regard for the expert evidence on visual impact from the Council and the Appellant, as well as my own on-site observations [169,170].

263. The Flood's Ferry Farm proposal was refused because of its cumulative visual impact rather than cumulative landscape impact [4]. Cumulative landscape effects are those of a proposed development on the fabric, character and quality of the landscape, and concern the degree to which a development would become a significant defining characteristic of the landscape [CD3.5]. Visual impact concerns the views experienced by receptors (ie residents, road and leisure users etc).

264. The WTG considered the capacity for additional wind turbine development within the District, having regard for landscape character type [23]. Notwithstanding the Appellant's criticism of the WTG, if Burnthouse Farm, Flood's Ferry and Boardinghouse Farm were all permitted and implemented, this would result in the 25% threshold for the Drained Fen landscape type being reached but not exceeded (Mr Billingsley 3.20) [22]. Permitting all three proposals would therefore be acceptable at the overall strategic level in the terms set down by the WTG [160].

265. There would be no adverse effect on any nationally designated landscape area, or any regional or locally designated area, if additional turbines were erected in this part of Fenland [19]. Indeed, this part of the East of England Region has been identified in a recent study by Arup as one where 'wind farm landscapes' could develop [92,159]. I attach weight to these factors.

266. If either **Flood's Ferry Farm alone or in combination with Boardinghouse Farm** went ahead, it was agreed that there would be

significant landscape impact at a local scale in the area between Flood's Ferry and Ransonmoor [72,73, and Page 4, CD10.2]. There would also be a significant landscape impact resulting from implementation of Flood's Ferry Farm and Burnthouse Farm over a small area between Burnthouse Farm, Bottom Hake's Farm and Top Hake's Farm. I concur with these findings.

267. Turning to cumulative visual impact, I take each proposal in turn and examine the effects of adding to the existing and permitted base one or both of the proposals, as well as the Boardinghouse Farm proposal.

268. **Burnthouse Farm** The Council accepts, and I agree that the addition of the proposed 3 turbines to the existing and permitted schemes would not give rise to any significant cumulative visual impacts [69].

269. **Flood's Ferry Farm** If Flood's Ferry wind farm alone were added to the existing and permitted baseline, it would be seen in combination, successively or sequentially with the turbines at Ransonmoor from a number of places along Knight's End Road and the River Nene (Old Course) between Flood's Ferry and Botany Bay Farm [23]. In particular, the residential occupiers at Ransonmoor Farm and Bradney Farm would see turbines on both sides of their homes and gardens, albeit there would be some screening from trees and hedges. Even though the Flood's Ferry turbines would be more than 1.5kms away, I consider that they would contribute substantially to an environment in which wind turbines would seem to surround and encroach. The scheme would lead to significant and adverse cumulative impacts.

270. From Knight's End Road in the vicinity of Boardinghouse Farm, Flood's Ferry Farm turbines would appear to the west, just outside the 2km prominent zone. However, they would be seen in successive or sequential views with Ransonmoor to the south. From Flood's Ferry with the River Nene and footpath alongside, there would be views of the Flood's Ferry turbines to the north and Ransonmoor's to the south-east. At Staffurth's Bridge, the residential properties are so aligned that they would not look towards Flood's Ferry's or other turbines closeby. The holiday homes beside the marina are screened by vegetation to the south although their occupiers, users of the footpaths and people in boats, would have views towards the Flood's Ferry turbines. Overall in this general area, there would be a significant and adverse cumulative visual impact with Flood's Ferry turbines to the north/ north-west and Ransonmoor to the south.

271. From Truman's Farm and westwards past Australia Farm, the Glassmoor and Red Tile turbines can be seen in the far distance and Ransonmoor turbines in the middle distance. The proposed Flood's Ferry turbines would be highly visible in the foreground of these views, albeit because of the distances involved they would appear separate from other wind farms, and they would be set within a panoramic and large landscape. Quaker's Drove/Hake's Drove serves a limited number of farmsteads and dwellings and Hake's Drove forms part of the Hereward's Way. Scottish Power Renewables' assertion that this route carries very few walkers was not challenged by other parties. However, it passes through the proposed wind farm which would have a dominant and potentially overwhelming impact for users. Other turbines notably at Ransonmoor and Glassmoor, but also beyond March and elsewhere, would be seen from this route. However, the significant adverse effect would be largely due to the Flood's Ferry proposal.

272. The road from Doddington and Wimblington to March carries more traffic than the minor routes and 'Droves' close to the appeal site. From north of Wimblington, Flood's Ferry turbines would be seen in views westward across the countryside beyond but in succession with Ransonmoor. From the road north of Benwick, there are already views of Glassmoor, Ransonmoor and Red Tile turbines in different directions. Flood's Ferry Farm proposal would be visible to the north, although the turbines would occupy only part of the middle distance in these wide and open scenes.

273. Overall, I conclude that Flood's Ferry Farm scheme would have significant and adverse impacts on visual outlook along Knight's End Road and the River Nene (Old Course) and on Hake's Drove.

274. **Burnthouse Farm and Flood's Ferry Farm** With implementation of the Burnthouse and Flood's Ferry schemes, there could be some significant effects on views from surrounding locations [69]. From the southern side of Turves, views south and south-east would feature the Burnthouse turbines quite prominently with the Flood's Ferry scheme, behind which Ransonmoor wind farm would be discernible on the skyline. Given the number of new turbines, there would be a significant visual impact, experienced by many people living in Turves and travelling south along Burnthouse Road. From Hereward's Way, east of Quaker's Drove, the Burnthouse turbines would be clearly seen as tall structures in the middle distance together with one or more of the Flood's Ferry turbines very close to the footpath and dominant. Turbines would start to define the views.

275. Blackhall Cottages would be less than 600m from the nearest turbine at Burnthouse Farm and less than 1.5kms from that at Floods Ferry. Because of the orientation of the dwellings, living conditions would not be seriously harmed by the proposals. However, in the area immediately surrounding and giving access for residents and others, turbines would be seen at close quarters to the west and east. Ransonmoor wind farm would also be viewed in the middle distance to the south-east. I agree with the Council that there would be a high magnitude effect and major adverse cumulative effect, largely because of close proximity to the Burnthouse Farm site.

276. From Whittlesey Road close to Australia Farm, Burnthouse Farm turbines would be a major new feature to the south-west adding to the change which Flood's Ferry's nine turbines at closer quarters would bring to views to the south-east. Other turbines at Glassmoor, Ramsey, Red Tile and Ransonmoor would be perceptible in the background. There would be a visual gap between the Flood's Ferry and Burnthouse turbines but turbines would occupy an important portion of sequential views. From Cock Bank in front of Forties Farm and beside the navigable Whittlesey Dike/Dyke, the two proposed schemes would be seen simultaneously, with Wryde Croft and Nutsgrove, Longhill Road and Hundred Road turbines in the far distance to the north. Burnthouse and Flood's Ferry turbines would be prominent, even though they would be accommodated in a wide and open landscape with big skies.

277. From Benwick Road near Delavals Farm looking east, turbines at Burnthouse Farm would be seen prominently and in combination with those at Flood's Ferry Farm. Ransonmoor turbines would be seen in wider views, and turbines north and west of March would just be perceived. To the west, Glass Moor's turbines would be visible giving a sequential impact. However,

the existing and proposed additional wind farms would all be 2.5kms or more away. From the edge of the settlements of Benwick, Coates and Eastrea, Burnthouse Farm would appear in scenes with other turbines, but all would be at a substantial distance from the viewing points.

278. The viewpoints chosen for analysis are representative of wider effects [70]. In particular, along Whittlesey Road past Dodd's Farm and on the eastern edge of Turves, there would be significant impacts for residents and travellers. I have considered the Council's concern that there would be design differences between the two schemes with neither directly responding to the other in terms of form or layout. However, I consider that the differences would not be so great and the proximity to each other would not be such that the two schemes would appear substantially discordant.

279. In summary, there would be some significant and adverse cumulative effects on visual outlook. In the locality of Blackhall Cottages, these would result from the Flood's Ferry Farm and Burnthouse Farm proposals, but be largely attributable to the latter. In views from the southern edge of Turves, Whittlesey Road past Australia Farm and from Cock Bank and Whittlesey Dyke, turbines would start to define the surrounding area.

280. **Flood's Ferry Farm with Boardinghouse Farm** The Boardinghouse turbines would be seen from most vantage points as an extension of the cluster of existing turbines at Ransonmoor. This close relationship to Ransonmoor would reduce their contribution to the perception that turbines were spreading too widely across the area. However, I accept that, with turbines at Boardinghouse Farm, the adverse cumulative visual impact involving Ransonmoor and Flood's Ferry Farm along Knight's End Road would be exacerbated [209]. In addition, views of turbines would be enhanced looking west from the road and from properties between Doddington, Wimblington and the edge of March.

281. **Flood's Ferry Farm with Burnthouse Farm and Boardinghouse Farm** I agree with the Council's conclusions as to where the main impacts would arise [74]. A significant number of residents of dwellings on the southern and eastern edge of Turves as well as road users would experience a changed visual outlook with Flood's Ferry Farm's turbines and Burnthouse Farm at less than 2kms and Ransonmoor and Boardinghouse beyond them. A substantial portion of the views out of the settlement over open countryside would be taken up and in my judgment this would amount to a significant, adverse effect. Views further east on Whittlesey Road would be similarly affected. From Cock Bank road and Whittlesey Dyke, there would be an arc of wind turbines comprising Burnthouse Farm in the foreground with Flood's Ferry Farm behind, and Ransonmoor Farm/ Boardinghouse Farm to the east. There would be a significant adverse visual impact over a sizeable area.

Conclusions on character and appearance

282. Positioned between the proposed Burnthouse Farm wind farm and the Ransonmoor/ Boardinghouse Farm cluster, the Flood's Ferry scheme would contribute substantially to cumulative visual effects with other existing and proposed wind turbines. The outlook for residents, road users, pedestrians and holiday/ leisure users over a broad area from south of Turves to the edge of Doddington would be significantly changed. In addition, there would be a

significant effect on the character of the landscape along a portion of Knight's End Road and the River Nene (Old Course) and in a second small locality north of Burnthouse Farm and along Hereward's Way. I conclude that the Flood's Ferry scheme would be the principal cause of materially harmful cumulative visual effects in the surrounding rural area.

283. The Appellant, correctly in my opinion, argued that these landscape and visual effects of the proposal should be considered alongside any environmental benefits. Statements by Natural England [CDs 5.12-5.16] provide information of the risks to the country's landscape and ecology from unmitigated climate change from which Fenland District would not be exempt [148,164]. The effects of climate change on the landscape character of this area could be deleterious, although specific evidence enabling any likely effects to be measured or considered in more detail was not given. I cannot conclude that such potential benefits would wholly outweigh the harm but they are a material consideration in favour of the proposal [168].

284. Regarding the development plan, the Local Plan is now dated and was clearly written before modern wind farms were being planned and put in place [79, 111]. PPS22, an important material consideration, observes that wind turbines, of all renewable technologies, are likely to have the greatest landscape and visual effects. The Companion Guide adds that modern wind turbines are large structures and inevitably will have an impact on the landscape, and the visual environment. However, PPS22 is clear that renewable energy development should be capable of being accommodated throughout England where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily.

285. In my view, Policies E1 and E8 have to be applied in the context of the changed national planning policy. If applied otherwise, no proposal for wind turbines could comply with Policy E1. It is dated and this reduces the weight which should be attached to it. However, I consider that the proposal would conflict with the more up-to-date Policy ENV2 of the East of England Plan. The need to protect residential amenity as reflected in Policy E8 however still exists. The Flood's Ferry scheme would be contrary to E8, as would the Burnthouse Farm scheme because of the potential impact at Blackhall.

The wider economic and environmental benefits

286. The Government Energy White Paper referred to the benefits of renewable projects to the wider community through reduced emissions and diverse supplies of energy which are a material consideration for the planning system [148]. The Stern Report confirms that the future impact of climate change will not be merely physical and environmental but will extend to economic growth and development. Investment in the next 10-20 years will have a profound effect on the climate in the second half of this century and thereafter. Strong, early co-ordinated action against climate change will far outweigh the costs of doing nothing. The Annual Energy Statement July 2010, Ministerial Statement October 2010 and the Draft National Policy Statements for Energy Infrastructure indicate that, despite a change in Government last year, the transition to a safe, secure, low carbon, affordable energy system in UK remains a high priority. The recent Planning for Growth statement indicates that the SoS will attach significant weight to the need to

secure economic growth and employment [222]. It seems to me that both these schemes would help support local and national economic wellbeing.

287. In the Key Principles of national planning policy, PPS22, it states *"(iv) the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission."* Key principle (vi) emphasises that small-scale projects should not be rejected simply because their output would be small. The role of the current proposals in meeting national and regional targets for renewable energy generation should not be downplayed [148]. The UK failed to meet its target for renewable energy for 2010 and, though there is uncertainty as to the size of future targets, there is no evidence that it will be easy to meet even the more modest ones [113,146].

288. PPS22 describes the importance of setting regional targets and achieving them [114]. Current targets for the East of England in the RSS are up to date in relation to renewable energy generation [109]. The 2010 target has been missed and to date development is not being planned and progressed in such a way that the shortfall will be made up quickly or the future target for 2020 delivered [114, 156]. Although the Government intends to abolish the RSS, I accept that the targets for renewable energy, underpinned by technical evidential studies, will remain relevant [157]. The Council accepts that the shortfall against regional targets is a material consideration which carries weight in determining these appeals [88].

289. As the parties advised and agreed, Government policy is not a matter for discussion and review in these cases. Government policy supports the increased development of a broad range of renewable energy resources including wind. If wind turbines have not operated well in Fenland during the last cold winter, that does not count against these appeals [147, 201].

290. The Burnthouse Farm turbines would provide up to 6MW of installed capacity and Flood's Ferry Farm would provide up to 18MW, thereby offering the higher level of benefit. Perhaps unsurprisingly, the Flood's Ferry proposal would have the larger detrimental impact and be the main contributor to significant cumulative impact. Comparing the two schemes is however like comparing "apples and pears" and the Council did not express a preference between them [99]. The schemes were not put forward as alternatives, and though Lord Justice Laws' judgment in the North Warwickshire Court of Appeal case should be considered, so should its context and the fact that the need for renewable energy is unconstrained [134, 192].

291. The Burnthouse scheme and the proposed wind farm at Boardinghouse in combination would provide installed capacity roughly equivalent to the proposed Flood's Ferry windfarm. Adding the solar farm at Burnthouse would give a higher overall output [F7 and S11]. I have considered the argument that this would represent a means to provide substantial additional installed renewable capacity with a "lighter environmental touch" than implementing the Flood's Ferry proposal [102]. However, there is no good reason why the Boardinghouse windfarm and the Burnthouse solar farm should not be implemented independently or alongside Flood's Ferry Farm [184, 185]. I am satisfied that the Flood's Ferry Farm proposal would offer a high level of

environmental and economic benefits. The Burnthouse Farm scheme would offer a lower but material level of benefits.

The Planning Balance

292. The seriousness of climate change and its potential effects, the seriousness of the need to cut carbon dioxide emissions and the seriousness of Government's intentions to encourage renewable energy generation were not questioned in these cases [106,107]. Whether one begins by examining international and national legal obligations, the Government's White Paper on Energy and the UK Renewable Energy Strategy etc., or one starts by considering the development plan and relevant national planning policy in PPS22 and PPS1: Supplement on Climate Change, I consider that the same conclusions would be reached about the importance and seriousness of tackling climate change and expanding renewable energy resources [79,145]. Even if PPS1 Supplement refers to giving "expeditious and sympathetic handling" to proposals for sustainable development rather than to "look(ing) favourably" on them, this cannot be supportive of an inherently restrictive approach [86,105].

293. It is clear that all the key principles of PPS22 have to be looked at in the round. The need to consider environmental, including landscape and visual, impacts is essential [89]. Even if the WTG had proper regard for the planning policy context, there is evidence that the potential economic and environmental benefits from these proposals for renewable energy generation were given limited weight when the Council reached its decisions to refuse the proposals [90,138,177-8].

294. The Burnthouse Farm proposal would be the main cause of a detrimental cumulative effect on visual outlook in the locality of Blackhall Cottages, giving rise to conflict with the Local Plan. However, the proposals are in line with Policies ENG1 and ENG2 of the RSS, and with national planning policy for the promotion of more sustainable development and renewable energy capacity. I concluded that the Burnthouse Farm scheme would not cause material harm to the living conditions of neighbouring residents, and the area over which visual outlook would be adversely affected would be very localised. I conclude that the harm from this cluster of three turbines would be substantially outweighed by the ensuing economic and environmental benefits from the increased capacity for renewable energy generation.

295. Turning to Flood's Ferry Farm, I have concluded that the proposed turbines would give rise to adverse cumulative visual impact over a sizeable area and conflict with the development plan. However, if the regional targets for renewable energy in the East of England are to be achieved over the next decade, some intensification of wind farm developments seems to me to be inevitable [105,113]. Some localities will have to experience a greater concentration of turbine development than exists now. This area of Fenland has obvious suitability for wind farms, the landscape value is ordinary and the Council's strategic assessment of capacity indicated that the Flood's Ferry, Burnthouse and Boardinghouse schemes could all be accommodated without breaching the defined threshold of the WTG. The scheme would not result in serious harm to the living conditions of any neighbouring residents.

296. The Flood's Ferry project has the greatest potential (on its own) of the schemes at appeal to enhance the capacity for renewable energy [142]. In my opinion, the material harm to visual outlook is outweighed by the contribution which the scheme in Appeal B would make to meeting national and regional targets for renewable energy installation and for helping to combat the threat of climate change.

297. Overall, I consider that both appeals should be allowed and planning permission granted.

Planning Conditions and s106 planning obligations

298. Conditions for the proposed wind farms at Burnthouse Farm and Flood's Ferry Farm are shown in the attached schedules. These follow very closely the schedules submitted by the Appellants and discussed at the Hearings. Changes have been made to secure compliance with Circular 11/95: The Use of Conditions in Planning Permission. The Appellants have sought to achieve a measure of consistency between the two sets of conditions which I support as it should facilitate future enforcement by the local planning authority.

299. **Burnthouse Farm (Appeal A)** The Appellant argued that it could take more than 3 years to carry out the preparatory work necessary before development started on site. I understand the local planning authority's wish that, if the appeal is to be allowed, then the developers should 'get on with it' and start to operate from the site as soon as possible. However, in view of the requirements for air safety measures, a construction method statement, etc, I consider that the longer (5 rather than 3 years) time limit in condition 1 would be reasonable.

300. Condition 2 is needed to clarify which plans apply. Nos 3, 4 and 5 should ensure that de-commissioning and the removal of any non-functioning turbine takes place in a manner which does not harm the local environment or the amenity of local people. Having regard for similar conditions imposed on other wind farm schemes, I consider that the time periods in conditions 4 and 5 are reasonable in that they would give time to prepare for and carry out de-commissioning, and to investigate any faults and obtain spare parts.

301. On ecology, the Appropriate Assessment concluded that the Burnthouse proposal would have no adverse effects on the integrity of the Nene Washes SPA either individually or cumulatively [CD9.6]. The Appellant had revised the number of turbines to reduce collision risks at an earlier design stage, and questioned the necessity for any post-construction monitoring and mitigation measures [2, 131, 203-6]. Local people are clearly concerned that wildlife in particular swans should thrive in the local area and observed that surveys of swans may have under-estimated the numbers concerned [199].

302. Although the predictions contained in the Appropriate Assessment were described as theoretical, it is clear that a precautionary approach was used and that the estimated levels were well below the threshold of 1% for loss of populations or habitats. The document suggested that a s106 or condition would "give additional confidence" to its conclusion that there would be no adverse effect. I agree with the Appellant that this falls short of the necessity and reasonableness tests in Circular 11/95 and 05/05.

303. The Appellant has however put forward possible conditions 6, 7 and 8 to protect nature conservation interests. Conditions 6,7 and 8 would strengthen the evidence base on bird activity, safeguard wildlife during construction, and provide an Ecological Management Scheme for application thereafter. I consider it reasonable to adopt the Appellant's suggested conditions but shall not recommend imposing the additional condition relating more specifically to the Nene Washes SPA [PC5].

304. To prevent pollution of controlled waters and reduce risk of flood damage to the development and the access roads, conditions 9, 10 and 13 are necessary. Conditions 11, 12 and 16 would safeguard highway safety; 14 on construction method would also protect residential and visual amenity and the wider environment. I have omitted item "o" from No 14 because it is duplicated in the ecology conditions. The phrase "subject to any variations agreed in writing by the local planning authority" could be regarded as insufficiently precise, but on balance I consider that it could facilitate the efficient implementation of necessary works. Conditions 15 and 16 on construction hours should protect the amenity of local residents. The appearance of the area would be protected by necessary conditions 17-22. On interference with television reception, condition 23 should enable any such occurrence to be satisfactorily addressed, in the interests of residents' amenity. Condition 24 is necessary to address shadow flicker but the suggested phrase "unless the local planning authority agrees to any variation" omitted as unnecessary and imprecise.

305. Concerning provision of a radar mitigation scheme to ensure air safety at RAF Cottesmore [197], in correspondence the MoD expressed scepticism as to whether the proposed mitigation programmes for either of the appeal schemes could be achieved. However, it felt unable to maintain that those programmes had no prospect of being achieved within the lifetime of any planning permission granted. Planning conditions were indeed agreed by the Appellants and MOD, and I consider that they would satisfy the tests including enforceability. The exact wording of conditions was discussed at the Inquiry having regard for Circular 11/95, paragraph 39, the footnote below model condition 39 and the 'unacceptable' condition 2 in Appendix B. It remains my opinion that as a third party, the Ministry of Defence should not be named in these conditions and I have re-worded conditions 25, 26 and 27 accordingly, in the interests of reasonableness and enforceability. Condition 27 seeks to achieve infrared aviation lighting which, whilst aiding flight safety, should mean that this rural area would not experience light pollution.

306. The ES found that the potential impact on archaeology would be negligible and the County Archaeologist sought nothing further in respect of Burnthouse Farm. The Supplementary Environmental Information document covered Cultural Heritage but did not suggest that archaeology was an issue. I consider that the proposed condition would be unnecessary.

307. Condition 28, with its tables, graph and notes which all form part of the condition, is designed to prevent noise nuisance from the development and protect the living conditions of neighbouring residents. The noise surveys indicated that there should be no detrimental impact on any of the residences closest to the proposed turbines. The minor exceedance (0.4dBA) found at Willow Farm would be smaller than anyone could be expected to hear and

would occur very infrequently only when specific wind speeds and directions occurred [43].

308. Experience suggests that wind turbines may be a source of noise and I consider that a condition to limit noise is necessary. Both Fivestone and Scottish Power Renewables put forward 'alternative' noise limits, to cover circumstances (a) where their scheme would operate alone, and (b) where both wind farms were operational. This approach of alternative limits was used in the Nutsgrove Farm appeal and I consider it appropriate to use it here [CD4.30].

309. Different noise limits were put forward by the two Appellants for the situation where both appeals were allowed and became operational. It seems to me that a single set of figures for each property would enable application and enforcement in a clear and precise way [95, 129, 173]. However, different figures were put forward for Willow Farm, Burnthouse Sidings, Quaker's Drove Farm, Tokai/Blackhall and Hake's Farm. The reasons for the differences were discussed at the Inquiry. It seems to me that the variances cannot be explained away by mathematical errors or flaws in thinking. ETSU-R-97 allows for alternative ways of setting noise limits indicating that there would be no universal 'correct' set of limits for the chosen receptors in this area.

310. I appreciate the efforts made by the Council to find a middle way if both proposals were to be permitted and note its preferences for adopting the total wind farm noise limits (cumulative) from Scottish Power Renewables and lowest of the limits for Blackhall/Tokai [PC1]. Its note correctly identifies the key factors in the ETSU report, but the ETSU system is 'hermetically sealed' in the sense that it relies on a statistical relationship between wind speed at 10m height at a specified location within a wind farm and background noise levels at nearby receptors. The relationship is unique to those receptors. Nevertheless, noise limits should relate to the cumulative effect of all wind turbines in the area at the properties in question (CD8.1 page vi paragraph 16). Reaching a single set of figures in this case is made difficult because surveys were carried out at different times of the year. ETSU acknowledges that seasonal variation in background levels will occur.

311. Bearing in mind all the above and that planning conditions have to be reasonable and not too onerous, I have put forward the noise limits proposed by Fivestone Limited for nearly all the receptors for which there are alternative figures. This is because those receptors are closer to the Burnthouse than Flood's Ferry proposed turbines and noise levels are likely to be more affected by the nearest turbines. The exception is Hake's Farm where I have preferred the limits put forward by Scottish Power Renewables. Blackhall/Tokai, Willow Farm, Burnthouse Sidings and Quaker's Drove Farm are the relevant receptors, and the resultant figures where both schemes would be operational are shown in condition No 28 for Burnthouse and No 28 for Flood's Ferry.

312. The noise limits recommended are based on this pragmatic approach. However, they are not identical to those put forward and discussed at the Inquiry. If both wind farms are to be permitted, the decision-maker may wish to consult the parties so that the noise conditions do not come as a surprise.

313. **Flood's Ferry Farm (Appeal B)** Possible conditions are shown in the attached schedule. Conditions 1-7, 9-20, 24, 26 and 27 are very similar to conditions for Burnthouse Farm and are necessary for similar reasons.

314. Condition 8 would meet concerns expressed by Natural England and RSPB. Although I concluded that such a condition would not be necessary for the Burnthouse scheme, the Flood's Ferry scheme is more substantial and extends further north towards the Nene Washes (SPA). The Appropriate Assessment showed that it would have the greatest potential impact on loss of species. There was agreement with Natural England that it would be reasonable. Conditions 21 and 22, dealing with micro-siting and controlling the height of turbines, are necessary to protect the appearance of the area and ensure safety on the public highway. Condition 23 is needed to prevent and mitigate any interference with UHF radio communications.

315. Condition 25 regarding shadow flicker is necessary to protect the living conditions of occupiers of the named properties, but only if both Flood's Ferry Farm and Burnthouse Farm are to be permitted. In view of the County Council (Archaeology) view that there may have been prehistoric and Roman activity in this area, condition 27 is necessary to protect archaeological interests. Condition 28 to address noise has adopted the same approach as for Burnthouse Farm with the same noise limits for common receptors if both proposals were permitted and became operational.

316. **Planning Obligations** I have already commented on the unilateral undertaking, pursuant to section 106, from Fivestone Limited and relating to landscaping at Willow Farm [65,124, and 240]. The undertaking to provide a decommissioning bond has been designed to secure the payment of funds to complete the restoration scheme in the event that the developer is unable to fulfil obligations at the decommissioning stage. I consider that this should give reassurance to the Council and local people that the future appearance of the site will be provided for. No such undertaking has been put forward by Scottish Power Renewables for the site at Flood's Ferry Farm. However, the Council seeks none, and I am satisfied that the planning condition should achieve satisfactory decommissioning and site restoration at the appropriate time without the support of a planning obligation.

Recommendations

File Ref: Appeal A – Land North of Burnthouse Farm (APP/D0515/A/10/2123739)

317. I recommend that the appeal be allowed and that planning permission be granted for the erection of 3 wind turbines (Max. height 100m to blade tip) together with ancillary structures and works including erection of a control building, site access tracks and temporary compound (located on West Fen Drove) during construction, subject to the conditions in Annex 1.

File Ref: Appeal B – Staffurth's Bridge Farm (Flood's Ferry Farm) (APP/D0515/A/ 2131194)

318. I recommend that the appeal be allowed and planning permission be granted for the erection of 9 wind turbines with a maximum height of not more than 110.5m from base to blade tip (when vertical), together with ancillary development including control building housing switch gear, on-site

underground cables, on-site access tracks and watercourse crossings, crane hardstanding areas, permanent meteorological mast, two temporary construction compounds and access from Quaker's Drove, subject to the conditions in Annex 2.



INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Ranatunga of Counsel	instructed by Mr R McKenna, Fenland District Council
He called	
Mr J M Billingsley MA(Oxon) BPhil CMLI	Director, The Landscape Partnership, Bedford
Mr G J Nourse BA MRTPI	Area Development Manager, Fenland District Council
Miss L Bradley BSc(Hons) MSc IOA Dip Acoustics & Noise Control, IOA Cert of Competence Env Noise Measurement[87]	Environmental Health Officer

FOR THE APPELLANT, FIVESTONE LIMITED:
Mr D Harvey LLB(Hons) BCL(Hons)(Oxon), Partner, Cobbetts LLP, Leeds

He called	
Mr S Arnott BSc(Hons) MIOA	Principal Associate Consultant, TNEI Services Limited, Milburn House, Dean St, Newcastle upon Tyne NE1 1LE
Mr B Denney BA(Hons), DipLA, CMLI CENV MIEMA	Landscape and Environmental Planning Director, Pegasus Environmental, 4215 Park Approach Ave, Thorpe Park, Leeds LS15 8GB
Mr A Brand BSc(Hons) MA MRTPI	Principal Planner, DPP, West One, 63-67 Bromham Road, Bedford MK40 2FG

FOR THE APPELLANT, Scottish Power Renewables (UK) LIMITED:
Mr A Newcombe QC, instructed by Pinsent Masons, Solicitors

He called	
Dr A R McKenzie PhD BSc MIOA	Hayes McKenzie Partnership, 16a The Courtyard, Dean Hill Park, West Dean, Salisbury SP5 1EY
Mr J Welch BA(Hons) CMLI	Optimised Environments Ltd, 6th Floor, 24 Torpichen St, Edinburgh EH3 8JB
Mr P Frampton BSc(Hons) TP MRICS, MRTPI	Framptons, Oriel House, 42 North Bar, Banbury OX16 0TH

[87] Called to discuss possible noise conditions

INTERESTED PERSONS:

Mr C Banner of Counsel instructed by Treasury Solicitor's Department, on behalf of The Ministry of Defence

Mr G Lee
Mr I Salmons
Mr J Stoneman
Mrs M Lock

DOCUMENTS

Proofs of Evidence

From the Council

Mr Billingsley	Proof
	Summary of Proof
	Appendices 1 and 2-8
	Rebuttal Proof
Mr Nourse	Proof

From Fivestone Limited

Mr Arnott	Proof
	Summary Proof
Mr Denney	Proof
	Summary of Proof
	Appendices
Mr Brand	Proof
	Summary of Proof
	Appendix

From SPR

Dr McKenzie	Proof
	Summary of Proof
	Appendices
Mr Welch	Proof
	Summary of Proof
	Appendices A-E
	Rebuttal proof
Mr Frampton	Proof
	Summary of Proof
	Appendices

Submitted at the Inquiry

By the Council

C1 Opening Remarks
C2 Errata schedule from Mr Billingsley
C3 Letter to residents re 15 Feb site visit
C4 Comments on F2 & F3
C5 E-mail from R McKenna 18 Feb 2011 re F6
C6 Council's Closing Submissions

By Fivestone Limited

F1 Opening Submissions
F2 Comparative study of visual effects

F3 Residential Impact Note
F4 Draft and complete Unilateral Undertakings
F5 Solar Farm application details
F6 Cumulative L&VA, and Additional Cumulative Visualisations: Burnt House Wind Farm an

F3 Residential Impact Note – Mr Brand & Mr Denney
F4 Draft and complete Unilateral Undertakings
F5 Solar Farm application details
F6 Cumulative L&VA, and Additional Cumulative Visualisations: Burnt House Wind Farm and Turves Solar Farm or vice versa (RevA and RevC)
F7 MW Output note – various scenarios – Mr Brand
F8 Letter from Mr Hardy dated 2 March 2011 re F6
F9 Closing Submissions

By Scottish Power Renewables (UK) Limited
S1 Opening Statement
S2 Boarding House Farm – bundle of appeal documents
S3 Corrigenda – Mr Welch's Proof
S4 Correction/Addendum to proof Dr McKenzie
S5 HC Consent Order (Nuon(UK) Limited)
S6 Comments on F2
S7 Turves Solar Farm – plans, EIA Screening Opinion and comments from Mr Welch
S8 HC Cala Homes (2)
S9 Response to Inspector's Qs - Mr Frampton
S10 Response to Solar Farm cumulative assessment(s)
S11 Alternative Wind Farm Output Scenarios
S10 Closing Statement

By Other Parties
O1 Correspondence with TSol re aviation/radar condition sought by MOD
O2 Statement to the Inquiry from Mr Lee
O3 Welney Wetland Centre details from Mr Salmons

By the Main Parties concerning Possible Conditions
PC1 Comments re noise limits from Council's Environmental Protection Team
PC2 Noise conditions from Fivestone
PC3 Noise conditions from SPR
PC4 Draft Burnt House conditions – response to Council 10 Feb 2011 with Road Survey Plan
PC5 Draft Burnt House conditions – Final Draft 14 Feb 2011
PC6 Draft Floods Ferry conditions
PC7 Revised Draft Condition 13 – Floods Ferry
PC8 Updates to Draft Planning Conditions 10 Feb and 14 Feb 2011 for Floods Ferry

Core Documents

		Document
1 Adopted Development Plan Documents		
Requested by		
SPR FL	1.1	The East of England Plan (revision to the RSS for the East of England) (May 2008)
FDC	1.2	Saved policies of the Fenland District Wide Local Plan (August 1993) including Saving Direction of September 2007
SPR	1.3	Saved Policies of the Cambridgeshire and Peterborough County Structure Plan 2003 including Saving Direction
2 Other Fenland District Council Documents		
FDC	2.1	Wind Turbine Development Policy Guidance and accompanying maps (2009)
FDC	2.2	Fenland District Council Local Development Framework (LDF) Core Strategy and Development Policies: Preferred Options 2 (2006)
FL	2.3	Fenland District Council, Annual Monitoring Report (December 2009)
3 National Planning Policy		
FL SPR	3.1	PPS 1: Delivering Sustainable Development (2005) and Supplement on Climate Change (2007)
SPR	3.2	PPS 5: Planning for the Historic Environment (2010)
FL SPR	3.3	PPS 7: Sustainable Development in Rural Areas (2004)
SPR FL	3.4	PPS 9: Biodiversity and Geological Conservation (2005)
FL SPR	3.5	PPS 22: Renewable Energy (2004) and Companion Guide (2004)
FL SPR	3.6	PPG 24: Noise (1994)
4 Various Wind Farm Appeal and Application Decisions		
FL	4.1	Bradwell (APP/X1545/A/06/2023805) (decision letters dated 10 September 2007 and 25 January 2010)

FL	4.2	Carsington (APP/P1045/A/07/2054080)
FL	4.3	Enifer Downs (APP/X2220/A/08/2071880)
FL	4.4	Crook Hill – Coronation Power (APP/P4225/A/08/2065277) (Inspector's Report and Decision Letter)
FL	4.5	Derbyshire Dales District Council v Secretary of State for Communities and Local Government [2009] EWHC 1729
FL	4.6	Earls Hall (APP/P1560/A/08/2088548
FL	4.7	Hempnall (APP/L2630/A/08/2084443)
FL	4.8	Foundry Way (APP/D0515/A/09/2114817)
FL	4.9	Crosslands Farm (APP/M0933/A/08/2090274)
FL SPR	4.10	Wadlow (APP/W0530/A/07/2059471) (Inspector's Report and Decision Letter)
FL	4.11	Routh (APP/E2001/A/07/2050015) (Inspector's Report and Decision Letter)
FL	4.12	Shooters Bottom (APP/Q3305/A/05/1181087)
FL	4.13	Land at Inner Farm, Burnham-on-Sea (APP/V3310/A/06/2031158)
FL	4.14	Sixpenny Wood (APP/E2001/A/09/2101851)
FL	4.15	Swinford (APP/F2415/A/09/2096369) (Inspector's Report and Decision Letter)
FL	4.16	Silfield, Kendal (APP/M0933/A/09/2099304)
FL SPR	4.17	Carland Cross (APP/D0840/A/09/2103026)
FL	4.18	Thackson's Well (APP/E2530/A/08/2073384)
FL	4.19	Withernwick (APP/E2001/A/08/2088796)
FL	4.20	Knabs Ridge (APP/E2734/A/04/1161332)
FL FDC	4.21	Shipdham, Norfolk (APP/K2610/A/05/1180685 and APP/F2605/A/08/2089810) (first and second decision)
FL	4.22	Beech Tree (APP/K1128/A/08/2072150)

FL SPR	4.23	Willow Bank Farm (APP/C3105/A/09/2116152)
FL	4.24	Cliffs Farm (APP/D2320/A/08/2069152)
FL	4.25	Agricultural land to the east of Grove (APP/A3010/A/06/2017850)
FL	4.26	Penny Hill, Rotherham
FL	4.27	Hazlehead, Barnsley
FL	4.28	Creek Road, March (APP/D0515/A/08/2089046)
FL	4.29	Cotton Farm (APP/H0520/A/09/2119385)
SPR	4.30	Land at Nutsgrove Farm, Scolding Drive, Thorney (APP/J05040/A/08/2083801)
SPR	4.31	Land north east of Thorney, Wryde Croft, Peterborough (APP/J0540/A/08/2090541) – (See 4.30)
SPR	4.32	Land to the south east of North Taunton and South West of Bow (Denbrook) (APP/Q1153/A/08/2017162)
FDC	4.33	Poplar Lane (APP/L3245/A/08/2088742)
FDC	4.34	Boxworth and Connington (APP/W0530/A/05/1190473)
FDC	4.35	Skitfield Road, Guestwick (APP/K2610/A/05/1180685)
FDC	4.36	Hogsea Lane, Tunstall (APP/E2001/A/10/2130670)
5 Renewable Energy and Climate Change Documents		
FL SPR	5.1	DTI Energy White Paper “Meeting the Energy Challenge” (2007) (Extracts)
SPR FL	5.2	DECC: Renewable Energy Strategy (2009)
FL	5.3	DECC: The UK Low Carbon Transition Plan, (LCTP) White Paper in (July 2009)
FL	5.4	DECC: Draft Overarching National Policy Statement for Energy EN-1 (2010)
FL	5.5	DECC: Draft National Policy Statement for Renewable Energy Infrastructure EN-3 (2010)
FL SPR	5.6	Arup: “Placing Renewables in the East of England”, East of England Regional Assembly (2008)

FL	5.7	Consultation on a Planning Policy Statement: Planning for a Low Carbon Future in a Changing Climate
SPR FL	5.8	Renewables East, East of England Renewable Energy Statistics (December 2009)
FL SPR	5.9	European Commission: Directive on the Promotion of the Use of Energy from Renewable Sources 2009/29/EC (2009)
FL	5.10	DECC: UK Renewable Energy Action Plan, July 2010
FL	5.11	"Climate Change Scenarios for the United Kingdom", Tyndall Centre for Climate Change Research, April 2002
FL	5.12	Natural England, 'Making Space for renewable Energy' 2010
FL	5.13	Natural England, "Sustainable Energy Policy", 2008
FL	5.14	Natural England, "Position on Wind Energy", March 2009
FL	5.15	Natural England, "Future Landscapes" (Draft Policy for Consultation) 2009
FL	5.16	Natural England "Climate Change Position", 2008
FL SPR	5.17	DECC: Annual Energy Statement, July 2010
FL	5.18	DCLG: Renewable Energy Capacity in Regional Spatial Strategies, July 2009
FL	5.19	East of England Annual Monitoring Report 2007-2008, East of England Regional Assembly (extracts)
FL	5.20	Statement to the House of Commons by the Secretary of State for Energy and Climate Change 18 October 2010
FL	5.21	Government Response to the Consultation on the Draft National Policy Statements for Energy Infrastructure (October 2010)
FL	5.22	Draft Revision to the East of England Plan, March 2010
SPR	5.23	Wind Power in the UK: A guide to the key issues surrounding onshore wind power development in the UK (Sustainable Development Commission, 2005)
SPR	5.24	Stern Review Economics of Climate Change (UK Treasury, 2006)
SPR	5.25	Extracts from The Energy White Paper (Department of Trade & Industry, 2003)
SPR	5.26	The Energy Challenge (Department of Trade & Industry, 2006)

SPR	5.27	Ministerial Statement 21 July 2005
SPR	5.28	Technical Paper 'Renewable Energy Targets for the East of England 2010 and 2020' (Global to Local Ltd & ESD Ltd)
SPR	5.29	Climate Change Act 2008 (Office of Public Sector Information, 2008)
6 Landscape and Visual (including public perception) Documents		
FL	6.1	Scottish Natural Heritage "Guidelines on the Environmental Impacts of Windfarms and Small Scale Hydro Electric Schemes" (2001)
FL SPR	6.2	Scottish Natural Heritage "Siting and Design Windfarms in the Landscape, Version 1" (December 2009)
FL	6.3	The Countryside Agency "Landscape Character Assessment: Guidance for England and Scotland" (2002)
FL SPR	6.4	The Landscape Institute, Institute of Environmental Management and Assessment, 2002, "Guidelines for Landscape and Visual Impact Assessment", Second Edition
FL SPR	6.5	Scottish Natural Heritage and The Countryside Agency Landscape Character Assessment Series "Topic Paper 9: Climate change and natural forces – the consequences for landscape character" (2003) http://www.countryside.gov.uk/Images/TP9%20final_tcm2-16285.pdf
FL SPR	6.6	Countryside Agency and Scottish Natural Heritage, "Landscape Character Assessment Series: Topic Paper 6 – Techniques and Criteria for Judging Capacity and Sensitivity" (2003)
FL	6.7	Landscape Research Group, University of Newcastle, "Landscape Appraisal for Onshore Wind Development, Final Report" (July 2003)
FL SPR	6.8	Scottish Natural Heritage, "Cumulative Effects of Windfarms Version 2 (2005)
FL SPR	6.9	Visual Representation of Wind Farms – Good Practice Guidance, SNH 2006
SPR	6.10	Natural England Character Map of England – National Character Area 46 The Fens (Natural England, 2005)
SPR	6.11	SNH Revised Draft Cumulative Assessment (Scottish National Heritage, 2009)
SPR	6.12	Landscape Institute Advice Note 01-09 Photomontage in Landscape and Visual Assessment
SPR	6.13	Review of Fenland Wind Farm Strategy (EDAW)
FDC	6.14	Visualisation Standards for Wind Energy Developments – Highland Council (2010)

FDC	6.15	Extracts from PAN45:Renewable Energy Technologies – Scottish Executive (2002)
7 Aviation		
SPR	7.1	Civil Aviation Authority, CAA Policy and Guidelines on Wind Turbines, CAP 764, February 2009
SPR	7.2	Civil Aviation Authority, UK Flight Information Services, CAP 774, November 2009
SPR	7.3	CAP 793 Safe Operating Practices at Unlicensed Aerodromes (Civil Aviation Authority, July 2010)
SPR	7.4	CAP 393 Air Navigation: The Order and the Regulations (Civil Aviation Authority, April 2010)
SPR	7.5	Intentionally left blank
SPR	7.6	Wind Energy, Defence & Civil Aviation Interests Working Group, Wind Energy And Aviation Interests – Interim Guidelines, ETSU W/14/00626/REP, 2002
8 Noise		
FL SPR	8.1	ETSU-R-97: The assessment and Rating of Noise from Wind Turbines (September 1996)
FL SPR	8.2	Prediction and assessment of wind turbine noise – agreement about relevant factors for noise assessment from wind energy projects. D Bowdler, AJ Bullmore, RA Davis, MD Hayes, M Jiggins, G Leventhall, AR McKenzie Institute of Acoustics, Acoustics Bulletin, Vol 34, No 2 March/April 2009
FL SPR	8.3	Department of Business, Enterprise and Regulatory Reform: "Research into aerodynamic modulation of wind turbine noise", report by the University of Salford (July 2007)
FL	8.4	"Guidelines for Community Noise", Ed Berglund, Lindall & Schwela, World Health Organisation, Geneva (1999) (extracts)
FL	8.5	The Measurement of Low Frequency Noise at Three UK Wind Farms URN No: 06/1412
FL	8.6	BS 8233: 1999 'Sound insulation and noise reduction in buildings – Code of practice'
SPR FL	8.7	Night Noise Guidelines for Europe, World Health Organization, 2009
SPR	8.8	BS4142:1997 'Methods for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas'
SPR	8.9	Measurement and Evaluation of environmental Noise from Wind Energy Conversion Systems in Alameda and Riverside Counties (Wyle Research Report, 1988)

SPR	8.10	ISO 9613, Acoustics, Attenuation of Sound During Propagation Outdoors (1996)
SPR	8.11	IEC61400-11 Wind turbine generator systems, Part 11: Acoustic noise measurement techniques
9 Planning Application Documents – Burnt House		
FL	9.1	Planning applications and supporting documents (provided in the Appeal Bundle)
FL	9.2	Environmental Statement (provided in the Appeal Bundle)
FL	9.3	Officer Report to the Planning Committee (December 2009)
FL	9.4	Decision Notice
FDC FL	9.5	Review of Environmental Statements for Burnt House Wind Farm and Floods Ferry Wind Farm, on behalf of Fenland District Council, The Landscape Partnership, October 2009
FL	9.6	Appropriate Assessment for Burnt House Farm, on behalf of Fenland District Council by the Landscape Partnership, November 2009
FL	9.7	Memorandum to Fenland District Council on Burnt House Farm wind turbines by the Landscape Partnership, 1 December 2009
FL	9.8	Further Environmental Information, October 2010: Cumulative Landscape and Visual Impact Assessment (Pegasus) already circulated to the parties)
FL	9.9	ETSU-R-97 Noise Assessment: Report by TNEI Services (October 2010) (already circulated to the parties)
FDC	9.10	Review of Environmental Statements for Burnt House Wind Farm and Floods Ferry Wind Farm, on behalf of Fenland District Council, The Landscape Partnership, July 2009
FDC	9.11	Letter of 25/11/09 from DPP to Graham Nourse and supporting view analysis
10 Planning Application Documents – Floods Ferry		
SPR	10.1	Floods Ferry Planning Application and supporting documents (provided in the Appeal Bundle) (2009)
SPR	10.2	Environmental Statement (provided in the Appeal Bundle) and Supplementary Environmental Information
FDC	10.3	Review of Environmental Statements for Floods Ferry & Burnt House Farm and correspondence (The Landscape Partnership, Oct 09) (see CD9.5)
SPR	10.4	Intentionally left blank
SPR	10.5	Floods Ferry Wind Farm Planning Officers Report (Fenland DC, Dec 2009)
SPR	10.6	Floods Ferry Decision Notice (Fenland District Council, Jan 2010)

SPR	10.7	Appropriate Assessment for Fenland District Council: Wind Turbines at Floods Ferry Revision B (The Landscape Partnership, Nov 2009)
SPR	10.8	Appropriate Assessment for Fenland District Council: Wind Turbines at Boardinghouse Farm Revision B (The Landscape Partnership, Nov 2009)
SPR	10.9	Extract correspondence to Fenland District Council in relation to Floods Ferry and Burnt House proposals
SPR	10.10	Review of Environmental Statements for Flood's Ferry and Burnthouse (the Landscape Partnership July 2009)
SPR	10.11	Response by the Landscape Partnership to letter to Fenland DC from Scottish Power Renewables 7/8/09
SPR	10.12	Flood's Ferry statement to inform an Appropriate Assessment for the Nene Washes SPA (Hyder Consulting, July 2009)
SPR	10.13	Flood's Ferry Ornithology Collision Risk Modelling Report (Hyder Consulting July 2009)

Annex 1

Schedule of Conditions – Burnthouse Farm (Appeal A)
Time Limits and Site Restoration

1) The development hereby permitted shall be commenced within 5 years of the date of this permission.

2) The development hereby permitted shall be carried out in accordance with the plans, Nos. EN12855/DR1.1, EN12855/DR2.1, EN12855/DR1.2 (July 2009), AK0001(rev June 2009), 949908/04, 949908/05A, 05B & 05C (revised Aug 2009).

3) The permission hereby granted shall expire not later than 25 years from the date when electricity is first exported from any of the wind turbines to the electricity distribution grid ("First Export Date"). Written notification of the First Export Date shall be given to the Local Planning Authority no later than 14 days after the event.

4) Not later than 12 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the wind turbines and associated ancillary equipment to a depth of at least 0.2 metres below ground. The scheme shall include the management and timing of any works, a traffic management plan to address likely traffic issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats and a programme of implementation. The approved scheme shall be fully implemented within 12 months of the expiry of this permission.

5) If any wind turbine hereby permitted fails to produce electricity for supply to the grid for a continuous period of 12 months then, unless otherwise agreed in writing by the Local Planning Authority, the wind turbine and its associated ancillary equipment shall be removed from the site within a period of 3 months from the end of the 12 month period. The land shall be reinstated in accordance with a scheme (including management and timing of the works and a traffic management plan) submitted to and approved in writing by the local planning authority.

Ecology

6) No development shall take place until a specification for a breeding bird survey on the development site has been submitted to and approved in writing by the Local Planning Authority. The specification, prepared by a suitably qualified independent ecologist, shall include the methodology for the survey, a timetable for checking of the survey and submission of a report detailing the survey results. The report shall also identify any mitigation measures required as a result of the survey for any construction works or clearance of vegetation between 1 March and 31 August. The specification and mitigation measures shall be implemented as approved.

7) No development shall take place until a specification for protected species surveys to be carried out has been submitted to and approved in writing by the Local Planning Authority. The surveys shall be undertaken by a suitably qualified ecologist in the last suitable season prior to site preparation and construction work commencing. The survey results and a programme of any mitigation works required shall be submitted to and approved in writing by the Local Planning Authority. The approved programme of mitigation works shall be implemented in full.

8) No development shall take place until an Ecological Management Scheme has been submitted for the approval of the Local Planning Authority. The scheme shall include details of land management measures on the site to deter avian species from foraging in the vicinity of the turbines and built structures; enhancement and maintenance of field margins and dyke verges; and measures to minimise foraging habitat on the site including the maintenance of margins around the access tracks and built structures which comprise the development and the management of surplus crops on the site. The scheme shall be implemented as approved in writing by the Local Planning Authority.

Surface and Foul Water Drainage

9) No development shall take place until a surface and foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with a programme of implementation setting out approved details.

10) All electrical equipment (critical infrastructure) should be raised to a level of at least 1.5 metres AOD to provide sufficient freeboard above the predicted flood water level.

Construction Traffic Management Plan and Highways

11) No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall include proposals for the routeing of construction traffic, scheduling and timing of movements, the management of junctions to and crossings of the public highway and other public rights of way, details of escorts for abnormal loads, temporary warning signs, temporary removal and replacement of highway infrastructure/street furniture, reinstatement of any signs, verges or other items displaced by construction traffic and banksman/escort details. The approved Construction Traffic Management Plan including any agreed improvements or works to accommodate construction traffic where required along the route, shall be carried out as agreed in writing by the Local Planning Authority.

12) No development shall take place until a scheme to secure any repairs to the length of the road shown on the attached plan titled “Road Survey Plan” required as a consequence of the development have been submitted to and improved in writing by the Local Planning Authority. The scheme shall include proposals for a condition survey of the length of road shown on the Road Survey Plan and a programme and methodology for any necessary repairs following the completion of construction. The scheme shall be implemented as approved.

13) Access roads should be set no lower than 300 mm above the average surrounding ground level.

Construction Method Statement

14) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Statement, subject to any variations agreed in writing by the Local Planning Authority. The Construction Method Statement shall address the following matters:

a) Details of the phasing of all construction works
b) Details of routeing of the access tracks
c) Details of the construction and surface treatment of all hard surfaces and tracks
d) Details of the proposed storage of materials and disposal of surplus materials
e) Dust management
f) Siting and details of wheel washing facilities
g) Details of the proposed temporary site compound for storage of materials and machinery (including areas designated for car parking)
h) Areas on site designated for the storage, loading, off-loading, parking and manoeuvring of heavy duty plant, equipment and vehicles
i) The construction of the site access and the creation and maintenance of associated visibility splays
j) Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway
k) Pollution control: protection of water courses, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage
l) Proposals for post construction restoration/reinstatement of the temporary working areas
m) Details of emergency procedures and pollution response plans
n) Details of the routeing of underground cabling
o) Working practices for protecting the nearby residential dwellings, including measures to control noise and vibration arising from on-site activities, such as piling, shall be adopted as set out in British Standard 5228 Part 1: 2009

Construction Hours

15) Construction work shall only take place between the hours of 07:00 – 19:00 on Monday to Friday inclusive, 08:00 – 13:00 hours on Saturdays with no such construction work on a Sunday or Public Holiday. Outside these hours, works at the site shall be limited to emergency works and dust suppression, unless otherwise approved in writing by the Local Planning Authority. The Local Planning Authority shall be informed in writing of emergency works within three working days of occurrence.

16) The delivery of any construction materials or equipment for the construction of the development, other than turbine blades, nacelles and towers, shall be restricted to the hours of 07:00 – 19:00 on Monday to Friday inclusive, 08:00

– 13:00 hours on Saturdays with no such deliveries on a Sunday or Public Holiday unless otherwise approved in writing by the Local Planning Authority having been given a minimum of two working days notice of the proposed delivery.

Appearance

17) Prior to the erection of any turbine, details of the finish and colour of the wind turbines and any external transformer units shall be submitted to and approved in writing by the Local Planning Authority. No name, sign, symbol or logo shall be displayed on any external surfaces of the turbines or any external transformer units other than those required to meet statutory health and safety requirements. The agreed colour finishes of the wind turbines shall not be changed without the prior consent in writing of the Local Planning Authority.

18) The temporary construction compound shall be removed from the site within 3 months of the commissioning of the final turbine.

19) The blades of all of the wind turbine generators shall rotate in the same direction.

20) Construction of a sub-station building shall not commence until details of the external appearance, dimensions, layout and materials of that building and any associated compound or parking area, and details of surface foul water drainage from the sub-station building and any associated compound or parking area have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

21) All cabling between the turbines and sub-station shall be laid underground.

22) The overall height of the wind turbines shall not exceed 100 metres to the tip of the blades when the turbine is in a vertical position as measured from natural ground conditions immediately adjacent to the turbine base.

Television Interference

23) Prior to the First Export Date a scheme providing for the investigation and alleviation of any electro-magnetic interference to TV caused by the operation of the turbines shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the investigation by a qualified television engineer of any complaint of interference with television reception at a lawfully occupied dwelling, (defined for the purposes of this condition as a building within Use Class C3 and C4 of the Use Classes Order), which lawfully exists or had planning permission at the date of this permission, where such complaint is notified to the developer by the Local Planning Authority within 12 months of the First Export Date. Where impairment is determined by the qualified television engineer to be attributable to the wind farm, mitigation works shall be carried out in accordance with the scheme which has been approved in writing by the Local Planning Authority.

Shadow Flicker

24) Prior to the first Export Date a written scheme shall be submitted to and approved in writing by the Local Planning Authority setting out the protocol for the assessment of shadow flicker in the event of any complaint from the owner or occupier of a dwelling (defined for the purposes for this condition as a building with a Use Class C3 and C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission. The written scheme shall include details of possible remedial measures. Operation of the turbines shall take place in accordance with the approved protocol.

Aviation

25) No development shall take place unless and until a Radar Mitigation Scheme has been submitted to and approved in writing by the Local Planning Authority. The Radar Mitigation Scheme shall address the impact of the proposed development upon air safety.

"Radar Mitigation Scheme" means a scheme proposed by the wind farm operator which is designed to mitigate the impact of the development upon the operation of the Primary Surveillance Radar at RAF Cottesmore ("the Radar") and the air traffic control operations of the Ministry of Defence which are reliant upon the Radar. The Radar Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar and shall be in place for the period the Primary Surveillance Radar at RAF Cottesmore remains in operation.

26) No turbines shall become operational unless and until all measures required as part of the approved Radar Mitigation Scheme have been implemented in accordance with timescales within it and the Local Planning Authority has confirmed in writing that the Radar Mitigation Scheme has been implemented. The development shall thereafter be operated fully in accordance with the approved Radar Mitigation Scheme.

27) No development shall commence unless and until a scheme for lighting ("the Lighting Scheme") has been submitted to and approved in writing by the local planning authority. The Lighting Scheme shall include MoD approved infrared aviation lighting to be fitted to the hub of turbines 1 and 3, as denoted on EN12855/DR8.33, and lighting required during the construction period of the development and any periods of planned maintenance. The Lighting Scheme shall thereafter be implemented as approved.

Noise

28) The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty) hereby permitted when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in the tables attached to these conditions and:

A. Prior to the First Export Date the wind farm operator shall submit to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority

B. Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the Council to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out the conditions described in Guidance Note 2(b) and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component. The wind farm operator shall provide the information relevant to the complaint logged in accordance with paragraph (G) to the Local Planning Authority in the format set out in Guidance Note 1(e).

C. Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The submission of the proposed noise limits to the Local Planning Authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. The representative background noise environment and proposed noise limits shall be submitted for approval in writing by the Local Planning Authority. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

D. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the Local Planning Authority pursuant to paragraph (C) of this condition shall be undertaken at the measurement location approved in writing by the Local Planning Authority.

E. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority made under paragraph (B) unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance

Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

F. Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to paragraph 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (E) above unless the time limit has been extended in writing by the Local Planning Authority.

G. The wind farm operator shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at each wind turbine all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 12 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

Note: For the purposes of this condition, a "dwelling" is a building within Use Class C3 and C4 of the Use Classes Order which lawfully exists or had planning permission at the date of this consent.

TABLES TO BE USED IN THE EVENT THAT BOTH BURNT HOUSE AND FLOODS FERRY BECOME OPERATIONAL

Total Windfarm Noise Limits (Cumulative)

Table 1 - Between 07:00 and 23:00 - Noise level dB $L_{A90,\ 10\text{-minute}}$

Location	Standardised wind speed measured at 10 metre height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Burnt House Farm (financially interested)	45	45	45	45	45	45	45	47	51	53	53	53
Willow Farm	37.5	37.5	37.5	37.5	37.5	37.5	37.5	38.5	41.5	42.5	42.5	42.5
17 Burnthouse Sidings	35	35	35	35	35	37	40	43	47	49	49	49
Quaker's Drove Farm	35	35	35	36	38	40	43	47	51	53	53	53
Hakes Farm	37.5	37.5	37.5	37.5	37.5	40	42	46	50	52	52	52
Blackhall/Tokai	37.5	37.5	37.5	37.5	39.5	42.5	45.5	48.5	52.5	53.5	53.5	53.5
3 Burnthouse	35	35	39	39	41	42	45	47	51	53	53	53

Sidings												

Table 2 – Between 23:00 and 07:00 – Noise level dB $L_{A90,\ 10\text{-minute}}$

Location	Standardised wind speed at 10 metre height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Burnt House Farm (financially interested)	45	45	45	45	45	45	45	45	45	45	45	45
Willow Farm	40.5	40.5	40.5	40.5	40.5	40.5	40.5	40.5	40.5	40.5	40.5	40.5
17 Burnthouse Sidings	43	43	43	43	43	43	43	43	43	43	43	43
Quaker's Drove Farm	43	43	43	43	43	43	43	43	45	45	45	45
Hakes Farm	43	43	43	43	43	43	43	43	47	47	47	47
Blackhall/Tokai	40.5	40.5	40.5	40.5	40.5	40.5	44.5	48.5	51.5	51.5	51.5	51.5
3 Burnthouse Sidings	43	43	43	43	43	43	43	43	43	43	43	43

Table 3: Coordinate locations of the properties listed in Tables 1 and 2.

Property	Easting	Northing
Burnt House Farm (financially interested)	533498	294294
Willow Farm	533496	295046
17 Burnthouse Sidings	534227	294226
Quaker's Drove Farm	534082	295930
Hakes Farm	534607	295881
Blackhall	534692	294861
3 Burnthouse Sidings	533555	294252

Note to Table 3: The geographical coordinates references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

TABLES TO BE USED IF JUST BURNTHOUSE IS OPERATIONAL

Windfarm Noise Limits (Burnthouse)

Table 4 - Between 07:00 and 23:00 - Noise level dB $L_{A90,\ 10\text{-minute}}$

Location	Standardised wind speed measured at 10 metre height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Burnt House Farm (financially interested)	45	45	45	45	45	45	45	47	51	53	53	53
Willow Farm	35	35	35	35	35	37	39	41	44	45	45	45
17 Burnthouse Sidings	35	35	35	35	35	37	40	43	47	49	49	49
Quaker's Drove	35	35	35	36	38	40	43	47	51	53	53	53

Farm												
Hakes Farm	35	35	35	35	37	40	42	46	50	52	52	52
Blackhall/Tokai	35	35	37	40	42	45	48	51	55	56	56	56
3 Burnthouse Sidings	35	35	39	39	41	42	45	47	51	53	53	53

Table 5 – Between 23:00 and 07:00 – Noise level dB $L_{A90,\ 10\text{-minute}}$

Location	Standardised wind speed at 10 metre height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Burnt House Farm (financially interested)	45	45	45	45	45	45	45	45	45	45	45	45
Willow Farm	43	43	43	43	43	43	43	43	43	43	43	43
17 Burnthouse Sidings	43	43	43	43	43	43	43	43	43	43	43	43
Quaker's Drove Farm	43	43	43	43	43	43	43	43	45	45	45	45
Hakes Farm	43	43	43	43	43	43	43	43	47	47	47	47
Blackhall/Tokai	43	43	43	43	43	43	47	51	54	54	54	54
3 Burnthouse Sidings	43	43	43	43	43	43	43	43	43	43	43	43

Table 6: Coordinate locations of the properties listed in Tables 4 and 5.

Property	Easting	Northing
Burnt House Farm (financially interested)	533498	294294
Willow Farm	533496	295046
17 Burnthouse Sidings	534227	294226
Quaker's Drove Farm	534082	295930
Hakes Farm	534607	295881
Blackhall	534692	294861
3 Burnthouse Sidings	533555	294252

Note to Table 6: The geographical coordinates references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Note 1

(a) Values of the $L_{A90,10\text{-minute}}$ noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN

61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The microphone should be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The $L_{A90,10\text{-minute}}$ measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and with operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s), arithmetic mean wind direction in degrees from north and nacelle orientation as logged by the turbine control system. The mean wind speed data as measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.

(e) Data provided to the Local Planning Authority in accordance with paragraphs (B), (E), (F), and (G) of the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging tipping bucket rain gauge shall be installed within 3m of any sound level meter installed in the course of the independent consultant undertaking an assessment of the level of noise immissions. The gauge shall record over successive 10 minute periods in accordance with the protocol detailed in Note 1(d).

Note 2

(a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).

(b) Valid data points are those measured during the conditions specified by the Local Planning Authority in its written request under paragraph (B) of the noise condition

but excluding any periods of rainfall measured in accordance with Note 1(f). These specified conditions shall include the range of wind speeds, wind directions, times of day and meteorological conditions and power generation. In specifying such conditions the local planning authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) Values of the $L_{A90,10\text{-minute}}$ noise measurements and corresponding values of the 10-minute wind speed for those data points considered valid in accordance with Note 2 paragraph (b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Note 3

(a) Where, in the opinion of the Local Planning Authority as advised to the wind farm operator in its written request under paragraph (B) of the noise conditions, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following rating procedure.

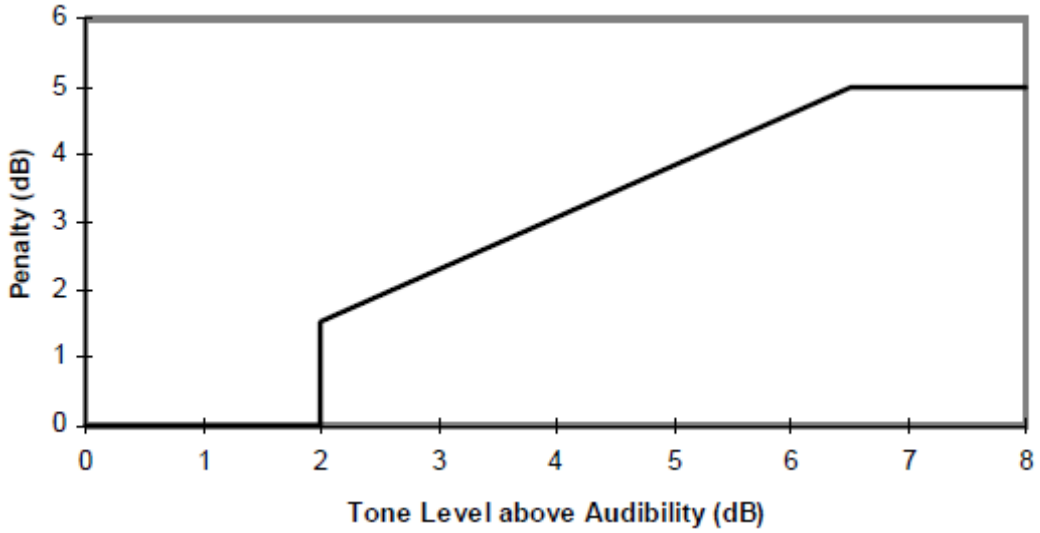
(b) For each 10-minute interval for which $L_{A90,10\text{-minute}}$ data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.

(c) For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.

(d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.

(e) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line fitted to values within ± 0.5m/s of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.


Penalty (dB)
0
1
2
3
4
5
6
0
1
2
3
4
5
6
7
8
Tone Level above Audibility (dB)

Annex 2

Schedule of Conditions - Floods Ferry Farm (Appeal B)
Time Limits and Site Restoration

1) The development hereby permitted shall be commenced within 5 years of the date of this permission.

2) The development hereby permitted shall be carried out in accordance with the plans listed in paragraph 2.4 of the Statement of Common Ground signed 1 September 2010.

3) The permission hereby granted shall expire not later than 25 years from the date when electricity is first exported from any of the wind turbines to the electricity distribution grid ("First Export Date"). Written notification of the First Export Date shall be given to the Local Planning Authority no later than 14 days after the event.

4) Not later than 12 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the wind turbines and associated ancillary equipment to a depth of at least 0.2 metres below ground. The scheme shall include the management and timing of any works, a traffic management plan to address likely traffic issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats and a programme of implementation. The approved scheme shall be fully implemented within 12 months of the expiry of this permission.

5) If any wind turbine hereby permitted fails to produce electricity for supply to the grid for a continuous period of 12 months then, unless otherwise agreed in writing by the Local Planning Authority, the wind turbine and its associated ancillary equipment shall be removed from the site within a period of 3 months from the end of the 12 month period. The land shall be reinstated in accordance with a scheme (including management and timing of the works and a traffic management plan) submitted to and as approved in writing by the local planning authority

Ecology

6) No development shall take place until a specification for a breeding bird survey on the development site, to be carried out by a suitably qualified independent ecologist, has been submitted to and approved in writing by the Local Planning Authority. The specification shall include the methodology and timetable for the survey and submission of a report detailing the results of a survey. The report shall identify any mitigation measures required as a result of this survey for any construction works or clearance of vegetation in relation to construction between 1 March – 31 August in any year. The specification and mitigation measures shall be implemented as approved.

7) No development shall take place until a specification for protected species

surveys to be carried out has been submitted to and approved in writing by the Local Planning Authority. The surveys shall be undertaken by a suitably qualified ecologist in the last suitable season prior to site preparation and construction work commencing. The survey results and a programme of any mitigation works required in relation to construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved programme of mitigation works shall be implemented in full.

8) No development shall take place until details of a post-construction mitigation and monitoring scheme have been submitted to and approved by the Local Planning Authority. Details covered shall include:

- Measures that will be undertaken to mitigate potential operational impacts to Bewick's swan, whooper swan, marsh harrier, barn owl, bats and water vole;
- Surveillance of bird species comprising Bewick's swan, whooper swan, lapwing, golden plover, marsh harrier, and bat activity as well as corpse searches around the turbines;
- Details of (1) contingency mitigation measures in respect of the specified species and (2) a mechanism for defining a level of any collision impact referable to the development hereby permitted (for each of the specified species, and having regard to the population numbers of that species associated with the Nene Washes SPA) which level, were it to be exceeded, would represent a significant impact on that species in the context of the Nene Washes SPA. The specified species are Bewick's swan, whooper swan, lapwing and golden plover.
  Should any of the relevant levels of collision impact so defined thereafter be reached the relevant contingency mitigation measures are forthwith to be implemented.
- A mechanism for the submission of results of each year of monitoring and review of existing or contingency mitigation requirements with the Local Planning Authority .
  The monitoring shall be undertaken in the years 1, 2, 3, 5, 10 and 15 after the first commissioning of the turbines. The approved Mitigation and Monitoring Scheme shall be implemented in full during the operational life of the wind farm.

Surface and Foul Water Drainage

9) Prior to the commencement of development, a surface and foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with a programme of implementation setting out approved details.

Construction Traffic Management Plan and Highways

10) No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall include proposals for the routeing of construction traffic, scheduling and timing of movements, the management of junctions to and crossings of the public highway and other public rights of way, details of escorts for abnormal loads, temporary warning signs, temporary removal and replacement of highway infrastructure/street

furniture, reinstatement of any signs, verges or other items displaced by construction traffic banksman/escort details. The approved Construction Traffic Management Plan including any agreed improvements or works to accommodate construction traffic where required along the route, shall be carried out as agreed in writing by the Local Planning Authority.

11) No development shall take place until a scheme for a condition survey of the highway along the proposed delivery route of the wind turbines has been submitted to and approved in writing by the local planning authority. The survey shall be carried out as approved. Any remedial works to the highway caused by the delivery or necessary to facilitate delivery of the turbines shall be undertaken at the developer's expense.

12) No development shall take place until details of the materials and form of construction of the access tracks within the site have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Construction Method Statement

13) Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Statement, subject to any variations agreed in writing by the Local Planning Authority. The Construction Method Statement shall address the following matters:

p) Details of the phasing of all construction works
q) Details of routing of the access tracks
r) Details of the construction and surface treatment of all hard surfaces and tracks
s) Details of the proposed storage of materials and disposal of surplus materials
t) Dust management
u) Siting and details of wheel washing facilities
v) Details of the proposed temporary site compound for storage of materials and machinery (including areas designated for car parking)
w) Areas on site designated for the storage, loading, off-loading, parking and manoeuvring of heavy duty plant, equipment and vehicles
x) The construction of the site access and the creation and maintenance of associated visibility splays
y) Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway
z) Pollution control: protection of water courses, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage
aa) Proposals for post construction restoration/reinstatement of the temporary working areas
bb) Details of emergency procedures and pollution response plans
cc) Details of the routeing of underground cabling
dd) Working practices for protecting the nearby residential dwellings, including measures to control noise and vibration arising from on-site

activities, such as piling, shall be adopted as set out in British Standard 5228 Part 1: 2009.

Construction Hours

14) Construction work shall only take place between the hours of 07:00-19:00 on Monday to Friday inclusive, 08:00-13:00 hours on Saturdays with no construction work on Sunday or public holidays. Outside these hours, other than emergency works and works for dust suppression, construction shall only be undertaken in accordance with a scheme that has been submitted to and approved by the Local Planning Authority. The scheme shall address arrangements for monitoring noise levels; a method for reporting, investigating and the remediation of any complaints regarding noise from construction activities outside the hours specified above. The Local Planning Authority shall be informed in writing of emergency works within three working days of occurrence.

15) The delivery of any construction materials or equipment for the construction of the development, other than turbine blades, nacelles and towers, shall be restricted to the hours of 07:00 – 19:00 on Monday to Friday inclusive, 08:00 – 13:00 hours on Saturdays with no such deliveries on a Sunday or public Holiday unless otherwise approved in writing by the Local Planning Authority having been given a minimum of two working days notice of the proposed delivery.

Appearance

16) Prior to the erection of any turbine, details of the finish and colour of the wind turbines and any external transformer units shall be submitted to and approved in writing by the Local Planning Authority. No name, sign, symbol or logo shall be displayed on any external surfaces of the turbines or any external transformer units other than those required to meet statutory health and safety requirements. The agreed colour finishes of the wind turbines shall not be changed without the prior consent in writing of the Local Planning Authority.

17) The temporary construction compound shall be removed from the site within 3 months of the commissioning of the final turbine.

18) The blades of all of the wind turbine generators shall rotate in the same direction.

19) Construction of a sub-station building shall not commence until details of the external appearance, dimensions, layout and materials of that building and any associated compound or parking area, and details of surface and foul water drainage from the sub-station building and any associated compound or parking area have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

20) No development shall take place until a scheme for lighting (“the Lighting

Scheme"), has been submitted to and approved in writing by the local planning authority. The Lighting Scheme shall include (a) MoD approved infrared aviation lighting to be fitted to the hub of turbines 1,3,5,8 and 9 as denoted on Drawing 02/PA and (b) lighting required during the construction period of the development and any periods of planned maintenance. The Lighting Scheme shall thereafter be implemented as approved.

21) Each turbine and its site track shall be provided as shown on Drawing 02/PA Site Development Plan subject to a micro-siting allowance of 50m. Micro-siting shall not result in turbine blades oversailing any public highway.

22) The overall height of the wind turbines shall not exceed 110.5 metres to the tip of the blades when the turbine is in a vertical position as measured from natural ground conditions immediately adjacent to the turbine base.

Television & Radio Interference

23) No development shall take place until a scheme for the safeguarding of UHF radio communications has been submitted to and approved in writing by the Local Planning Authority. The scheme shall address the potential interference to Anglian Water UHF radio telemetry link and shall include measures to be undertaken to remedy any such interference. Such measures, as set out within the approved scheme shall be fully implemented.

24) Prior to the First Export Date, a scheme providing for the investigation and alleviation of any electro-magnetic interference to any TV signal caused by the operation of the turbines shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the investigation by a qualified television engineer of any complaint of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this condition as a building within Use Class C3 and C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission where such complaint is notified to the developer by the Local Planning Authority within 12 months of the First Export Date. Where impairment is determined by the qualified television engineer to be attributable to the wind farm, details of the mitigation works which have been approved in writing by the Local Planning Authority shall be implemented as approved.

Shadow Flicker

This condition should be applied only if both Burnthouse Farm and Flood's Ferry Farm are permitted

25) Prior to the commissioning of the development hereby approved, a written scheme to alleviate the incidence of shadow flicker at the properties known as Blackhall and Tokai from Turbine No 9 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full.

Aviation

26)

(a) For the purposes of this condition, the Radar Mitigation Scheme ("the Scheme") means a scheme proposed by the developer whose purpose will be to mitigate the impact of the development upon the operation of the Primary Surveillance Radars at RAF Cottesmore ("the Radar") and the air traffic control operations of the MoD that are reliant upon the Radar at the date of this permission. The Scheme will set out the appropriate measures to be implemented to that end. The Scheme shall be implemented in full.

(b) No development shall commence unless and until the Local Planning Authority ("the Authority") has approved the Scheme in writing.

(c) No turbines shall become operational unless and until all measures required by the First Export Date in accordance with the Scheme have been carried out in full.

Archaeology

27) No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site.

Noise

28) The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty) hereby permitted when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in the tables attached to these conditions and:

H. Prior to the First Export Date, the wind farm operator shall submit to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority

I. Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the Council to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out the conditions described in Guidance Note 2(b) and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component. The wind farm operator shall provide the information relevant to the complaint logged in accordance with paragraph (G) to the Local Planning Authority in the format set out in Guidance Note 1(e).

J. Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The submission of the proposed noise limits to the Local Planning Authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. The representative background noise environment and proposed noise limits shall be submitted for approval in writing by the Local Planning Authority. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

K. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the Local Planning Authority pursuant to paragraph (C) of this condition shall be undertaken at the measurement location approved in writing by the Local Planning Authority.

L. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority made under paragraph (B) unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

M. Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to paragraph 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (E) above unless the time limit has been extended in writing by the Local Planning Authority.

N. The wind farm operator shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at each wind turbine all in accordance with Guidance Note 1(d). These data shall be

retained for a period of not less than 12 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

Note: For the purposes of this condition, a "dwelling" is a building within Use Class C3 and C4 of the Use Classes Order which lawfully exists or had planning permission at the date of this consent

TABLES OF NOISE LIMITS TO APPLY IF BOTH FLOOD'S FERRY FARM AND BURNT HOUSE FARM ARE PERMITTED AND OPERATIONAL

Table 1: Between 23:00 and 07:00 hours (Noise Level in dB $L_{A90, 10min}$):

	Standardised Wind Speed at 10 m height (m/s)											
Location	1	2	3	4	5	6	7	8	9	10	11	12
723 Whittessey Road	43	43	43	43	43	43	43	43	43	43	47	53
Australia Farm	43	43	43	43	43	43	43	43	43	48	55	63
4 Staffurths Bridge	43	43	43	43	43	43	43	43	43	43	47	53
Floods Ferry Marina Park	43	43	43	43	43	43	43	43	43	46	52	60
Tokai / Blackhall Cottage	40.5	40.5	40.5	40.5	40.5	40.5	44.5	48.5	51.5	51.5	51.5	51.5
Burnt House Farm	45	45	45	45	45	45	45	45	45	45	45	45
Willow Farm	40.5	40.5	40.5	40.5	40.5	40.5	40.5	40.5	40.5	40.5	40.5	40.5
17 Burnthouse Sidings	43	43	43	43	43	43	43	43	43	43	43	43
Quaker's Drove Farm	43	43	43	43	43	43	43	43	45	45	45	45
Hake's Farm	43	43	43	43	43	43	43	43	47	47	47	47
3 Burnthouse Sidings	43	43	43	43	43	43	43	43	43	43	43	43

Table 2: At all other times (Noise Level in dB $L_{A90, 10min}$):

	Standardised Wind Speed at 10 m height (m/s)											
Location	1	2	3	4	5	6	7	8	9	10	11	12
723 Whittessey Road	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	40	44	49
Australia Farm	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	40	45	50	57
4 Staffurths Bridge	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	39	43	48
Floods Ferry Marina Park	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	39	42	46
Tokai / Blackhall Cottage	37.5	37.5	37.5	37.5	39.5	42.5	45.5	48.5	52.5	53.5	53.5	53.5

Burnt House Farm	45	45	45	45	45	45	45	47	51	53	53	53
Willow Farm	37.5	37.5	37.5	37.5	37.5	37.5	37.5	38.5	41.5	42.5	42.5	42.5
17 Burnthouse Sidings	35	35	35	35	35	37	40	43	47	49	49	49
Quaker's Drove Farm	35	35	35	36	38	40	43	47	51	53	53	53
Hake's Farm	37.5	37.5	37.5	37.5	37.5	40	42	46	50	52	52	52
3 Burnthouse Sidings	35	35	39	39	41	42	45	47	51	53	53	53

[TABLES OF NOISE LIMITS RELATING TO CONDITION TO APPLY IF BURNT HOUSE FARM IS NOT PERMITTED OR IS PERMITTED BUT IS NOT OPERATIONAL]

Table 1: Between 23:00 and 07:00 hours (Noise Level in dB $L_{A90, 10min}$):

	Standardised Wind Speed at 10 m height (m/s)											
Location	1	2	3	4	5	6	7	8	9	10	11	12
723 Whittessey Road	43	43	43	43	43	43	43	43	43	43	47	53
Australia Farm	43	43	43	43	43	43	43	43	43	48	55	63
4 Staffurths Bridge	43	43	43	43	43	43	43	43	43	43	47	53
Floods Ferry Marina Park	43	43	43	43	43	43	43	43	43	46	52	60
Tokai / Blackhall Cottage	43	43	43	43	43	43	43	43	47	53	60	68
Hake's Farm	43	43	43	43	43	43	43	43	47	47	47	47

Table 2: At all other times (Noise Level in dB $L_{A90, 10min}$):

	Standardised Wind Speed at 10 m height (m/s)											
Location	1	2	3	4	5	6	7	8	9	10	11	12
723 Whittessey Road	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	40	44	49
Australia Farm	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	40	45	50	57
4 Staffurths Bridge	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	39	43	48
Floods Ferry Marina Park	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	39	42	46
Tokai / Blackhall Cottage	37.5	37.5	37.5	37.5	37.5	37.5	37.5	39	44	50	57	66
Hake's Farm	37.5	37.5	37.5	37.5	37.5	40	42	46	50	52	52	52

Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Note 1

(g) Values of the $L_{A90,10\text{-minute}}$ noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(h) The microphone should be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(i) The $L_{A90,10\text{-minute}}$ measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and with operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(j) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s), arithmetic mean wind direction in degrees from north and nacelle orientation as logged by the turbine control system. The mean wind speed data as measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). All 10-minute

periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.

(k) Data provided to the Local Planning Authority in accordance with paragraphs (B), (E), (F), and (G) of the noise condition shall be provided in comma separated values in electronic format.

(l) A data logging tipping bucket rain gauge shall be installed within 3m of any sound level meter installed in the course of the independent consultant undertaking an assessment of the level of noise immissions. The gauge shall record over successive 10 minute periods in accordance with the protocol detailed in Note 1(d).

Note 2

(d) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).

(e) Valid data points are those measured during the conditions specified by the Local Planning Authority in its written request under paragraph (B) of the noise condition but excluding any periods of rainfall measured in accordance with Note 1(f). These specified conditions shall include the range of wind speeds, wind directions, times of day and meteorological conditions and power generation. In specifying such conditions the local planning authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(f) Values of the $L_{A90,10\text{-minute}}$ noise measurements and corresponding values of the 10-minute wind speed for those data points considered valid in accordance with Note 2 paragraph (b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, “best fit” curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Note 3

(g) Where, in the opinion of the Local Planning Authority as advised to the wind farm operator in its written request under paragraph (B) of the noise conditions, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following rating procedure.

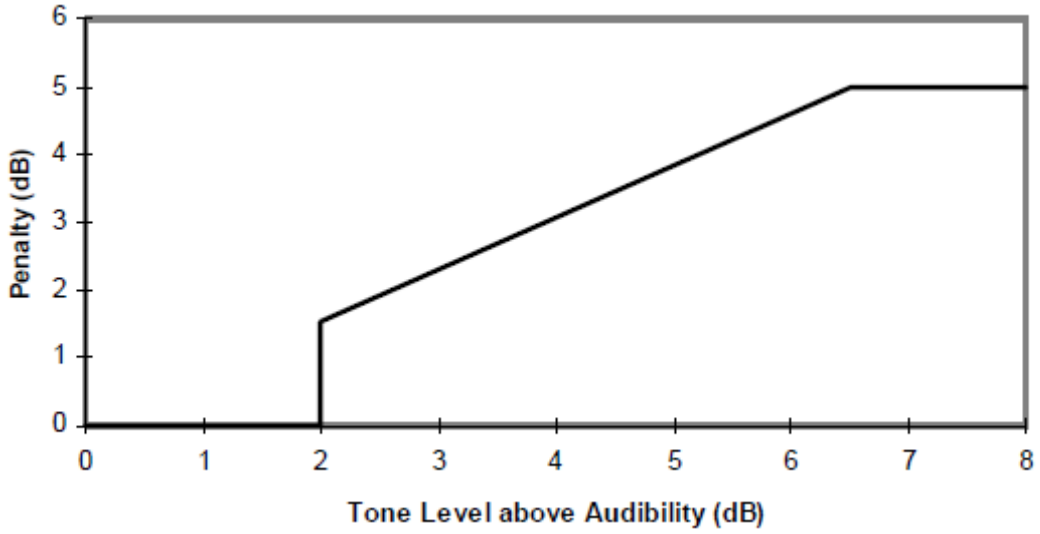
(h) For each 10-minute interval for which $L_{A90,10\text{-minute}}$ data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available (“the standard procedure”). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.

(i) For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.

(j) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.

(k) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line fitted to values within ± 0.5m/s of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.

(l) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Note 4

(a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written request under paragraph (B) of the noise condition.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.

(c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (C) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise (L_3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (B) of the noise condition.

ii. The wind farm noise (L_1) at this speed shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10\log\left[10^{L_2/10} - 10^{L_3/10}\right]$$

iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.

If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (C) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (C) of the noise condition then the development fails to comply with the conditions.

Annex G Legal Submissions on CNL Duty

1 Action Point 13: Provide details of cases which support the position of each party on how the duty to further the purposes of the CNL under s85 of the CRoW Act should be applied.

1.1.1 During ISH2, Wiltshire Council made oral submissions, in relation to the duty to further the purposes of the Cotswold National Landscape (CNL) (the section 85 duty) that:

- The duty rests on the decision maker, not the Applicant, and is broader than simply whether the applicant has sought to mitigate or remove parts of the Scheme;
- The case of Wadhurst Parish Council establishes that 'conserving the natural duty' means doing no harm and the Scheme will cause harm to the CNL;
- The case of New Forest National Park Authority (para 61-63) sets out that where development is in conflict with the National Landscape (NL) purposes, the decision maker must explain why consent can justifiably still be granted. This assessment is wider than simply examining the nature of the harm;
- Wider assessment requires consideration of the extent of the interference with the purposes of the NL, and then a judgment as to whether the grant of consent is still justified notwithstanding that interference; and
- The Secretary of State could not justifiably grant consent for the Scheme whilst still seeking to further the purposes of the NL.

1.1.2 The Applicant disagrees with the Council's summary for the reasons set out in this note.

1.2 BACKGROUND AND THE DUTY

1.2.1 It is accepted that parts of the Scheme are proposed to be located within the CNL and its setting. Areas of Lime Down A, B and C are located within the setting of the CNL. Construction traffic routes are proposed to pass through the CNL and Highway Improvement Works are required to roads within the CNL.

1.2.2 Accordingly, the statutory duty under section 85 of the Countryside Rights of Way Act 2000 (as amended by section 245(6) of the Levelling Up and Regeneration Act 2023 (LURA)) is engaged. This duty requires relevant authorities, when undertaking any function in relation to, or so as to affect,

land in Areas of Outstanding Natural Beauty (AONB) which are now known as 'National Landscapes' to seek to further the purposes of the NL.

1.2.3 Section 85 (A1) of the CRoW Act states:

"*In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty*."

1.2.4 Relevant authorities have a general duty to 'seek to further' the purpose of conserving and enhancing the natural beauty of NL. This replaces the previous duty on relevant authorities to 'have regard to' their statutory purposes.

1.2.5 The Secretary of State in making his decision on the DCO application is subject to this duty as a 'relevant authority'.

1.2.6 To date, no draft Regulations have been published to provide further details as to how the relevant authority is to comply with the duty. Defra published Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes on 16 December 2024, and this Guidance informed development of the Scheme and the Development Consent Order (DCO) Application. The Guidance makes clear that the duty applies to decision making in respect of Nationally Significant Infrastructure Projects (NSIPs). It confirms that:

"*Consideration of what is reasonable and proportionate in the context of fulfilling the duty is decided by the relevant authority and should take account of the context of the specific function being exercised*."

1.2.7 The duty does not over-ride other statutory duties and this is noted in the Defra Guidance:

"*The duty does not prevent relevant authorities from undertaking their statutory functions and discharging their legal duties and other responsibilities. The duty is intended to complement these requirements by ensuring that the purposes for which Protected Landscapes are designated for are recognised in reaching decisions and undertaking activities that impact these areas*."

1.2.8 The Guidance further confirms that the duty applies to functions outside of the designation boundary including the setting of a NL. This is consistent with paragraph 5.10.8 of National Policy Statement (NPS) EN-1 which states:

"*The duty to seek to further the purposes of nationally designated landscapes also applies when considering applications for projects*

outside the boundaries of these areas which may have impacts within them. In these locations, projects should be designed sensitively given the various siting, operational, and other relevant constraints. The Secretary of State should be satisfied that measures which seek to further the purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development."

1.3 DEFINITION OF RELEVANT AUTHORITY

1.3.1 Section 85(2) of the CRoW Act provides a list of relevant authorities for the purposes of that section, including at (c) "any statutory undertaker". This is defined in subsection (3) as a person "who is or is deemed to be a statutory undertaker for the purposes of Part 11 of the Town and Country Planning Act 1990 (TCPA 1990)", or a holder of a gas system planner licence. Section 262, within Part 11 of the TCPA 1990, provides the meaning of 'statutory undertakers' and includes, at subsection (6) "any holder of a licence under section 6 of the Electricity Act 1989".

1.3.2 Accordingly, the Applicant, as a holder of a generating licence under section 6 of the Electricity Act 1989, is a relevant authority for the purposes of s85 of the CRoW Act. Notwithstanding that the Secretary of State is a relevant authority and must apply the duty in determining whether to grant development consent, the duty also applies to the Applicant as a statutory undertaker in the design of the Scheme.

1.4 THE CASES REFERRED TO

1.4.1 The Council made reference to two cases that relate to the enhanced duty, which the Applicant understands to be: *New Forest National Park Authority v SoS for Housing, Communities and Local Government* [2025] EWHC 1735 (Attachment 1) and *Wadhurst Parish Council v SoS for Housing, Communities and Local Government* [2025] EWHC 726 (Attachment 2).

1.4.2 Whilst these cases represent the limited judicial consideration of the duty to date, it is noted that the judgments both relate to small proposed developments for which planning permission under the Town and Country Planning Act 1990 is required.

1.4.3 The judgments provide assistance in understanding how the test under s85 of the CRoW Act is to be applied. However, the judgments also recognise that the application of the test will be highly fact specific. To date, the Courts have not considered the application of the duty in the context of Nationally Significant Infrastructure Projects.

1.4.4 The Applicant submits that the Secretary of State's direct application of the duty in the North Falls Offshore Wind Farm decision letter provides greater clarity as to how the duty is to apply in the context of NSIPs, and

notes that the approach taken by the Secretary of State is consistent with the legal tests clarified in the cases.

The New Forest Case

1.4.5 The *New Forest* decision was an appeal to the High Court under the Town and Country Planning Act 1990 challenging a refusal of planning permission for the construction of a first floor, rear extension to an existing detached dwelling within New Forest National Park.

1.4.6 This is the first case to provide judicial consideration of the duty as it applies to National Parks (rather than NL). It considers the equivalent duty to "seek to further" the purposes of a National Park under s11A of the National Parks and Access to the Countryside Act 1949, which now includes the same duty that has been incorporated into s85 of the CRoW Act for NL. In discussing this new duty, Mould J noted at paragraph 61 that, through use of the word 'further', the duty required the authority determining a planning application to do:

"*more than merely weighing the effect of the proposed development on the section 5(1) purposes in the overall balance. In order to discharge the strengthened duty, the planning authority must determine whether the proposed development is consistent with the promotion of the statutory purposes. If the planning authority determines that the proposed development is in conflict with the statutory purposes or would undermine the fulfilment of the section 5(1) purposes, they must the consider whether the grant of planning permission would be in accordance with their duty to seek to further those purposes*."

1.4.7 The Court qualifies this duty. As explained in paragraph 62, "*The planning authority is required "to seek to further" the section 5(1) purposes. It is it not under a duty necessarily to fulfil those purposes*". Where a proposed development is in conflict with the purposes of the NL, "*the authority ought both to consider whether and to explain why they have decided that planning permission may justifiably be granted*". This consideration will "*necessarily be informed by the circumstances of the given case, including the size and scale of the development under consideration and the extent and severity of its conflict with the section 5(1) purposes*".

1.4.8 The Council's submission, and its subsequent conclusions, frame this as a barrier to the grant of consent. However, the Court recognises a more nuanced approach is required in its application. As set out in paragraph 63, the discharge of the duty is not viewed in isolation; rather it forms one element of the decision that is being asked of the decision maker, taking into account how the development may be mitigated in order to address the identified conflict with the statutory purposes.

1.4.9 Accordingly, the decision process becomes, as set out in paragraph 66:

"*whether the decision maker has properly addressed the question whether the proposed development is consistent with the section 5(1) purposes, or would conflict with and undermine those purposes. In a case where a decision maker has found the proposed development would conflict with or undermine the section 5(1) purposes, the court will review the justification given by the decision maker for concluding that planning permission can be granted, including any relevant conditions imposed and planning obligations taken, in order to judge whether the decision properly seeks to further the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park; and to promote opportunities for the public's understanding and enjoyment of its special qualities*."

1.4.10 At paragraph 77, Mould J was satisfied that 'conserving' in the context of the duty is used in its ordinary English meaning: "to preserve intact or to maintain in an existing state" and "to prevent something of natural or environmental importance from being damaged or destroyed".

1.4.11 Paragraph 79 confirms that a simple way of meeting the duty exists "*where a planning application proposes development in a National Park which is found at least to leave the Park's natural beauty, wildlife and cultural heritage unharmed*". Avoiding harm provides a proper basis for the conclusion that the duty has been met. Mould J rejected the argument that the decision maker needed to address both conservation and enhancement. As confirmed in paragraph 83, and as has been established in the context of historic buildings, the purpose of preservation or enhancement "*is discharged by establishing that proposed development will, if permitted, leave the historic building or conservation area unharmed*".

1.4.12 In reference to comments made by Natural England (that this duty required exploration of possible measures to further the statutory purposes of the NL in addition to avoiding or mitigating the effects of development), Mould J noted that these comments had been made in the context of the Lower Thames Crossing (LTC) Scheme (paragraph 84).

1.4.13 As another NSIP, it provides helpful context to review the works proposed and effects identified on that project to the Kent Downs AONB. As set out in the Planning Statement – Appendix F – Kent Downs Area of Outstanding Natural Beauty [REP9-225 in the LTC Examination Library], the LTC project involved significant realignment of existing highway and provision of two new two-lane connector roads. Temporary impacts during construction included large-scale construction activity to the northern part of the AONB, changes to night-time views due to construction activity and lighting, vegetation loss within the AONB and within a Site of Special Scientific Interest (SSSI) including loss of woodland, changes to false

cutting earth bunds that could alter views to designated sites, and a further reduction in relative tranquillity along the A2 corridor. Public Rights of Way (PRoW) users in particular would be affected during construction, including views from overbridges, connected with the removal of vegetation that would open up views towards construction works and increase existing views of traffic and highway infrastructure.

1.4.14 LTC also identified permanent effects, including continued absence of areas of mature woodland, including some ancient woodland, resulting in perceived increase in the prominence and scale of the highway infrastructure. There would be greater landscape severance from the modified A2, only partially offset by the provision of two green bridges. There would also be the permanent addition of the highway infrastructure and vehicles utilising the project. Public accessibility to the Shorne Woods Country Park would be restricted across 4,408sqm of land due to diversion of utilities, and National Cycle Network (NCN) Route 177, running through the AONB, would be permanently closed to accommodate a new junction.

1.4.15 These impacts all relate to the AONB directly. In addition, the LTC project would cause significant adverse visual effects to the setting of the AONB from construction works and the extensive southern tunnel compound. The new road infrastructure would also be visible from the AONB.

1.4.16 Mitigation measures identified were limited, involving replacement of vegetation; the provision of green bridges; the use of false cutting earthworks to help screen views; woodland planting; ancient woodland compensation planting; the avoidance of main construction compounds within the AONB; and provision of an alternative route to NCN 177 that linked Jeskyns Country Park to the wider NCN.

1.4.17 It is therefore clear that the LTC project would result in significant adverse effects to the Kent Downs AONB both directly and to its setting, with the availability of mitigation limited in comparison to the scale and impacts of development. It is further noted that the duty came into force mid-way through the Examination and determination of the LTC DCO, and that the project had been designed to meet the previous duty to have regard to the purposes of the NL. It is within this context that Natural England's comments, that more should be done to enhance the NL, should be read. In context, Natural England is not suggesting that, once mitigation and other measures have fully resolved and addressed harm being caused to a NL, it is still necessary to go further. Rather, it is identifying that more must be done to meet the new duty than was required to meet the previous duty. It also appears that Natural England are open to the potential for a wider, more holistic approach to be taken to meeting the duty, that would recognise that, whilst harm may be caused to one area of

a NL and be unavoidable, there may be opportunities to nevertheless enhance the NL that are not directly connected to the infrastructure being built.

1.4.18 Mould J however, at paragraph 82, confirmed the extent of the duty, stating that it is "*not a necessary prerequisite for the proper discharge of the duty under section 11A(1A) of the 1949 Act that the decision maker also determines whether the planning application proposes development which would enhance those characteristic features of the National Park*". Further, in paragraph 84, he notes that "*the strengthened duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes*" and that whilst Natural England "*speak of exploring possible measures to further the statutory purposes in addition to avoiding or mitigating the effects of development, they recognised the need for a proportionate approach to what is realistic in the circumstances of the given case*".

1.4.19 Accordingly, where harm is caused, measures to mitigate this must be proportionate to the proposed development, and the question of whether a development is justified must be considered in light of any residual harm subsequent to proportionate mitigation. That is consistent with the application of the duty to renewable energy infrastructure under NPS EN-1, and therefore how the duty must be applied by the Secretary of State when making a decision on the Scheme under s104 of the Planning Act 2008.

1.4.20 In summary, the *New Forest* case confirms that:

- the duty will be met if a proposed development does no harm to the NL (but this is only the most straightforward way of meeting the duty);
- if harm is caused to the NL by a proposed development, proportionate and realistic measures to mitigate this harm should be identified and secured by Planning Condition (or equivalent); and
- if residual harm remains once proportionate and realistic mitigation has been secured, this does not require that planning permission is refused. Instead, the decision maker must explain why a decision to grant planning permission is justified, having regard to the individual circumstances of the proposed development.

The Wadhurst Case

1.4.21 This case related to appeals to the High Court against the grant of planning permission for the change of use of three parcels of land for seasonal use as a campsite and erection of a portacabin, and for the

erection of four yurts and retention of a portacabin for year round occupation under the Town and Country Planning Act 1990. The activities that were the subject of the appeal were within the High Weald National Landscape (then called AONB) (not its setting). The planning permissions were granted on appeal, and that decision was challenged on two grounds:

- The inspector mentioned the duty, but erred in his approach as there was substantial doubt as to whether the inspector asked whether the grant of planning permission would further the purpose of conserving and enhancing the natural beauty of the AONB; and if it would not do so, how if could be justified in light of that duty.
- The inspector failed to have proper regard to, properly to understand, or to apply the policy of the management plan of the AONB that had been prepared in accordance with section 85 of the CRoW Act.

1.4.22 The Inspector concluded that the overall effect on the AONB would be "acceptable" and that "no harm would be caused to other important aspects" of the AONB. The Inspector's understanding of the way the duty applies was, in essence, confirmed by way of the Inspector imposing conditions on elements of the proposed development that could result in harm to the NL. The fact that these conditions were imposed as mitigation necessarily confirmed the Inspector's understanding of that part of the test identified in *New Forest*, as summarised above. The decision in *Wadhurst* confirms that, as the Inspector was satisfied that through the imposition of Planning Conditions the potential impacts of the development would be avoided, the duty had been met.

1.4.23 This approach is entirely consistent with the approach identified in *New Forest*, which, as above, confirms that if no harm is caused to the NL, the duty will automatically be met. In such circumstances, there is no need to consider whether the development can be justified. The decision does not, however, support a position that any harm to a NL results in a failure to "seek to further" its statutory purpose.

1.4.24 *Wadhurst* also usefully clarifies that it is not necessary for the decision maker to assess himself the performance of a proposed development against the objectives of the relevant NL management plan. As set out in paragraphs 86 and 87, Mould J found no merit in this argument. The Inspector had noted the assessment carried out by the developer when determining the planning appeal, and the reasons provided by the Inspector made clear that proper regard had been had to the objectives of the NL management plan.

1.4.25 Accordingly, whilst it is noted that Wiltshire Council has not carried out its own section 85 assessment, it is also not incumbent upon the Secretary of State to do so, and reference by the Secretary of State to the assessment carried out by the Applicant is entirely appropriate.

1.5 THE SCOPE OF THE DUTY AND THE QUESTION OF WHETHER CONSENT COULD JUSTIFIABLY BE GRANTED WHILST SEEKING TO FURTHER THE PURPOSES OF THE NL

1.5.1 As mentioned above, the LTC project gave rise to commentary from Natural England that assisted Mould J in *New Forest* to clarify the extent of the duty. The duty came into effect whilst that project was being examined and determined, and therefore provides helpful context as to how the duty differs from the previous regime. The North Falls Offshore Wind Farm project was accepted for Examination on 22 August 2024, and was therefore designed under the duty, albeit in advance of the Defra Guidance and the judicial consideration.

1.5.2 The Decision Letters for these projects provide helpful clarity as to how the duty will be applied in the context of NSIPs, including any justification for residual harm to a NL.

LTC

1.5.3 In the Secretary of State's Decision Letter, it was noted that Kent County Council and the Kent Downs AONB Unit had both "*considered that there was a disparity between the areas where impacts would occur and where compensation had been proposed*", with most compensation being proposed north of the river Thames. In the Decision Letter, paragraphs 416 to 419, the Secretary of State agreed that the utility diversion alignment "whilst harmful to the AONB, is the most feasible option". The Secretary of State adjusted the Design Principles Document to remove uncertainty around the extent of tree loss, and to address discrepancies in the approach to reinstatement of woodland. It is therefore clear that, when considering mitigation, the decision maker must be satisfied that it is certain and enforceable. This is consistent with paragraph 63 of New Forest which confirmed that consideration should be had as to how mitigation is secured.

1.5.4 In considering the duty directly, the Secretary of State was required to consider whether the applicant had fulfilled its obligations under the duty, and whether proposals by Natural England that the applicant fund one or more projects were feasible or proportionate. It was noted that the applicant could not simply rely upon the National Networks National Policy Statement as this was drafted prior to the new duty and was "*in any case*

subject to compliance with the new statutory duty; they cannot over-ride it" (paragraph 433).

1.5.5 LTC had proposed a compensatory enhancement fund for the Kent Downs AONB in recognition of the significant residual impacts from the development, as a mechanism to meet the duty. This was agreed to be an acceptable mechanism, albeit the disagreement as to the value of this fund was significant, with estimates as to the cost to meet the duty ranging from £3m to £38m. The value of the fund was left to be agreed between the parties, or determined by arbitration; however, a requirement to make payment was secured by Requirement.

1.5.6 In summary, it is clear that the duty does exceed the previous duty, and that projects should seek to avoid harm to NLs (where this is proportionate and realistic) and not simply have regard to the NL. It is also clear that not all harm must be avoided; however, if this is not done, the harm must be taken forward in the planning balance as a consideration for whether the project should be granted development consent. In the case of LTC, where the duty arose very late in the consenting timeframe, a payment was identified as an appropriate additional measure to close the gap between the duty to 'have regard to' and the duty to 'further the purposes of' the NL, reflecting the limited scope to make meaningful design changes.

North Falls Offshore Wind Farm

1.5.7 The Secretary of State's decision letter reviews the extent to which the applicant's design and mitigation met the duty. At paragraph 4.97, it is noted that "*the Applicant had sought to avoid harm to the purposes of designation and to minimise adverse effects on the Dedham Vale National Landscape … through the landscaping mitigations set out in the [Outline Landscape and Ecological Management Strategy] and Design Vision*." After clarifying that mitigation would remain in place for decommissioning, the Secretary of State agreed with the conclusions of the Examining Authority (ExA) and "*ascribes limited negative weight to the limited and localised residual landscape and visual effects in the overall planning balance*" (paragraph 4.101).

1.5.8 In relation to the potential for effects to the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast, there was disagreement as to whether the harm caused would be solely of a visual nature from a small number of viewpoints; or whether it would affect more generally the special qualities of the NL. It was found that residual harm did arise to landscape receptors that could not be adequately mitigated.

1.5.9 The ExA on the North Falls project was of the view that, as there was residual harm, a fund should be set up to deliver enhancement for the NL.

The Secretary of State disagreed with the ExA, for the reasons set out in paragraphs 4.121 to 4.126 of his Decision Letter.

1.5.10 In summary, the Secretary of State agreed that the Applicant had "*designed the siting and layout of the Proposed Development appropriately and in line with the principles of section 2.8 of NPS EN-3*" and had "*applied the mitigation hierarchy as far as possible to reduce the … effects of the Proposed Development without significantly affecting the generating capacity of the Proposed Development*" (paragraph 4.122). It was agreed that the residual effects were of a visual nature only, and that the adverse effects to the landscape character and special qualities of the NL were not significant.

1.5.11 Making specific reference to the policy test in paragraphs 5.10.8 and 5.10.34 of NPS EN-1, in relation to projects outside the boundaries of NLs, the Secretary of State was satisfied that the geographical extent of the adverse effects would be relatively limited when considering the designated landscapes as a whole. It was also noted in this case that the National Landscape Partnership had not provided evidence to substantiate its opposing views (paragraph 4.123).

1.5.12 At paragraph 4.124, the Secretary of State clarifies that the duty is not restricted in its application only to effects deemed significant in Environmental Impact Assessment (EIA) terms. However, "*the duty does not require these purposes to be achieved but provides that the relevant authority must seek to further and enhance them*". In how the decision maker would comply with the duty, it was noted "*that a development of this scale, by its very nature, will struggle to conserve or enhance the special qualities of the [NL] in terms of landscape and scenic qualities*", but nevertheless it was accepted that the applicant had "*aimed to avoid, as far as possible, compromising the purposes of designation whilst having regard to various siting, layout, operational and other relevant constraints*" (paragraph 4.125).

1.5.13 Key mitigation measures on the North Falls project included "*the removal of the northern array which has increased the separation distance to the [NL], the reduction in blade tip height, and the Reduction of the total number of turbines*". The fact that the assessment was of a worst-case scenario was also relevant, with that worst-case scenario resulting in only limited intervisibility (paragraph 4.125).

1.5.14 As confirmed in paragraph 4.126, the Secretary of State was satisfied that there was no obligation "*to secure an improvement to the [NL] or avoid any harm whatsoever*", and that the Applicant had "*explored and applied appropriate, reasonable and proportionate measures to conserve the special qualities of the [NL] in line with the DEFRA guidance and NPS EN-1 paragraph 5.10.7*". It is explicitly stated that "*the duty can be discharged*

on the basis of embedded mitigation measures" and that there was no need for further mitigation or enhancement in the form of compensatory financial contributions. Such a fund would be "*disproportionate as … the duty to conserve and enhance does not require all adverse effects to be offset by measures*".

1.5.15 The Secretary of State, satisfied that the duty had been discharged, attributed moderate weight to the residual adverse effects including the "*residual, albeit not significant, effects on the special qualities of the NL*" (paragraph 4.127). In this way, the residual impacts to the project were expressly included in the justification for the grant of development consent, with the benefits of the project outweighing the adverse effects.

1.5.16 It is therefore clear that not all harm must be avoided, and it can be sufficient for the purposes of the duty to minimise these as far as possible through proportionate and realistic mitigation. The residual harm continues to be a matter to be weighed in the planning balance. This is consistent with the New Forest case that confirmed that, where harm remains, the decision maker must justify the grant of planning permission; with the adverse effects carrying moderate weight in the planning balance for the North Falls project as a whole.

1.5.17 Accordingly, the imposition of a compensatory fund on LTC should be viewed in light of there being scant opportunity to make any changes to the design of that project to provide further mitigation of the impacts to the NL. LTC had been designed to have regard to the NL, but not to seek to minimise harm as far as realistically and proportionately possible. The compensation fund provided a mechanism to 'retrofit' the new Enhanced Standard to an existing project design; an approach that was not required on North Falls where the design was carried out to meet the duty.

1.5.18 In respect of compensation funds to meet the duty generally in the context of NSIPs, it is noted that the government has accepted Recommendation 19 in "Building our nuclear nation: government response to the Nuclear Regulatory Review 2025", confirming that it "will legislate to constrain the Protected Landscapes duty amended by the Lura", in light of uncertainty leading to extended negotiation around compensatory payments. The government intends to "legislate to clarify that developers of Nationally Significant Infrastructure Projects are not required to pay financial compensation in order to comply with the Protected Landscapes duty. Relevant authorities must still seek to further the purposes of Protected Landscapes, meaning that landscape and nature considerations and better environmental outcomes remain an important consideration for development in these special places".

1.5.19 Accordingly, the LTC compensatory enhancement fund should be understood as an exceptional measure, arising from the particular

circumstances of that project where the duty came into force after the scheme design had been substantially fixed. It does not establish a precedent for the application of the duty to NSIPs designed under the current regime. This is reinforced by the government's stated intention to legislate to clarify that financial compensation is not required to comply with the duty, and by the Secretary of State's express finding in the North Falls decision that such a fund would be "disproportionate". The appropriate approach, as demonstrated in North Falls, is for the duty to be discharged through embedded mitigation measures applied through the design process. The Cotswolds National Landscape Board has confirmed it agrees with this position.

1.6 THE SCHEME AND THE DUTY

1.6.1 The Applicant does not propose to reiterate the various mitigation measures put in place that demonstrate how it has sought to further the purposes of conserving and enhancing the CNL. These are set out in detail, including an assessment of the extent to which the mitigation has or has not avoided harm to the CNL, in ES Appendix 8-6 Assessment of Effects on the Cotswolds National Landscape and its Special Qualities [APP-197], and the update reflecting the removal of panels from Field C9 submitted as part of the Change Application [CR-034].

1.6.2 The ExA should have comfort that the Applicant has robustly identified mitigation to reduce and avoid harm to the CNL, noting always that this must be approached in the context of siting, layout, operational and other relevant constraints. Potential mitigation connected to the duty must be considered in light of the urgent need to deliver large quantities of renewable energy generation. As set out above, the Secretary of State will discharge his duty under s85 of the CRoW Act when weighing any residual harm in the balance for the purposes of determining whether to grant development consent.

1.6.3 In summary, the duty will be applied in the manner set out in the North Falls decision letter, which is consistent with the approach clarified in New Forest: the Secretary of State will seek to ensure that the mitigation hierarchy has been robustly applied, with proportionate and realistic mitigation secured. Any residual harm to the CNL will then form part of the planning balance and be weighed, along with other matters, by the Secretary of State to determine whether the Scheme should be granted development consent.

Attachment 1 - New Forest National Park Authority v Secretary of State for Housing Communities and Local Government and another [2025] EWHC 726

Neutral Citation Number: [2025] EWHC 726 (Admin)

Case No: AC-2024-LON-001685

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT
PLANNING COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 27/03/2025

Before :

[redacted]

Between :

NEW FOREST NATIONAL PARK AUTHORITY — Claimant

- and -

(1) SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

- and –

(2) MR SIMON LILLINGTON — Defendants

POONAM PATTNI (instructed by New Forest National Park Authority) for the Claimant
HUGH FLANAGAN (instructed by Government Legal Department) for the First Defendant

Hearing date: 4th December 2024

Approved Judgment

This judgment was handed down remotely at 10.30am on Thursday 27th March 2025 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

.....



MR JUSTICE MOULD :

Introduction

1. This is an application by the Claimant under section 288 of the Town and Country Planning Act 1990 **["the 1990 Act"]** challenging the validity of the decision of an inspector appointed by the First Defendant to allow the Second Defendant's planning appeal under section 78 of the 1990 Act. The decision under challenge was made by letter dated 8 April 2024.

2. The Second Defendant's appeal was from the refusal by the Claimant, acting as local planning authority, of his application for planning permission for the construction of a first floor, rear extension to an existing detached dwelling known as Badger Cottage, Linwood, Ringwood BH24 3QT **["the proposed development"]**. The inspector visited the site on 13 February 2024. He determined the appeal on the basis of the parties' written representations. He allowed the appeal and granted planning permission subject to conditions.

3. On 10 July 2024 Lang J gave the Claimant permission to bring their claim.

4. The Claimant's application for planning statutory review proceeds on two grounds –

   (1) Ground 1 - The Claimant contends that the inspector misdirected himself on policy DP36 of the New Forest National Park Local Plan 2016-2036 **["the Local Plan"]**.

   (2) Ground 2 - The inspector failed to discharge the enhanced duty now imposed by virtue of section 11A(1A) of the National Parks and Access to the Countryside Act 1949 **["the 1949 Act"]** which he was required to fulfil in making his decision on the Second Defendant's planning appeal.

The Local Plan

5. In the light of the issues raised in this claim and the inspector's decision, it is necessary at the outset to refer to two policies of the Local Plan, together with the reasoned justification given for those policies. The Local Plan forms part of the statutory development plan for the New Forest National Park.

6. Policy DP36 is headed *"Extensions to dwellings"*. It provides as follows –

   "Extensions to existing dwellings will be permitted provided that they are appropriate to the existing dwelling and its curtilage.

   In the case of small dwellings and new dwellings permitted by Policies SP19 to DP31 of this Local Plan, the extension must not result in a total internal habitable floor space exceeding 100 square metres. In the case of other dwellings (not small dwellings) outside the Defined

Villages the extension must not increase the floorspace of the existing dwelling by more than 30%.

In exceptional circumstances a larger extension may be permitted to meet the genuine family needs of an occupier who works in the immediate locality. In respect of these exceptional circumstances, the total internal habitable floor space of an extended dwelling must not exceed 120 square metres.

Extensions will not be permitted where the existing dwelling is the result of a temporary or series of temporary permissions or the result of an unauthorised use".

7. Paragraphs 7.79 of the Local Plan provides the justification for the controls imposed by policy DP36 –

"7.79... proposals to incrementally extend dwellings in a nationally designated landscape can affect the locally distinctive character of the built environment of the New Forest. In addition, extensions can over time cause an imbalance in the range and mix of housing stock available. For these reasons it is considered important that the Local Plan continues to include a clear policy to guide decisions for extensions to dwellings. Successive development plans for the New Forest have included such policies which strike an appropriate balance between meeting changes in householder requirements and maintaining a stock of smaller sized dwellings. The extension limits apply outside the Defined Villages as extensions in these locations are likely to have a greater impact on the protected landscape of the National Park".

8. Paragraph 7.80 of the Local Plan states that in all cases, the planning authority will have regard to the scale and character of the core element of the original dwelling, rather than subsequent additions to it, in determining whether the proposed extension is sympathetic to the dwelling.

9. Paragraph 7.82 explains the terms used in policy DP36, which include the following –

"For the purposes of applying Policies DP35 and DP36:

- ***original dwelling** means the dwelling as first built*
- ***existing dwelling** means the dwelling as it existed on 1 July 1982, or as the dwelling was originally built or legally established, if the residential use postdates 1 July 1982*
- ***small dwelling** means a dwelling with a floor area of 80 sq. metres or less as it existed on 1 July 1982, or as the dwelling was originally built or legally established, if the residential use postdates 1 July 1982*
- ***floorspace of original, existing and small dwellings** will be measured as the total internal habitable floorspace of the dwelling but will not include floorspace within*

conservatories, attached and detached outbuildings (irrespective of whether the outbuildings current use is as habitable floorspace)".

10. Policy SP17 of the Local Plan is headed *"Local distinctiveness".* It provides as follows –

"Built development and changes of use which would individually or cumulatively erode the Park's local character, or result in a gradual suburbanising effect within the National Park will not be permitted".

11. Paragraphs 6.19 to 6.21 explain the planning objectives which justify policy SP17 –

"6.19 The different villages and landscapes in the National Park all have a distinctive character, although they are also all recognisably part of the New Forest, linked by its particular history, economy and culture.

6.20 The first National Park purpose, together with national planning policy, recognises the importance of conserving and enhancing an area's local character. The level of development pressure within the National Park is evidenced by the level of planning applications received by the Authority each year. Since becoming a Local Planning Authority in 2006 the Authority has determined an average of just under 900 planning applications per year.

6.21 Whilst the vast majority of these applications entail minor development, increasing amounts of such small-scale household development can result in a creeping suburbanisation of the National Park, slowly eroding the Forest's distinctive character".

The inspector's decision

12. In paragraph 3 of his decision letter **["DL3"]** the inspector stated that the main issue in the appeal was –

"whether the proposed development complies with local policies which seek to limit the scale of extensions to rural dwellings, with particular regard to the effect of the proposed development on the locally distinctive character of the built environment of a New Forest and the range and mix of housing stock available".

13. In DL4, the inspector said that Badger Cottage was an attractive, detached dwelling situated within a rural area and largely surrounded by woodland, with fields to the north and some built development towards the north-west of the site. In DL5, he said that Badger Cottage had previously been extended. He referred to calculations put forward by the Claimant, and not disputed by the Second Defendant, that those previous extensions had resulted in an increase in floor area of approximately 56% (including the existing conservatory) above and beyond the floor area that existed in July 1982. On the basis of those calculations, in DL5 and DL6 the inspector found the proposed development to be in conflict with policy DP36 of the Local Plan -

"5…On this basis, Badger Cottage currently breaches Policy DP36 of the [Local Plan], which provides that, amongst other things, in the case of other dwellings (not small dwellings) outside the defined villages an extension must not increase the floorspace of the existing dwelling by more than 30%.

6. The proposed development would exacerbate the identified conflict with Policy DP36. The LPA have calculated that the proposed development would result in a floor area increase of approximately 76.3% (including the conservatory) above-and-beyond the floor area which existed in 1982, and the appellant's figures do not suggest a significantly different percentage increase".

14. In DL7-DL10 the inspector considered two matters. Firstly, in DL7-DL9 he looked at the impact of the proposed development on the locally distinctive character of the built environment of the New Forest. Secondly, in DL10 he turned to the question whether the proposed development, if permitted, would have any material impact on the balance of housing, including small dwellings, available within the area of the National Park –

"7. Nevertheless, the proposed first floor rear extension would merely add an extra bedroom to Badger Cottage, resulting in a modest increase in its overall size and scale. Specifically, although the proposed development would raise the existing single-storey ridge it would be sufficiently lower than the ridge height of the main part of Badger Cottage such that the extension would remain subservient to it. Additionally, the roof pitch of the proposed extension and the materials used would complement the appearance of Badger Cottage. The proposed development would accordingly retain the rural character of Badger Cottage.

8. Due to the proposed development being to the rear of Badger Cottage and the dense vegetation which surrounds much of the plot, the proposed development would likely be imperceptible from public vantage points.

9. Hence, the proposed development would not erode the National Park's local character, or result in any meaningful gradual suburbanising effect within the National Park, which Policy SP17 of the Local Plan seeks to address. Thus, the proposed development would not have an adverse impact on the locally distinctive character of the built environment of the New Forest. The landscape and scenic beauty of the National Park would also be conserved.

10. Although the LPA have referred in general terms to the mix and range of housing within the National Park, and to house prices, few details have been provided to demonstrate that the addition of one extra bedroom to Badger Cottage would result in any adverse impacts in these respects in real terms. In contrast, the appellant has provided information regarding the sizes and prices of houses in the local area. From the details provided it is clear that extending Badger Cottage from 2 to 3 bedrooms would not alter its status as a mid-range property in terms of its floorspace and price in its local context".

15. In DL11, in the light of his conclusions on those two matters, he stated the weight that he gave to the conflict with policy DP36 of the Local Plan –

"11. For the above-mentioned reasons, whilst the proposed development would exacerbate the existing conflict with Policy DP36, very little weight is given to this matter".

16. Having given his reasons in DL12 for finding the proposed development to differ from a previous appeal decision also determined on the application of policy DP36, in DL13 and DL14 the inspector drew together his conclusions on the question whether the proposed development was in accordance with the development plan –

"13. I therefore find that, whilst the proposed development would exacerbate the existing conflict with Policy DP36, it would not cause adverse impacts with respect to the locally distinctive character of the built environment of the New Forest and the range and mix of housing stock available.

14. It follows that the proposed development would not undermine the relevant aims and objectives of Policies SP17 and DP36 of the Local Plan. Taking all of the above into account, as a matter of planning judgement I find that the proposed development would not conflict with the development plan when read as a whole".

Legal framework

17. In determining the Second Defendant's appeal against the refusal of planning permission, the inspector was required to have regard to the provisions of the development plan, so far as material to the application for planning permission, and to any other material considerations: sections 70(2) and 79(4) of the 1990 Act. The inspector may determine the appeal as if made to him in the first instance: section 79(1) of the 1990 Act.

18. By virtue of section 38(6) of the Planning and Compulsory Purchase Act 2004 **["the 2004 Act"]**, the inspector was required to determine the appeal in accordance with the development plan unless material considerations indicated otherwise –

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

19. The seminal case on the effect of section 38(6) of the 2004 Act is City of Edinburgh Council v Scottish Secretary [1997] 1 WLR 1447, which considered the equivalent enactment in Scotland, section 18A of the Town and Country Planning (Scotland) Act 1972. At page 1458B and 1458F, Lord Clyde said that section 18A had introduced a priority to be given to the development plan in the determination of planning matters. However, the priority to be given to the development plan was not a mere mechanical preference for it. There remained a valuable element of flexibility: if there are material considerations indicating that the

development plan is not to be followed, then a decision contrary to its provisions can properly be given.

20. At pages 1458G-1459A of his speech in *City of Edinburgh*, Lord Clyde then explained the impact of the duty now found in section 38(6) of the 2004 Act on the decision maker's evaluation of the facts and circumstances of a planning application –

"[Section 38(6)] has not touched the well-established distinction in principle between those matters which are properly within the jurisdiction of the decision-maker and those matters in which the court can properly intervene. It has introduced a requirement with which the decision-maker must comply, namely the recognition of the priority to be given to the development plan. It is thus introduced to potential ground on which the decision-maker could be faulted were he to fail to give effect to that requirement. But beyond that it still leaves the assessment of the facts and the weighing of the considerations in the hands of the decision-maker. It is for him to assess the relative weight to be given to all the material considerations. It is for him to decide what weight is to be given to the development plan, recognising the priority to be given to it. As Glidewell LJ observed in Loup and Secretary of State for the Environment (1995) 71 P&CR 175, 186:

"What section [38(6)] does not do is to tell the decision-maker what weight to accord either to the development plan or to other material considerations."

Those matters are left to the decision-maker determine in the light of the whole material before him both in the factual circumstances and in any guidance in policy which is relevant to the particular issues".

21. In St Modwen Developments Ltd v Secretary of State for Communities and Local Government [2017] EWCA Civ 1643 at [6], Lindblom LJ set out seven principles which guide the court in determining a challenge to a planning appeal decision by an inspector brought under section 288 of the 1990 Act. Four of those principles bear upon the issues raised in the present claim –

(1) Planning appeal decision letters are to be construed in a reasonably flexible way. Such decisions are written principally for the parties who know what the issues between them are and what evidence and argument has been deployed on those issues. Inspectors need not rehearse every argument or cover every point raised before them.

(2) The proper interpretation of a planning policy is ultimately a matter of law for the court. The application of relevant policy is for the inspector. Statements of policy are to be interpreted objectively by the court in accordance with the language used and in its proper context. A failure properly to understand and apply relevant policy will constitute a failure to have regard to a material consideration, or will amount to having regard to an immaterial consideration.

(3) When it is suggested that an inspector has failed to grasp a relevant policy one must look at what he or she thought the important planning issues were and decide whether it appears from the way that he or she dealt with them that the inspector must have misunderstood the policy in question.

(4) The weight to be attached to any material consideration and all matters of planning judgment are for the inspector and not for the court to determine. An application under section 288 of the 1990 Act does not provide an opportunity for the court to review the planning merits of the proposed development.

Ground 1 – policy DP36 of the Local Plan

The Claimant's submissions

22. For the Claimant, Ms Poonam Pattni submitted that the inspector had misdirected himself in relation to policy DP 36 of the Local Plan. Policy DP36 was the development plan policy of principal relevance to the proposed development. Its purpose was to maintain strict control over extensions to existing dwellings in the National Parks.

23. Counsel submitted that on the correct interpretation of policy DP36, the question whether a proposed extension is *"appropriate to the existing dwelling and its curtilage"* is to be determined by reference to the floorspace limits. The policy neither contemplates not permits a broader based assessment of whether an extension is appropriate. In the case of dwellings (other than small dwellings) located outside Defined Villages, the focus of the policy is upon the increase in the size of the dwelling that would result from the addition of the proposed extension. That provides the relevant control. Moreover, that question is to be answered by reference to the totality of increments in the size of the dwelling when measured against the dwelling as it existed in July 1982 (or as originally built).

24. Ms Pattni submitted that on its true construction, any proposed extension which either increased or further increased the size of the existing dwelling beyond prescribed floorspace limit of 30% was, under the terms of policy DP36, inappropriate. In any such case, the proposed extension would be in conflict with policy DP36 unless there were found to be exceptional circumstances of the particular kind stated in the third paragraph of the policy; that is to say, that the extension was to meet a genuine family need of an occupier who works in the immediate vicinity.

25. It was submitted that the inspector had impermissibly adopted a different approach to policy DP36. Having found in DL6 that the proposed development would result in an overall increase in the floorspace of the existing dwelling of over 75%, he had neither acknowledged that the proposed development was accordingly inappropriate nor gone on to consider whether there were exceptional circumstances which justified its acceptance within the strictly circumscribed terms of policy DP36. Instead, in DL7-DL10 the inspector had gone on to make a broader assessment of the significance of the impact of the proposed

development. In so doing, the inspector had impermissibly diluted the strict control on development imposed by policy DP36. Properly directing himself, he should have concluded that the proposed development was in conflict with the principal, relevant policy of the Local Plan and so did not accord with the development plan.

Discussion

26. I accept counsel's submission that the question whether a proposed extension to an existing dwelling is appropriate for the purpose of policy DP36 of the Local Plan is to be answered principally by applying the floorspace limits stated in the second paragraph of that policy. I also accept that an extension that exceeds those floorspace limits will be in conflict with DP36 unless justified on the basis of the exceptional circumstances stated in the third paragraph of that policy. A proposed extension to an existing dwelling which both exceeds those floorspace limits and is not justified on the basis of those exceptional circumstances is, within the terms of policy DP36, not appropriate to the existing dwelling and its curtilage.

27. I do not, however, accept that the Claimant is correct in its argument that the inspector has misinterpreted policy DP36 of the Local Plan and misdirected himself in applying that policy to the circumstances of the planning appeal in this case.

28. The proposed development seeks to extend an existing dwelling located outside any Defined Village in the New Forest. It is not a small dwelling. Policy DP36 of the Local Plan requires that the proposed development must not increase the floorspace of the existing dwelling, Badger Cottage, by more than 30% over and above its total, internal habitable floorspace (excluding the conservatory) on 1 July 1982.

29. The Claimant produced evidence in response to the planning appeal which showed that extensions to Badger Cottage since July 1982 had already increased its floorspace by around 56% above that which had existed at that date. The proposed development would result in an overall increase in floorspace above that which existed in July 1982 of some 76%. That evidence was not seriously disputed by the Second Defendant. In DL5 and DL6, the inspector accepted the Claimant's evidence.

30. On that basis, the inspector found that since July 1982 Badger Cottage had already been extended beyond the applicable limit, which was no more than a 30% increase in floorspace. In DL6, he said that the proposed development would exacerbate the identified conflict with policy DP36. It is obvious what he meant by that. The dwelling in this case had already been extended in excess of the applicable limit imposed by policy DP36. The proposed development would result in the overall exceedance over that floorspace limit which was materially greater than was already the case.

31. For these reasons, there can be no room for doubt that, as he explained in DL5 and DL6, the inspector found the proposed development to be in conflict with policy DP36. He arrived at that finding by following the correct approach as advocated on behalf of the Claimant. He

identified the overall degree of exceedance of the permitted increase in floorspace resulting from the proposed development, taken together with the extensions which had been made to the existing dwelling since 1 July 1982. The fact that he did not expressly identify the proposed development as not being *"appropriate"* does not give rise to any real doubt as to the inspector's conclusion, which he repeated in DL13, that the proposed development was in conflict with DP36. In stating that the proposed development would exacerbate the existing conflict with that policy, the inspector clearly had in mind the need to apply DP36 in this case on the basis of the total increase in floorspace at Badger Cottage resulting from successive extensions to that dwelling since 1 July 1982.

32. It is a misreading of policy DP36 to argue that it required the inspector then to consider whether the overall increase in the size of the existing dwelling was justified on the basis of exceptional circumstances. Neither the Claimant nor the First Defendant had suggested that the proposed development fell within the limited scope of the exceptional circumstances identified by policy DP36. It was not contended that such circumstances existed here to provide a potential justification for a larger extension than was acceptable on the ordinary application of the floorspace limit imposed by policy DP36. It is unsurprising, therefore, that the inspector did not find it necessary to consider that element of policy DP36 in his decision. Such consideration would have been wholly otiose, since the absence of such circumstances was not in dispute.

33. I turn to the Claimant's contention that, having found that the proposed development was in conflict with policy DP36, the inspector then impermissibly undermined the strict controls which that policy sought to apply by reference to the analysis which he carried out in DL7-DL10.

34. It is important to understand correctly what the inspector was doing in DL7-DL10.

35. As I have already said, he had made a clear finding of conflict with policy DP36 of the Local Plan. It was nevertheless necessary for him to consider the weight that he should give to that conflict with development plan policy. The inspector's conclusion on the degree of weight that he should give to the conflict with policy DP36 is clearly recorded in DL11. He gave it very little weight. He also recorded that he did so for the reasons that he had given in previous paragraphs, which is plainly to be understood as a reference to what he said in DL7-DL10.

36. As I have pointed out, in DL7-DL10 the inspector considered two matters –

(1) The impact of the proposed development on the locally distinctive character of the built environment of the New Forest.

(2) Whether the proposed development, if permitted, would have any material impact on the balance of housing, including small dwellings, available within the area of the National Park.

37. Those two matters correspond to the objectives of policy DP36 which are explained in paragraph 7.79 of the Local Plan. In justifying the need for policy DP36, the Claimant states that incremental extensions to dwellings in the National Park can affect the locally distinctive character of the built environment of the New Forest. Moreover, such extensions can over time lead to an imbalance in the range and mix of housing stock available within the National Park. Policy DP36 is intended to enable such proposals to be properly controlled, so that an appropriate balance is struck between meeting changes in household requirements and maintaining a stock of smaller sized dwellings, particularly in areas outside the Defined Villages where the impact of incremental extensions on the protected landscape is likely to be greater.

38. It is obvious that where a planning decision maker wishes to assess the weight that they should give to a policy in the development plan with which the planning application before them is in conflict, they will take account of the policy's purpose. They will consider what the policy maker seeks to achieve through the application of the policy. Policy does not exist in a vacuum. It is promulgated for a practical purpose. Planning policies, whether at national or local level, are adopted for the purpose of furthering particular objectives or purposes in relation to the development and use of land.

39. Policy DP36 has not been adopted in the Local Plan because the Claimant or the local community happens to have a predilection for small scale extensions to dwellings in the New Forest. It has been adopted because the Claimant seeks to maintain the local distinctive character of the built environment of the New Forest and a balance of housing stock in terms of both size and mix in the National Park.

40. Those policy objectives are consistent with the strategic policy which is concerned to maintain *"local distinctiveness"*, policy SP17 of the Local Plan. That policy is concerned with built development which would erode the local character of the National Park or result in a gradual suburbanising effect within its area. Paragraph 6.20 of the Local Plan indicates that the purpose of policy SP17 is to control householder development which might undermine the statutory purpose in section 5(1)(a) of the 1949 Act, of conserving and enhancing the natural beauty, wildlife and cultural heritage of the New Forest National Park. The particular risk identified in paragraph 6.21 is of *"creeping suburbanisation"* of the National Park and the slow erosion of its distinctive character.

41. In DL7-DL10, the inspector carefully considered whether the proposed development, if permitted, would undermine or conflict with these aims and objectives of policies DP36 and SP17 of the Local Plan.

42. In DL7 he found that the proposed development would retain the rural character of Badger Cottage. He explained why that was so by reference to the modest size and scale of the proposed extension, its design and choice of materials. In DL8, he attached weight to the fact that the proposed development would be unlikely to be perceptible from public vantage

points. For those reasons, in DL9 he judged that the proposed development would neither erode the local character of the National Park nor contribute to a gradual suburbanising effect within the Park. In the light of that analysis, he concluded that there would be no adverse impact on the locally distinctive character of the built environment of the New Forest. The landscape and scenic beauty of the National Park would be conserved.

43. In DL10, the inspector addressed the question whether the proposed development would result in any material impact on the balance of housing, including small dwellings, available within the National Park. Both parties had produced evidence on that matter. Having considered the evidence, as he explained in DL10, he found it to be clear that, even if further extended following implementation of the proposed development, Badger Cottage would remain a mid-range property in terms of both floorspace and price in the local area.

44. In summary, the inspector considered the performance of the proposed development against the stated purposes of policies DP36 and SP17 of the Local Plan. He did so in order to form his judgment of the weight that he should properly give to the fact that the proposed development was in conflict with policy DP36 of the Local Plan. Having done so, he stated his conclusion in DL11 that, whilst the proposed development would exacerbate the existing conflict with policy DP36, he gave very little weight to that conflict.

45. In R v Rochdale Metropolitan Borough Council ex parte Milne [2001] Env LR 22, Sullivan J said that it was *"untenable"* to argue that if there was a breach of any one policy in a development plan, a proposed development cannot be said to be in accordance with the plan –

"50. For the purposes of [section 38(6)] it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy therein".

46. In DL13 and DL14 the inspector summarised the position. Whilst the proposed development was in conflict with policy DP36, he judged it to be in keeping with the planning purposes which policies DP36 and SP17 sought to fulfil – the *"aims and objectives"* of those policies. That provided the basis for his judgment that proposed development accorded with the development plan when read as a whole.

Conclusions

47. It is beyond argument that the inspector's assessment in DL7-DL14 was firmly rooted in his finding in DL5-DL6, that the proposed development was in conflict with policy DP36 of the Local Plan. As I have explained, that finding involved no misinterpretation of that policy. The inspector did not misdirect himself in omitting to consider whether there were exceptional circumstances in this case which fell within the scope of the policy and so justified the proposed development as compliant with it. No such circumstances were put

forward by either party to the planning appeal. The inspector made a clear finding that the proposed development was in conflict with policy DP36.

48. That finding was, however, not of itself necessarily determinative of the question whether the proposed development was in accordance with the development plan. Whether that was the position was for the inspector to determine in the light of the whole of the material before him. In particular, it was necessary for him to decide the degree of weight that he gave to the conflict with policy DP36. As Lord Clyde said in *City of Edinburgh*, it was for the inspector to assess the relative weight to be given to all the material considerations in the appeal. In the words of Glidewell LJ in *Loup*, section 38(6) of the 2004 Act did not tell the inspector what weight he should accord to that policy conflict. That was a matter for the inspector to determine in the exercise of his planning judgment, and in the light of the whole material before him.

49. The inspector carried out that evaluation. His approach and the material upon which he relied in so doing was clearly explained in his decision. The inspector acted reasonably in considering the performance of the proposed development by reference to the aims and objectives of both policies DP36 and SP17 of the Local Plan. He gave clear and proper reasons for concluding that he would give very little weight to the conflict with policy DP36.

50. For these reasons, ground 1 is rejected.

Ground 2 – section 11A(1A) of the 1949 Act

The statutory framework

51. The purposes for which National Parks are designated are well known. They appear in section 5 of the 1949 Act –

> *"5(1) The provisions of this Part of this Act shall have effect for the purpose -*
>
> *(a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified in the next following subsection; and*
>
> *(b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.*
>
> *(2) The said areas are those extensive tracts of country in England … as to which it appears to Natural England that by reason of -*
>
> *(a) their natural beauty, and*
>
> *(b) the opportunities they afford for open-air recreation, having regard both to their character and to their position in relation to centres of population,*

it is especially desirable that the necessary measures shall be taken for the purposes mentioned in the last foregoing subsection.

(3) The said areas, as for the time being designated by order made by Natural England and submitted to and confirmed by the Minister, shall be as known as, and are hereinafter referred to as, National Parks".

52. Section 11A of the 1949 Act imposes duties on certain categories of *"relevant authority"* in relation to the purposes for which National Parks are designated, as specified in section 5(1) of that Act. The duty imposed under subsection 11A(1A) is relied upon by the Claimant as the basis for ground 2 of the present claim –

"11A(1A) In exercising or performing any functions in relation to, or so as to affect, land in any National Park in England, a relevant authority other than a devolved Welsh authority must seek to further the purposes specified in section 5(1) and if it appears that there is a conflict between those purposes, must attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park".

53. Both the Claimant and the First Defendant are a *"relevant authority"* for the purposes of section 11A of the 1949 Act.

The issue

54. It was not in dispute that the inspector as the First Defendant's appointee was under the duty now imposed by subsection 11A(1A) of the 1949 Act when he came to determine the planning appeal on 8 April 2024. Nor is it disputed that in determining the planning appeal, he was exercising or performing a function in relation to and so as to affect land in the New Forest National Park. The inspector was accordingly under a duty to seek to further the statutory purposes under section 5(1) of the 1949 Act in making his determination of the Second Defendant's planning appeal.

55. The issue is whether the inspector discharged that duty.

Discussion

56. Section 11A(1A) of the 1949 Act was enacted in its current terms by virtue of section 245 of the Levelling-Up and Regeneration Act 2023 which, with effect from 26 December 2023, substituted that enactment in relation to National Parks in England in place of section 11A(2) of the 1949 Act –

"11A(2) In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes specified in subsection (1) of section five of this Act and, if it appears that there is a conflict between those

purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park".

57. As can be seen by comparing the words of section 11A(1A) with those of the former section 11A(2) of the 1949 Act, the material change in the duty placed upon relevant authorities in relation to National Parks in England is they must now *"seek to further"* the statutory purposes for which a National Park has been designated; whereas previously, their duty was to *"have regard to"* those statutory purposes.

58. The Claimant characterises the more forceful expression of a relevant authority's duty under section 11A(1A) of the 1949 Act as the *"strengthened"* statutory duty. That seems to me to be a fair way of characterising the change from a requirement to have regard to the statutory purposes, to being required to seek to further those purposes.

59. Unsurprisingly, the strengthened duty enacted by subsection 11A(1A) of the 1949 Act has yet to receive any judicial consideration.

60. In Howell v Secretary of State for Communities and Local Government [2014] EWHC 3627 (Admin) at [46] Cranston J said that a duty *"to have regard to"* a matter means that -

"that matter must be specifically considered, not that it must be given greater weight than other matters, certainly not that it is some sort of trump card. It does not impose a presumption in favour of a particular result or a duty to achieve that result. In the circumstances of the case other matters may outweigh it in the balance of decision-making".

61. As a matter of ordinary English, to *"further"* a stated purpose is to promote or to facilitate that purpose. Therefore, the duty imposed by section 11A(1A) of the 1949 Act upon a planning authority determining a planning application requires more than merely weighing the effect of the proposed development on the section 5(1) purposes in the overall balance. In order to discharge the strengthened duty, the planning authority must determine whether the proposed development is consistent with the promotion of the statutory purposes. If the planning authority determines that the proposed development is in conflict with the statutory purposes or would undermine the fulfilment of the section 5(1) purposes, they must the consider whether the grant of planning permission would be in accordance with their duty to seek to further those purposes.

62. The strengthened duty is expressed in qualified terms. The planning authority is required *"to seek to further"* the section 5(1) purposes. It is it not under a duty necessarily to fulfil those purposes. Nevertheless, in my view, in any case in which the planning authority determines that a planning application proposes development which is in conflict with the section 5(1) purposes or will undermine their fulfilment, the authority ought both to consider whether and to explain why they have decided that planning permission may justifiably be granted. The planning authority's consideration of those matters will necessarily be informed by the circumstances of the given case, including the size and scale of the development under

consideration and the extent and severity of its conflict with the section 5(1) purposes. These are matters of judgment, but a duty *"to seek to further"* the section 5(1) purposes necessarily invests the planning decision maker with the responsibility to judge, firstly, whether the planning application before them for decision proposes development which interferes with the fulfilment of those purposes; and if it does, whether and if so why the grant of planning permission is justified.

63. The planning authority may need to consider whether and if so, how the proposed development may be mitigated in order to address the identified conflict with the statutory purposes. They may need to consider whether any compensatory measures are available which might offset the identified conflict with the statutory purposes. They will need to consider the imposition of conditions or the need to obtain planning obligations to secure such measures.

64. Counsel's researches did not discover any case in which a duty *"to seek to further"* a stated purpose or purposes has been judicially considered. However, counsel helpfully drew attention to R (Friends of the Earth) v Welsh Ministers [2015] EWHC 776 (Admin); [2016] Env LR 1. In that case, the court was asked to consider the provisions of section 28G(2) of the Wildlife and Countryside Act 1981. That enactment imposed a duty on the Welsh Ministers, when deciding whether to adopt a plan for a motorway extension affecting protected nature conservation areas, *"to take reasonable steps, consistent with a proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest"*.

65. At [132]-[133], Hickinbottom J said –

"132. ...the section 28G duty does not seek to protect SSSIs by weighting the desirability of their protection as against other factors, but by requiring relevant authorities to take reasonable steps to "further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest". I gain some comfort that my view, based upon the wording of the relevant statutory provision, appears to be shared by the academic authors to whom I was referred (see Burnett Hall on Environmental Law, 3rd Edition (2012) at paragraph 9/087).

133. The question I have to consider is, therefore, not whether the Minister gave the desirability of conserving and enhancing these features particular enhanced weight, but whether she took reasonable steps to conserve and enhance those features. It is rightly common ground that "conserve and enhance" includes "not damage" the features".

66. In my view, the court will follow essentially the same approach when asked to review whether a local planning authority, or on a planning appeal, an inspector has properly discharged the duty under section 11A(1A) of the 1949 Act in granting an application for

planning permission in relation to land in a National Park. The court will review whether the decision maker has properly addressed the question whether the proposed development is consistent with the section 5(1) purposes, or would conflict with and undermine those purposes. In a case where the decision maker has found the proposed development would conflict with or undermine the section 5(1) purposes, the court will review the justification given by the decision maker for concluding that planning permission can be granted, including any relevant conditions imposed and planning obligations taken, in order to judge whether the decision properly seeks to further the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park; and to promote opportunities for the public's understanding and enjoyment of its special qualities.

67. Following that approach to review, the first issue is whether the inspector has properly addressed the question whether the proposed development is consistent with the section 5(1) purposes, or would conflict with and undermine those purposes.

68. There are certain very well-established principles of review which are of assistance in addressing that issue.

69. Firstly, the question whether the duty has been discharged in the course of determining the planning appeal is a question of substance, not form. By that I mean that it is not fatal to the performance of the duty that the inspector has omitted any express reference to the duty in his reasons. See Jones v Mordue [2016] 1 WLR 2682 at [28] and Save Rottingdean Ltd v Brighton and Hove Council [2019] EWHC 2632 (Admin) at [85].

70. Secondly, the question whether the inspector has failed to discharge the duty is to be judged by considering the reasons he gives for his decision. It is relevant to ask whether those reasons give rise to a substantial doubt as to whether he has erred in law by failing to perform the statutory duty under section 11A(1A) of the 1949 Act which is engaged by the subject matter of the planning appeal: *Jones v Mordue (ibid.).*

71. In Palmer v Herefordshire Council [2016] EWCA Civ 1061; [2017] 1 WLR 411 at [7], Lewison LJ said that –

"It is not for the decision maker to demonstrate positively that he has complied with that duty: it is for the challenger to demonstrate that at the very least there is substantial doubt whether he has".

72. Those cases concerned the statutory duties imposed under sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Nevertheless, in my view, the principles of review to which I have referred are applicable to the Claimant's complaint on ground 2 of the present claim.

73. The first statutory purpose under section 5(1)(a) of the 1949 Act is one of *"conserving and enhancing"* the natural beauty, wildlife and cultural heritage of the National Park.

74. Both Ms Pattni and Mr Flanagan helpfully drew my attention to case law which has considered the correct approach to the discharge of positive duties imposed by sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when determining planning applications. Section 66 has as its purpose the preservation of listed buildings and their settings. Section 72 has as its purpose the preservation or enhancement of the character or appearance of conservation areas.

75. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states –

"In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions of [the planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

76. In South Lakeland District Council v Secretary of State for the Environment [1992] 2 AC 141, 150B-F, the House of Lords approved the following passage from the judgment of Mann LJ in the Court of Appeal in construing the statutory predecessor of section 72(1) –

"In seeking to resolve the issue I start with the obvious. First, that which is desirable is the preservation or enhancement of the character or appearance of the conservation area. Second, the statute does not in terms require that a development must perform a preserving or enhancing function. Such a requirement would have been a stringent one which many an inoffensive proposal would have been inherently incapable of satisfying. I turn to the words. Neither 'preserving' or 'enhancing' is used in any meaning other than its ordinary English meaning. The court is not here concerned with enhancement, but the ordinary meaning of 'preserve' as a transitive verb is 'to keep safe from harm or injury; to keep in safety, save, take care of, guard'.... In my judgement character or appearance can be said to be preserved where they are not harmed. Cases may be envisaged where development would itself make a positive contribution to preservation of character or appearance. A work of reinstatement might be such. The parsonages board never advocated the new vicarage on that basis. It was not a basis which the inspector was invited to address but importantly he did not have to address it because the statute does not require him to do so. The statutory desirable object of preserving the character or appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say, preserved".

77. Adopting the same approach to the language of section 5(1)(a) of the 1949 Act, in my view it is beyond argument that *"conserving"* in that enactment is used in its ordinary English meaning. It means *"to preserve intact or to maintain in an existing state"* and *"to prevent something of natural or environmental importance from being damaged or destroyed"*: *Oxford English Dictionary, 2nd ed, OED Online – revised entry (2010).*

78. In R (Great Trippetts Estate Limited) v Secretary of State for Communities and Local Government [2010] EWHC 1677 (Admin) at [10], Collins J referred to the duty under section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of *"conserving and enhancing"* the natural beauty of an area of outstanding natural beauty (AONB) and said –

"Both the legislation and the approach in policies has tended to use "and" and "or" interchangeably in relation to enhancing and conserving. In reality it is common ground, and indeed it must be the case, that they are disjunctive...".

79. Again, in my view, the same approach should be followed in relation to section 5(1)(a) of the 1949 Act. Where a planning application proposes development of land in a National Park which is found at least to leave the Park's natural beauty, wildlife and cultural heritage unharmed, that provides a proper basis for the decision maker to conclude that the development will further the section 5(1)(a) purpose of conserving and enhancing those characteristic features of the Park. That conclusion suffices as a proper discharge of the decision maker's duty under section 11A(1A) of the 1949 Act in determining that planning application.

80. Ms Pattni submitted that it was not enough to be satisfied that the proposed development would conserve the natural beauty, wildlife and cultural heritage of the New Forest National Park. She argued that the strengthened statutory duty requires the decision maker to address both conservation and enhancement. The inspector was required to demonstrate on the evidence what measures could be taken to further the statutory purpose. A positive act was required. If such measures were found to be impracticable, the decision maker was required to explain why.

81. Counsel drew attention to the observations made by Natural England in a statutory consultation response made on 15 December 2023 in proceedings on an application for a development consent order. Natural England referred to the *"enhanced"* duty to seek to further the statutory purposes of a National Park or AONB as –

"an active duty, not a passive one. Any relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape... can be furthered.

The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of the protected landscape. That goes beyond the mitigation and like for like measures and replacement. A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose. If it is not practicable or feasible to take those measures the relevant authority should provide evidence to show why it is not practical or feasible.

The proposed measures to further the statutory purposes of a protected landscape, should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured. Natural England's view is that the proposed measures should align with and help to deliver the aims and objectives of the designated landscape's statutory management plan. The relevant protected landscape team/body should be consulted".

82. I do not accept these submissions. In my view, it is not a necessary prerequisite for the proper discharge of the duty under section 11A(1A) of the 1949 Act that the decision maker also determines whether the planning application proposes development which would enhance those characteristic features of the National Park.

83. I have referred to the principle established in *South Lakeland*, that a positive duty which has as its purpose the preservation or enhancement of the historic built environment is discharged by establishing that proposed development will, if permitted, leave the historic building or conservation area unharmed. In the case of section 11A(1A) of the 1949 Act, the positive duty has as its purpose the conservation and enhancement of those characteristic features which justify the designation of a National Park. I can see no basis in either the statutory language or the legislative context for applying a different standard for the purposes of the discharge of that positive duty to that authoritatively stated by the House of Lords in *South Lakeland*.

84. Insofar as the observations of Natural England to which I was referred suggest otherwise, I do not accept them. In fact, it seems to me that Natural England's approach is consistent with the position established in *South Lakeland*, since they say that the strengthened duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes. Although they go on to speak of exploring possible measures to further the statutory purposes in addition to avoiding or mitigating the effects of development, they recognise the need for a proportionate approach to what is realistic in the circumstances of the given case. Moreover, the focus of Natural England's observations was upon a particular major road scheme, the Lower Thames Crossing, the effects of which on the protected landscape of the Kent Downs AONB will hardly be comparable to the effects, if any, of a first floor rear residential extension to an existing medium sized dwelling in the New Forest National Park.

85. I note that section 11A(2A) of the 1949 Act empowers the Secretary of State to make regulations which make provision about how a relevant authority is to comply with the strengthened duty. When made, such regulations may shed light on the matters I have addressed in the foregoing paragraphs.

86. As things now stand, in my judgment, when determining an application for planning permission in relation to land within the area of a National Park, it is necessary for the

decision maker to consider whether the proposed development will leave unharmed the natural beauty, wildlife and cultural heritage of the National Park in its existing state. If the decision maker is satisfied that the proposed development will leave the natural beauty, wildlife and cultural heritage of the National Park unharmed, he or she may grant planning permission on the basis that he or she has thereby discharged the duty under section 11A(1A) of the 1949 Act to seek to further the statutory purpose under section 5(1)(a) of that Act. In such a case, the decision maker will have properly sought to further the statutory purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park, by satisfying themselves that to grant planning permission for the proposed development will leave the specified characteristics of the National Park unharmed.

87. The same analysis applies in relation to the second statutory purpose under section 5(1)(b) of the 1949 Act. Provided that the decision maker is satisfied that the proposed development will, if permitted, not diminish the opportunities for the understanding and enjoyment of the special qualities of the National Park by the public, he or she will have discharged the duty under section 11A(1A) of the 1949 Act.

88. Applying that approach, I turn to consider whether the inspector can be seen to have discharged the duty imposed by section 11A(1A) of the 1949 Act.

89. The starting point is to acknowledge that the inspector made no reference to the strengthened duty under section 11A(1A) of the 1949 Act in the decision letter. It is therefore necessary to analyse his reasoning to see whether there is at least a substantial doubt that he performed that duty.

90. The inspector concluded that the proposed development was in accordance with the development plan, read as a whole. However, I accept Ms Pattni's submission that given his clear finding of conflict with policy DP36 of the Local Plan, that in itself is an unreliable indicator of his having sought to give effect to the statutory purposes of designation of the National Park.

91. It is, therefore, necessary to look more closely at the inspector's reasoning. The following findings are, in my view, of assistance –

(1) The proposed extension would retain the rural character of Badger Cottage (DL7).

(2) The proposed development would be likely to be imperceptible from public vantage points (DL8).

(3) The proposed development would not harm the local character of the National Park. There would be no adverse impact on the distinctive character of the built environment of the New Forest. Allowing the proposed development to proceed would nevertheless conserve the landscape and scenic beauty of the National Park (DL9).

(4) A condition was imposed requiring a precautionary method of working and low-level lighting in order to avoid any risk of harm to bats that might roost at Badger Cottage (DL18).

(5) There was no evidence to suggest any real risk of impact from the storage of building materials, vehicles parking and construction activity on an adjacent site of special scientific interest (DL22).

92. It is clear from the inspector's reasons that he considered carefully whether the proposed development would conserve the natural beauty, wildlife and cultural heritage of the New Forest National Park. He found that the proposed development would do so. His findings provided a clear justification for the conclusion that the proposed development would leave the specified characteristics of the New Forest National Park under section 5(1)(a) of the 1949 Act unharmed.

93. The inspector did not deal in his reasons with the second statutory purpose under section 5(1)(b) of the 1949 Act. In my view, he did not need to do so. It formed no part of the Claimant's case on the planning appeal that the proposed development would have any meaningful effect on existing opportunities for the public's understanding and enjoyment of the special qualities of the National Park. Nor did the Claimant suggest that the proposed development could realistically contribute to the promotion of such opportunities. Given the nature of the proposed development, it is very difficult if not impossible to see how it might do so. The absence, therefore, of any discussion of that point in the decision letter provides no arguable basis for contending that the inspector failed to discharge his duty under section 11A(1A) of the 1949 Act in relation to section 5(1)(b) of that Act.

94. During argument, I asked counsel how the Claimant acting as local planning authority now seeks to discharge the duty under section 11A(1A) of the 1949 Act in the course of determining planning applications. I was told that the Claimant's approach is to form a judgment whether the development for which planning permission is sought is in accordance with the development plan. If there is no conflict with policy, the Claimant considers that the grant of planning permission is consistent with discharge of the strengthened duty and no further analysis is needed. Whereas in a case in which there is judged to be a conflict with development plan policy, the Claimant proceeds to consider whether the grant of planning permission is consistent with their proper discharge of the strengthened duty.

95. I understood the underlying logic of that approach to be that the Local Plan is founded upon the statutory purposes stated in section 5(1) of the 1949 Act. Paragraph 1.3 of the Local Plan states that those statutory purposes *"form the golden threads running through the Local Plan"*. Paragraph 1.3 also states that the strategic objectives of the Local Plan are drawn from those statutory purposes. To grant planning permission for development which is judged to accord with the policies of the Local Plan may therefore be taken to be a proper discharge of the strengthened duty under section 11A(1A) of the 1949 Act.

96. Ms Pattni sought to draw the distinction with a case, such as the present one, where there had been found to be a conflict with policy in the Local Plan. In such a case it was necessary for the planning decision maker, whether the Claimant as local planning authority or the First Defendant on appeal, to consider whether the grant of planning permission was consistent with the proper discharge of the strengthened duty. The present claim involved such a case. The inspector had failed to consider whether to allow the planning appeal would be consistent with his proper discharge of the strengthened duty.

97. I do not accept these submissions. Whatever may be the approach taken by the Claimant in its own planning decision making, the question for the court is whether the Claimant has established that the inspector omitted to discharge the duty placed upon him by section 11A(1A) of the 1949 Act in determining the planning appeal in the present case. For the reason I have given, the Claimant has failed to do so.

Conclusion

98. In my judgment, there is no justification for drawing the adverse inference that, in determining the planning appeal and granting planning permission for the proposed development, the inspector failed to discharge his duty under section 11A(1A) of the 1949 Act to seek to further the statutory purposes under section 5(1) of that Act. Ground 2 accordingly fails.

Disposal

99. The claim is dismissed.

Attachment 2 - Wadhurst Parish Council v Secretary of State for Housing, Communities and Local Government and others [2025] EWHC 1735 (Admin)

Neutral Citation Number: [2025] EWHC 1735 (Admin)

Case No: AC-2025-LON-000515

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
PLANNING COURT

Royal Courts of Justice Strand, London, WC2A 2LL

Date: 09/07/2025

Before :

[redacted]

- -

Between :

WADHURST PARISH COUNCIL — Claimant

- and -

(1) SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL GOVERNMENT
(2) WEALDEN DISTRICT COUNCIL
(3) ELITE LEISURE (SOLOMANS UK) LIMITED

Defendants

- -

- -

Ben Fullbrook (instructed by **Richard Max & Co LLP**) for the **Claimant**
Hugh Flanagan (instructed by **Government Legal Department**) for the **First Defendant**
The Second and Third Defendants did not appear and were not represented

Hearing dates: 18-19 June 2025

- -

Approved Judgment

This judgment was handed down remotely at 10.30am on Wednesday 9th July 2025 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

.....

[redacted]

MR JUSTICE MOULD :

Introduction

1. This is an application by the Claimant under section 288 of the Town and Country Planning Act 1990 **["the 1990 Act"]** challenging the validity of the decision of an inspector appointed by the First Defendant to allow two planning appeals brought by the Third Defendant under section 78 of the 1990 Act. The decision under challenge was made by letter dated 13 January 2025.

2. The Third Defendant's appeals were from the refusal by the Second Defendant, acting as local planning authority, of two planning applications made by the Third Defendant. The first application **["appeal A"]** sought planning permission for the change of use of three parcels of land at Bewl Water, Bewlbridge Lane, Wadhurst, Kent **["the appeal sites"]** to seasonal use as a campsite for up to 80 pitches and for the erection of a portacabin between the months of April and September. The second application **["appeal B"]** sought planning permission for the erection of four yurts at the appeal sites, two retrospectively and two proposed, and the retention of a portacabin housing a toilet and washroom for year-round occupation.

3. The Claimant is the parish council for the area within which Bewl Water and the appeals sites are situated. The Claimant made detailed written representations to the inspector opposing the planning appeals.

4. Bewl Water was created in the mid 1970s. It is a reservoir that is open daily to the public between 8am and 5pm. In its representations, the Claimant said that Bewl Water attracts over 140,000 day visitors annually, who come for the scenery, tranquillity, wildlife and water recreation. The Claimant said that there was widespread popular support for the protection of Bewl Water as a wildlife site. The Claimant drew attention to a petition which specifically addressed the impact of the proposed developments on the protected landscape of the AONB and the local wildlife site. The petition had asked Southern Water "*to halt development to save protected birds and Local Wildlife Site*". The petition had received 80,805 signatures as at 18 July 2024.

5. The inspector visited the site on 11 December 2024. He made his determination on the basis of the written representations which he received in relation to the two planning appeals, including those submitted by the Claimant opposing the appeals. The inspector allowed both appeals and granted planning permission subject to conditions.

The grounds of appeal

6. Bewl Water and the appeal sites lie within the High Weald National Landscape, which is designated as an Area of Outstanding Natural Beauty **["the AONB"]** under the Countryside and Rights of Way Act 2000 **["the 2000 Act"]**.

7. Section 85(A1) of the 2000 Act imposes a general duty on relevant authorities in exercising or performing any functions in relation to or so as to affect land in an AONB in England. That duty is to seek to further the purpose of conserving and enhancing the natural beauty of the AONB. In determining the Third Defendant's planning appeals, the inspector was performing such a function and so was required to discharge that general duty.

8. The Claimant's application for planning statutory review proceeds on two grounds –

   (1) Ground 1 – Although the inspector mentioned the general duty under section 85(A1) of the 2000 Act in paragraph 10 of his decision **["DL10"]**, the Claimant contends that the inspector erred in his approach to that duty. It is contended that the inspector's decision gives rise to substantial doubt as to whether he asked himself the question posed by that duty, which was whether granting planning permission for the development proposed under the planning appeals would further the purpose of conserving and enhancing the natural beauty of the AONB; and if the proposed development would not do so, how could such development be justified in the light of the inspector's duty to seek to further that purpose.

   (2) Ground 2 – The Claimant contends that the inspector failed to have proper regard to, properly to understand or to apply the policy of the management plan for the AONB, the High Weald AONB Management Plan 2024-2029 **["the HWMP"]** which had been published on 27 March 2024 following its preparation in accordance with section 89 of the 2000 Act. In particular, the inspector's reasons raised a substantial doubt as to whether he had properly understood and applied the objectives of the HWMP in determining the planning appeals.

9. On 2 April 2025 I gave the Claimant permission to bring their claim. I directed that the claim be listed for hearing with CPRE Kent Branch v Secretary of State for Housing, Communities and Local Government and others (AC-2024-LON-004265) as both claims raised issues of some general significance to the operation of the town and country planning system and therefore merited some expedition.

10. I heard those claims together on 18 and 19 June 2025. In this claim, Mr Ben Fullbrook appeared for the Claimant and Mr Hugh Flanagan for the First Defendant. I am very grateful to them both for their characteristically clear and cogent submissions.

The appeal sites and the proposed development

11. The inspector gives a brief description of the appeal sites and their immediate surroundings in DL7 to DL9.

12. Bewl Water provides leisure opportunities to walkers, cyclists, swimmers, anglers and sailors. The activities available at the site include walking and bike trails, water sports including stand up paddleboarding, windsurfing, rowing, canoeing and sailing, fishing, an aquapark and a laser challenge zone. There is a visitor centre containing a cafe, a multi use space, toilets and an office.

13. The appeal sites are on the northern side of the reservoir. They are set back from the shoreline. Appeal A sought planning permission on a permanent basis for seasonal use between April and September of three separate parcels of land or zones for camping for up to 80 pitches, and for a car park. In 2020, use of that land for camping for up to 80 pitches between May and September was granted temporary planning permission for a period of 3 years. Appeal B sought planning permission to retain two yurts which are already in situ and for the siting of two further yurts next to them.

    Both appeals include a small toilet and shower block which is positioned at the lower end of the appeal sites.

14. The inspector said that there was an extensive planning history. As well as the grant of temporary planning permission for 80 camping pitches, he drew attention in particular to the dismissal of planning appeals relating to 58 earth lodges, to a planning appeal allowing the conversion of a fishing lodge to four tourist units; and most recently, to the dismissal of an appeal seeking planning permission for extensions and alterations to the boathouse to create 11 tourist units.

15. In DL6, the inspector found the main issue for both planning appeals to be the effect of the proposed development on the landscape and scenic beauty of the High Weald National Landscape, that is to say the AONB, and on biodiversity with particular reference to winter roosting common and black-headed gulls.

16. The inspector set out his assessment of the proposed development on the landscape and scenic beauty of the AONB in DL10 to DL24. His conclusion at DL24 was that the overall effect on the landscape and scenic beauty of the AONB would be *"acceptable"* and that *"no harm would be caused to other important aspects of this designated area"*. As a result, he found that there would be no conflict with relevant policies. It will be necessary to review the inspector's reasoning in DL10 to DL24 in some detail when I come to consider the grounds of challenge later in this judgment.

17. At DL25 to DL33, the inspector then turned to consider the effect of the proposed development on biodiversity. At DL33 he concluded that wildlife interests would be

conserved and the impact on biodiversity minimised in line with relevant policies. There is no challenge to the validity of those conclusions.

18. At DL34 to DL42, the inspector addressed other matters. At DL36, he said that the outcomes of these planning appeals should not be seen as a stepping stone to any future developments. The acceptance of seasonal camping and occupation of four yurts should not be taken as setting a precedent for further tourism-related uses.

19. At DL43 and DL44, the inspector considered whether it was necessary to impose conditions on the grant of planning permission for the proposed development. At DL43 he said –

"*Several conditions are required to ensure that the campsite and the occupation of the yurts conserves the National Landscape and protects biodiversity and the ancient woodland. These limit the uses to the summer months, require adherence to the Noise Management Plan, expect pre-arrival information about the sensitivity of the site to be distributed, prevent camping within the 15m wide buffer and require details of any lighting to be provided.*"

20. At DL45, the inspector stated his overall conclusion that the appeals should succeed. In relation to the main issue which he had identified in DL6, he said –

"*The effect of the proposals on the landscape and scenic beauty of the High Weald National Landscape would be acceptable and wildlife interests would be conserved and the impact on biodiversity minimised.*"

21. In granting planning permission on appeal A, the inspector imposed conditions limiting the use of the site as a campsite to the period beginning on 1 May and ending on 30 September in any year. Outside of that period, all tents, motorhomes, vehicles and portacabin are to be removed and the site to be returned to its former natural condition. The site is to be used only for the accommodation of tents and motorised caravans. The stationing of touring or static caravans is prohibited. A lighting scheme is to be submitted to the local planning authority for approval and any lighting installed at the appeal site must be in accordance with that approved scheme. The scheme shall include only low level, hooded and directional lighting. The campsite is to be operated and managed in accordance with the Bewl Noise Management Plan 2023, which accompanied the planning application.

22. In granting planning permission on appeal B, the inspector imposed conditions limiting the use of the yurts to holiday accommodation only and their occupation for that purpose to the period beginning on 1 May and ending on 30 September in any year. Outside of that period, the portacabin is to be removed. A lighting scheme is to be submitted to the local planning authority for approval and any lighting installed at the appeal site must be in accordance with that approved scheme. The scheme shall include only low level, hooded and directional

lighting. The yurts are to be operated and managed in accordance with the Bewl Noise Management Plan 2023, which accompanied the planning application.

Legal Framework

Determining planning applications

23. The approach which a local planning authority is required to take when determining an application for planning permission is stated in section 70(2) of the 1990 Act –

"70(2) In dealing with an application for planning permission … the authority shall have regard to –

(a) the provisions of the development plan, so far as material to the application,

… and,

(c) any other material considerations."

24. Section 79 of the 1990 Act governs the determination of planning appeals by the First Defendant or, as in this case, by an inspector appointed by her – *"79(1) On an appeal under section 78 the Secretary of State may -*

(a) allow or dismiss the appeal, or

(b) reverse or vary any part of the decision of the local planning authority (whether the appeal relates to that part of it or not), and may deal with the application as if it had been made to him in the first instance."

25. By virtue of section 79(4) of the 1990 Act, section 70 of that Act applies in relation to an appeal to the First Defendant under section 78 as that section applies in relation to an application for planning permission which falls to be determined by the local planning authority.

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 **["the 2004 Act"]** provides –

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

27. The duty to have regard to material considerations does not require a planning inspector to refer to each such consideration in the decision letter determining the planning appeal. In South Bucks District Council v Porter (No. 2) [2004] 1 WLR 1953 at [34], Lord Brown of

Eaton-under-Heywood referred to the following passage from the speech of Lord Lloyd of Berwick in Bolton Metropolitan District Council v Secretary of State for the Environment (1995) 71 P & CR 309, 314-315 –

"[I]n so far as [the Court of Appeal] was saying that a decision letter must refer to 'each material consideration' I must respectfully disagree... What the Secretary of State must do is to state his reasons in sufficient detail to enable the reader to know what conclusion he has reached on the 'principal important controversial issues'. To require him to refer to every material consideration, however insignificant, and to deal with every argument, however peripheral, would be to impose an unjustifiable burden.

. . .

Since there is no obligation to refer to every material consideration, but only the main issues in dispute, the scope for drawing any inference [the inference suggested being 'that the decision-maker has not fully understood the materiality of the matter to the decision'] will necessarily be limited to the main issues, and then only ... when 'all other known facts and circumstances appear to point overwhelmingly' to a different decision."

28. In his well-known summary at [36] in the *South Bucks DC* case of the authorities governing the proper approach to a reasons challenge in the planning context, Lord Brown said –

"...The reasoning must not give rise to a substantial doubt as to whether the decisionmaker erred in law, for example by misunderstanding some relevant policy or some other important matter or by failing to reach a rational decision on relevant grounds. But such adverse inference will not readily be drawn... The reasons need refer only to the main issues in the dispute, not to every material consideration... Decision letters must be read in a straightforward manner, recognising that they are addressed to parties well aware of the issues involved and the arguments advanced. A reasons challenge will only succeed if the party aggrieved can satisfy the court that he has genuinely been substantially prejudiced by the failure to provide an adequately reasoned decision".

Section 85(A1) of the 2000 Act – the general duty

29. Following amendments made by virtue of section 245 of the Levelling Up and Regeneration Act 2023 **["the 2023 Act"]** which came into effect on 26 December 2023, the duty under section 85(A1) of the 2000 Act as it applies to a relevant authority in England is in the following terms –

"85(A1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved

Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty".

30. The effect of the amendments made by section 245 of the 2023 Act was to replace a duty to *"have regard"* to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty with a duty to *"seek to further"* that statutory purpose. It was common ground between the parties that those amendments strengthen the duty imposed on relevant authorities by section 85(A1) of the 2000 Act.

31. The inspector was appointed by the First Defendant, who is a relevant authority: see section 85(2)(a) of the 2000 Act. In determining the Third Defendant's planning appeals seeking planning permission for development of the appeal sites, the inspector was performing a function in relation, and so as to affect, land in an AONB in England.

32. Section 85(1A) of the 2000 Act empowers the Secretary of State by regulations to make provision about how a relevant authority is to comply with the duty under section 85(A1), including provisions about things that the authority may, must and must not do to comply with that duty. To date, no such regulations have been made.

33. On 16 December 2024 the Department for Environment, Food and Rural Affairs published non-statutory guidance for relevant authorities on seeking to further the purposes of protected landscapes, including AONBs **["the Defra guidance"]**. The Defra guidance states that the amended duty under section 85(A1) of the 2000 Act –

"...is intended to facilitate better outcomes for England's Protected Landscapes, which are in line with their statutory purposes. The duty does not prevent relevant authorities from undertaking their statutory functions and discharging their legal duties and other responsibilities. The duty is intended to complement these requirements by ensuring that the purposes for which Protected Landscapes are designated are recognised in reaching decisions and undertaking activities that impact these areas.

Consideration of what is reasonable and proportionate in the context of fulfilling the duty is decided by the relevant authority and should take account of the context of the specific function being exercised".

34. The Defra guidance states that relevant authorities will need to apply the duty when undertaking any function in relation to, or so as to affect, land in a Protected Landscape. Such functions are stated to include determining planning applications and planning appeals. The duty is said to be an active duty which means (amongst other things) that–

"For development plan making and development management decisions affecting a Protected Landscape, a relevant authority should seek to further the purposes of the Protected Landscape - in so doing, the relevant authority should consider whether such

measures can be embedded in the design of plans and proposals, where reasonably practical and operationally feasible".

AONB Management Plans

35. Section 89(1) of the 2000 Act requires conservation boards for protected landscapes designated as AONBs to prepare and publish a management plan –

"89(1) Every conservation board shall, within two years after the date on which they are established, prepare and publish a plan which formulates their policy for the management of their area of outstanding natural beauty and for the carrying out of their functions in relation to it".

36. The Defra guidance states –

"The Management Plan describes the natural beauty, special qualities and key characteristics of a Protected Landscape. This will articulate the features of the landscape which warrant its nationally designated and protected status".

The following advice is given to relevant authorities –

"When seeking to further the purposes, relevant authorities should consider the information contained in a Protected Landscape's Management Plan. Management Plans describe the natural beauty, special qualities and key characteristics of and targets and objectives for the designation".

37. The current version of the management plan for the AONB, the HWMP, was published by the High Weald Joint Advisory Committee on 27 March 2024.

Conserving and enhancing

38. In R (Great Trippetts Estate Limited) v Secretary of State for Communities and Local Government [2010] EWHC 1677 (Admin) at [10], Collins J said that the two elements of the statutory purpose in section 85(1) of the 2000 Act, that is to say *"conserving and enhancing"* the natural beauty of the AONB, are to be read and understood as being disjunctive –

"Both the legislation and the approach in policies has tended to use "and" and "or" interchangeably in relation to enhancing and conserving. In reality it is common ground, and indeed it must be the case, that they are disjunctive...".

The New Forest case

39. In New Forest National Park Authority v SSHCLG and another [2025] EWHC 726 (Admin), it was necessary for me to consider the effect of the duty now imposed on relevant authorities under section 11A(1A) of the National Parks and Access to the Countryside Act 1949 **["the 1949 Act"]** to seek to further the statutory purposes of national parks –

"5(1) The provisions of this Part of this Act shall have effect for the purpose –

(a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of [National Parks]; and

(b) of promoting opportunities for the understanding and enjoyment of the special qualities of [National Parks] by the public.

...

11A(1A) In exercising or performing any functions in relation to, or so as to affect, land in any National Park in England, a relevant authority other than a devolved Welsh authority must seek to further the purposes specified in section 5(1) ...".

40. In *New Forest* at [76] I referred to South Lakeland District Council v Secretary of State for the Environment [1992] 2 AC 141, 150B-F where Lord Bridge of Harwich approved the judgment of Mann LJ in the Court of Appeal, that the statutorily desirable object in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, of preserving the character and appearance of a conservation area *"is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say, preserved".* At [77], I drew attention to the ordinary English meaning of the word *"conserve"* as being "*to preserve intact or to maintain in an existing state"* and *"to prevent something of natural or environmental importance from being damaged or destroyed".*

41. Applying the approach approved in *South Lakeland* to the statutory purpose of conserving the natural beauty, wildlife and cultural heritage of a National Park, at [86] I said –

"As things now stand, in my judgment, when determining an application for planning permission in relation to land within the area of a National Park, it is necessary for the decision maker to consider whether the proposed development will leave unharmed the natural beauty, wildlife and cultural heritage of the National Park in its existing state. If the decision maker is satisfied that the proposed development will leave the natural beauty, wildlife and cultural heritage of the National Park unharmed, he or she may grant planning permission on the basis that he or she has thereby discharged the duty under section 11A(1A) of the 1949 Act to seek to further the statutory purpose under section 5(1)(a) of that Act. In such a case, the decision maker will have properly sought to further the statutory purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National

Park, by satisfying themselves that to grant planning permission for the proposed development will leave the specified characteristics of the National Park unharmed".

42. I did not understand either Mr Fullbrook or Mr Flanagan to take issue with that analysis; or to argue against its application in the context of the duty now enacted in

similar terms by section 85(A1) of the 2000 Act, in relation to designated areas of outstanding natural beauty. In its pleaded grounds, the Claimant had argued that it would not be a sufficient performance of the duty under section 85(A1) of the 2000 Act for the inspector simply to satisfy himself of the absence of harm to the natural beauty of the AONB. He must also go on to consider whether the proposed development would enhance the natural beauty of the AONB. Mr Fullbrook did not pursue that particular argument in his written or oral submissions. In my view, he was correct not to do so, for the reasons I gave in [80]-[83] of my judgment in *New Forest*.

The court's approach to legal challenges to planning appeal decisions

43. In St Modwen Developments Ltd v Secretary of State for Communities and Local Government [2017] EWCA Civ 1643; [2018] PTSR 746 at [6], Lindblom LJ set out seven familiar principles which guide the court in determining a challenge to a planning appeal decision by an inspector brought under section 288 of the 1990 Act. Three of those principles bear upon the issues raised in the present claim –

(1) Planning appeal decision letters are to be construed in a reasonably flexible way. Such decisions are written principally for the parties who know what the issues between them are and what evidence and argument has been deployed on those issues. Inspectors need not rehearse every argument or cover every point raised before them.

(2) The reasons for an appeal decision must be intelligible and adequate, enabling one to understand why the appeal was decided as it was and what conclusions were reached on the principal important controversial issues. An inspector's reasoning must not give rise to a substantial doubt as to whether he went wrong in law, for example by misunderstanding a relevant policy or by failing to reach a rational decision on relevant grounds. But the reasons need refer only to the main issues in the dispute, not to every material consideration.

(3) The weight to be attached to any material consideration and all matters of planning judgment are for the inspector and not for the court to determine. An application under section 288 of the 1990 Act does not provide an opportunity for the court to review the planning merits of the proposed development.

44. Where a legal challenge to a planning appeal decision raises the question whether the inspector has discharged a statutory duty in the course of determining the appeal, it is for the claimant to demonstrate that there is at least a substantial doubt whether the inspector has done so: see Palmer v Herefordshire Council [2016] EWCA Civ 1061; [2017] 1 WLR 411 at [7]. Lewison LJ said -

"Where the decision maker refers to the statutory duty, the relevant parts of the NPPF and any relevant policies in the development plan there is an inference that he has complied with it, absent some positive indication to the contrary: Mordue v Secretary of State for the Environment [2016] 1 WLR 2682 at [28]".

Ground 1 – the section 85(A1) duty

The issue

45. The issue raised under this ground is whether the inspector erred in performing his duty under section 85(A1) of the 2000 Act, in that he failed to ask himself the correct question or to give proper and adequate reasons to explain how he had discharged that duty in determining the planning appeals.

Relevant national and development plan policy

46. In order to address that issue, it is necessary to refer to a number of policies of the development plan and to relevant paragraphs of the National Planning Policy Framework **["the Framework"]**.

47. Policy EN6 of the Wealden Local Plan (1998) states –

"EN6 Development within the High Weald Area of Outstanding Natural Beauty, as defined on the Proposals Map, will only be permitted if it conserves or enhances the natural beauty and character of the landscape. Particular care will be paid to the siting, scale, layout and design of the development. In considering any proposals, particular regard will be had to:-

(1) the landscape characteristics of the sub-areas identified in the High Weald landscape assessment;

(2) the well-wooded appearance, especially Ancient Woodlands, together with other woods, tree belts and hedges;

(3) undeveloped steep valleys and ghylls;

(4) open heathland;

(5) undeveloped ridge positions and other visually exposed locations;

(6) areas of unspoilt or remote character;

(7) the traditional settlement pattern, building styles and materials;

(8) the High Weald Management Plan".

48. Part B of policy WAD1 of the Wadhurst Neighbourhood Plan (2024) states –

"Development in the countryside, beyond the adopted development boundaries, will be strictly controlled in the interests of conserving the nationally important landscape, tranquillity and distinctive character of the High Weald National Landscape and will be resisted except in the circumstances detailed below:

...

ii. It conserves and enhances the landscape and scenic beauty of the High Weald National Landscape and its setting and has regard to the objectives of the High Weald Management Plan;....".

49. The inspector's decision in this case was made following publication of the December 2024 edition of the Framework. Paragraphs 187 and 189 of the Framework include the following policies –

"187. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

...

189. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of

protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas".

50. The AONB is a National Landscape for the purposes of the Framework.

51. The HWMP describes a series of eight *"core character components"* of the natural beauty of the AONB. These include natural systems, settlement, routeways, woodland, fieldscapes and heath, dark night skies, aesthetic and perceptual qualities and land-based economy and rural living. Among the key characteristics of the AONB identified in the HWMP, the Claimant drew attention to the sensory quality of quietude and tranquillity, with large areas of natural, rural soundscape and perceived distance from urban noise.

52. The HWMP identifies five *"top issues"* to be addressed, including –

"2. Increasing visitor numbers leading to urbanising infrastructure around villages and popular sites, and lack of awareness of the countryside code by new users, creating tension between different user groups.

...

5. Erosion of rurality and tranquillity through 'urbanising' development including new housing, camping/glamping accommodation and activity, telecoms equipment, traffic and noise (including aircraft), including cumulative effects".

53. The HWMP states three objectives, of which the second is in the following terms –

"PQ2. To protect the unspoilt rural landscape with its intrinsic sense of naturalness, valued views, and the extent of green space which foster experiences or rurality and tranquillity.

Rationale

To prevent the loss of contained green space, glimpsed and long views, and treecanopied skylines, especially regarding developments that fringe existing settlements in the High Weald, which would impinge on people's perception of greenness and rurality".

The inspector's reasons and conclusions

54. In DL10 to DL24, the inspector explained his assessment of the effects of the proposed development under both appeals on the landscape and scenic beauty of the AONB.

55. In DL10, he referred both to the duty under section 85 of the 2000 Act and to the national and local policy framework which I have set out above, including the HWMP –

"10. In addition to the statutory duty at section 85 of the Countryside and Rights of Way Act 2000, the Framework provides that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes. Policy EN6 of the Wealden Local Plan has similar objectives and also indicates that particular regard will be had to certain considerations. Policy WAD 1 of the Wadhurst Neighbourhood Plan refers to development in the countryside being strictly controlled in the interests of conserving the nationally important landscape, tranquillity and distinctive character of the High Weald National Landscape. This policy also mentions the High Weald Management Plan".

56. In DL11, the inspector briefly summarised both the qualities of the AONB as a whole and of the area local to Bewl Water. As to the latter, he drew attention to the Landscape Character Assessment which found the Bewl Water Area to be a largely unspoilt and tranquil rural landscape. In DL13, he found that the appeal sites themselves contributed little to the characteristic qualities of the AONB. His reasoning in those paragraphs was not criticised and should be set out in full -

"11. This National Landscape is an area of ancient countryside and one of the best surviving medieval landscapes in northern Europe. Key characteristics are its ridges and valleys clothed with an intricate mosaic of small fields interspersed with farmsteads and surrounded by hedges and abundant woods arranged around a network of historic routeways. The East Sussex Landscape Character Assessment of 2016 evaluates the Bewl Water Area as a largely unspoilt and tranquil rural landscape with few intrusions. The reservoir has become an established natural and recreational feature.

...

13. The appeal sites are mainly grassed, sloping areas divided by internal access roads and enclosed by hedging and fencing. There are some trees within them and on their periphery and a block of ancient woodland to the south. The existing parking area included in Appeal A would be used by those staying in Zone C. There are fields to the north on the other side of Bewlbridge Lane but to the east and west are the buildings, parking and boat storage areas associated with the leisure and recreational activities. Whilst the undeveloped areas add some value by virtue of being open, the sites contribute little to the wider identified attributes of the High Weald".

57. The inspector's assessment of the effect of the proposed development on the natural and scenic beauty of the landscape of the AONB is given in DL14 and DL15 –

"14. In assessing the landscape and visual impact of the proposals it is notable that the tents, campervans, vehicles and other manifestations of the use would only be present for part of the year. They would also be likely to fluctuate from day-to-day or week-to-week. Two of the zones were previously lawfully used for boat storage. The yurts are and would be modest in size. With this in mind, the implications for the wider landscape would be limited as the proposals would be a minor component of the overall scene and enclosed from the lake by intervening woodland.

15. Because of this, long-distance views of the proposed use and the yurts would not be possible. They would, however, be seen from within the Bewl Water site but this would be by visitors for whom the sight of colourful tents, campervans and associated paraphernalia would not be unexpected. These are often found in the countryside and would not be urbanising. Furthermore, the context is set by the other buildings and uses that are present. The sites are not within an area of pristine countryside where development would be likely to be more apparent. Overall, the proposals would not be intrusive and would not spoil the landscape or visual qualities of the National Landscape".

58. In DL16 to DL20, the inspector considered the effect of the proposed development on the tranquillity of the surrounding area. He said that tranquillity was a particular characteristic of that area during the evenings and at night, by virtue of the large expanse of Bewl Water, limited development on its periphery and visitor opening hours. The area was also noted for its dark skies. He said that through introducing overnight accommodation into the area, the proposed development could result in noise and light, due to matters such as campers' behaviour, their music, vehicle movements and camp lighting, torchlight or vehicle headlights.

59. Dealing firstly with the issue of noise pollution, at DL17 the inspector said that a temporary campsite and two yurts had been use since 2021, operating appropriately in accordance with a noise management plan. There have been no recorded complaints since that date. Nevertheless, there was evidence of noisy episodes associated with the campsite. In DL18 he summarised the revised Noise Management Plan which had been submitted by the Third Defendant. The Plan contained various rules and policies, such as no noise after 2200 hours and no large groups, and gave details of steps to be taken to resolve and log any incidents. Overnight security staff would be in place to monitor campers and enforce the rules when necessary.

60. The inspector said that compliance with the revised Noise Management Plan could be secured by condition. As I have said, the inspector imposed conditions requiring both the seasonal campsite and the yurts to be operated in accordance with the submitted Noise Management Plan. In DL19 he acknowledged that it was nonetheless unrealistic to expect that occupiers of the campsite or the yurts would be completely silent during the evening and the night. There were likely to be isolated incidents when the rules were flouted. His overall judgment on the issue of noise pollution was that -

"... the balance of evidence points to a conclusion that adequate safeguards would be in place and that the scale of any noise would not be so great as to detract from the overall tranquillity of the surroundings after day visitors have left".

61. The inspector addressed the issue of light pollution in DL20. He acknowledged that neighbourhood planning policies sought to protect dark skies and to reduce light pollution. He said that the impact of the proposed development would be modest, being limited to the few hours of darkness before the proposed 'curfew', with some of the lights being transitory and fleeting, such as campers' torches and camping lamps. Although there were no proposals for permanent lighting of the campsite he nevertheless could, and later did, impose conditions which would limit the type and scale of any such lighting in accordance with neighbourhood policy.

62. In DL21 the inspector drew a distinction between the proposed seasonal use of the appeal sites and an earlier proposal which had been refused planning permission on appeal for a year-round use, including the winter months when lighting would have been required during the longer hours of darkness. His overall judgment on the issue of light pollution was as follows –

"The Framework refers to limiting the impact of light pollution on intrinsically dark landscapes rather than precluding artificial light altogether. This aspect of the landscape and scenic beauty of the High Weald would therefore not be prejudiced".

63. In DL23 the inspector said that the Third Defendant had assessed the proposed development against all of the objectives of the HWMP. That was a reference to an assessment submitted on behalf of the Third Defendant on a template form published by the High Weald AONB Unit during the currency of the previous 2019-2024 version of the Management Plan. The inspector said that many of the HWMP's objectives were high level, and others had been or would be addressed -

"... However, what can be said is that the proposals have had regard to them as far as they are relevant and as required by Policy WAD1".

64. In DL24, the inspector concluded his assessment of the effect of the proposed development on the AONB –

"24. The overall effect on the landscape and scenic beauty of the High Weald National Landscape would be acceptable and no harm would be caused to other important aspects of this designated area. As a result, there would be no conflict with relevant policies".

The Claimant's submissions

65. For the Claimant, Mr Fullbrook submitted that in determining the planning appeals, the inspector was required to comply with the duty imposed by section 85(A1) of the 2000 Act. Whilst the inspector had mentioned that duty in DL10, it did not follow that he must be taken to have complied with it in reaching his decision to allow the planning appeals and to grant the planning permissions. The issue was one of substance and not of form. In particular, in order to comply with the duty, the inspector must ask himself the question which the duty posed for him. That question was whether granting planning permission for the proposed development would further the statutory purpose of conserving and enhancing the natural beauty of the AONB. If it would not do so, compliance with his duty under section 85(A1) of the 2000 Act required the inspector then to consider how the grant of planning permission could nevertheless be justified.

66. Mr Fullbrook submitted that the inspector's reasoning gave rise to substantial doubt as to whether he had indeed addressed those matters. Although in DL43 he appeared to conclude that, subject to the imposition of certain conditions, use of the appeal sites for the proposed seasonal campsite and the yurts would at least conserve the AONB, that apparent conclusion was inconsistent with his assessment of the effects of the proposed development and his stated findings in earlier paragraphs of his decision. Moreover, it was inconsistent with the evidence of the parties in their written representations, that the proposed development would result in at least some harm to the natural beauty of the AONB, which, on a fair reading of his decision, the inspector had himself accepted.

67. Counsel relied upon [76] to [79] of *New Forest* for the proposition that, in the context of development management, the statutory purpose of conserving and enhancing the natural beauty of a protected landscape requires for its fulfilment that the proposed development be found not to harm the natural beauty of the landscape. A finding that the proposed development will cause such harm, albeit limited, is inconsistent with the statutory purpose of conservation and enhancement. It was submitted that the inspector's reasoning gave rise to a substantial doubt as to whether he had misunderstood what is meant by conserving the natural beauty of the protected landscape in the context of section 85(A1) of the 2000 Act.

68. Mr Fullbrook acknowledged that the court will respect the expertise of planning inspectors and start from the presumption that they will have understood the planning policy framework: see Hopkins Homes Limited v Secretary of State for Communities and Local Government [2017] 1 WLR 1865 at [26]. However, in its strengthened form following the amendments made by the 2023 Act, the duty imposed by section 85(A1) of the 2000 Act had been in effect only since late December 2023. The expertise of an inspector as to what was needed in order properly to discharge the duty should not be so readily presumed.

Discussion

69. In this case, the function which engaged the duty under section 85(A1) of the 2000 Act was the determination of planning appeals from the refusal of planning permission for proposed development of land situated within the AONB.

70. By virtue of sections 70(2) and 79(4) of the 1990 Act and section 38(6) of the 2004 Act, in determining the planning appeals the inspector was required to have regard to the relevant policies of the development plan and any other material considerations; and to make his determination in accordance with the development plan unless material considerations indicated otherwise. The relevant policies of the Framework were a material consideration, as were the relevant provisions of the HWMP.

71. In DL6 the inspector said that for both planning appeals a main issue was the effect of the proposed development on the landscape and scenic beauty of the AONB. In DL10, the inspector identified the policy objective in development management decision taking which is common to the development plan, the Framework and the HWMP. That policy objective is to conserve and enhance the landscape and scenic beauty of the natural landscape within the AONB. That policy objective is consistent with the statutory purpose which the inspector, exercising the powers of the First Defendant, was under a duty to seek to further in determining the planning appeals; that purpose being to conserve and enhance the natural beauty of the AONB.

72. In the light of what the inspector said in DL10, there is no room for any doubt as to his recognition of the common objective of both policy and legislation, that development such as that proposed by these planning appeals should not detract from the conservation and enhancement of the natural and scenic beauty of the protected landscape. Nor, in the light of his reasons in both DL24 and DL43, can there be any doubt as to the inspector's conclusion that the proposed development would not have that effect. In DL24, he said that the proposed development would not be in conflict with relevant policies. In order to draw that conclusion in relation to policy EN6 of the Local Plan, the inspector must have been satisfied that the proposed development would at least conserve the natural beauty and character of the AONB. Likewise, in order to draw that conclusion in relation to policy WAD1 of the Neighbourhood Plan, he must have been satisfied that the proposed development would at least conserve the landscape and scenic beauty of the AONB. That he was so satisfied is confirmed, if confirmation were needed, by his reasons in DL43, where he states that conditions are required in order to ensure that both the campsite and occupation of the yurts conserves the National Landscape.

73. Notwithstanding those clear and unambiguous conclusions, the Claimant nevertheless submits that the inspector's reasoning elsewhere in his decision letter justifies the conclusion that he misunderstood the concept of conserving the natural beauty of the protected

landscape. In short, it was submitted that the inspector's reasoning reveals that he in fact found the proposed development to be harmful to the natural beauty of the AONB.

74. I do not accept that submission. In my view, it is not a fair or sustainable reading of the inspector's reasoning. In DL15, the overall conclusion that the inspector drew from his assessment of the landscape and visual impact of the proposals was that the proposed development would neither be intrusive into nor spoil the landscape and visual qualities of the AONB. That conclusion is obviously consistent with the inspector's judgment that the proposed development would conserve the natural beauty of the AONB. Indeed, it is a conclusion that lends clear support to that judgment.

75. The inspector's overall conclusion in the final sentence of DL15 is adequately explained by his reasoning in earlier paragraphs of his decision. In DL13, he found the appeal sites to make no more than a limited contribution to the wider characteristics of the AONB and the rural qualities of the Bewl Water area which he had identified in DL11. In DL14, he found that the effects of the proposed development on the wider landscape would be limited due to the seasonal nature and modest scale of the proposed use, their immediate surroundings and the intervening woodland which enclosed the appeal sites from Bewl Water itself. In DL15, the inspector found that neither the camping site nor the yurts would be visible in longdistance views. The appeal sites are not pristine countryside and, viewed in their immediate surroundings, the campsite and the yurts would be seen in the context of other buildings and uses which form part of the visitor attraction at Bewl Water. Visitors to the Bewl Water site would not be surprised to see use of the appeal sites for seasonal spring and summer camping and the stationing of a small number of yurts.

76. All of that reasoning is germane to the inspector's evaluation of the effects of the proposed development on the landscape and scenic beauty of the AONB. In my view, it sufficiently explains why he reached the conclusion that the proposed development would neither intrude into nor spoil the landscape or visual qualities of the AONB, a conclusion that is in turn consistent with his judgment that the grant of planning permission would fulfil the statutory and policy objective of conserving the natural beauty of the AONB.

77. The inspector's assessment of the effect of the proposed development on the tranquillity of the Bewl Water area is also consistent with his judgment that the landscape and scenic beauty of the AONB would be conserved. In DL19 the inspector made the clear finding that given the safeguards provided by the revised Noise Management Plan, any residual noise from overnight occupation of the campsite and yurts during the spring and summer season would not detract from the overall tranquillity of the area. His reasons in DL16 to DL19 are sufficient to explain why he was able to reach that conclusion. In DL20 the inspector made a clear finding that that any light pollution resulting from overnight occupation of the campsite and yurts during the spring and summer season would not put at risk the landscape and scenic beauty of the AONB. Again, in that paragraph the inspector sufficiently explained why he had reached that conclusion.

78. True it is that the inspector judged it necessary to impose conditions requiring operation of the proposed development to accord with the submitted Noise Management Plan and an approved lighting scheme. That, however, does not give rise to any adverse inference that he misunderstood the statutory and policy objective of conserving the natural beauty of the landscape. The purpose of imposing planning conditions is often to control the effects of development with a view to avoiding impacts that would otherwise give rise to harm. That was the inspector's evident purpose in DL43. It was not suggested by the Claimant that the conditions requiring operation of the appeal sites in accordance with the Noise Management Plan, limiting occupation of the campsite and yurts to seasonal use and requiring the approval of a lighting scheme are unenforceable or ineffective. Far from indicating that the inspector had lost sight of his duty under section 85(A1) of the 2000 Act, in imposing those conditions he is correctly to be seen as seeking to further the statutory purpose by taking steps to ensure that the natural beauty of the AONB is conserved.

79. In my judgment, the inspector's conclusion is clear, that he found the proposed development to conserve the landscape and scenic beauty of the AONB. He founded

that conclusion on his assessment of the landscape and visual effects of the proposed development, on the impact of the proposed development on the tranquillity of the surrounding area and on the application of planning policies which shared the same objective of conserving and enhancing the natural beauty of the protected landscape. For these reasons, I reject the Claimant's submission that the inspector's reasoning gives rise to a substantial doubt as to whether he addressed the question posed by the section 85(A1) duty. He gave proper and adequate reasons for concluding that the proposed development would not result in harm to the landscape and scenic beauty of the AONB; and the grant of planning permission would accordingly further the purpose of conserving and enhancing the natural beauty of the AONB.

80. I do not accept that the representations made by those participating in the planning appeal proceedings assist the Claimant's argument.

81. It was submitted that the evidence and argument in the written representations before the inspector was unanimous that the proposed development would cause some harm to the natural beauty of the AONB. In my view, that is incorrect. The position was more nuanced. In particular, the conclusion of the Second Defendant's planning officers in their report to the Planning Committee North on 28 March 2024 was as follows –

"...having carefully considered the matter, it is not considered that a seasonal campsite use would conflict with the location within the designated High Weald [National Landscape].

That the beauty and tranquillity of the area would be safeguarded and the test within saved policy EN6 of the Local Plan and paragraph 182 of the NPPF....is met.

....

The development would not be harmful to the NL...".

82. The planning officers' professional judgment was essentially the same as that later reached by the inspector in DL24. I should add that the inspector's use of the word *"acceptable"* in DL24 is not to be read as shorthand for *"acceptable level of harm"*. It is clear from its context that the inspector used that word to convey his conclusion that the proposed development would be in accordance with the statutory and policy objective of conserving the natural beauty of the protected landscape.

83. It is true to say that other parties did contend that the proposed development would result in harm to the natural beauty of the AONB. That was the decided view of the Second Defendant's planning committee, who did not accept the conclusion of their planning officers to which I have referred. It was also the view of the Claimant in their written representations. Indeed, the Third Defendant also appears to have accepted that the proposed development for which it sought planning permission would result in some harm to the natural beauty of the surrounding landscape.

84. It was of course for the inspector to reach his own planning judgment on that issue, having regard to and applying the relevant policies of the development plan, the Framework and the HWMP and in the light of his own assessment. That is what he did, assessing the landscape character and visual qualities of the AONB, the contribution of the appeal sites and the effect of the proposed development on the

natural beauty and tranquillity of the protected landscape. Even had the written representations of those participating in the appeal proceedings revealed a consensus on the effect of the proposed development on the natural beauty of the landscape on the AONB, the inspector would not have been bound to accept it. As I have explained, however, there was no such consensus on the evidence before him.

85. In my view, this is a case in which the court should properly respect the expertise and knowledge of the planning inspector determining these planning appeals, in accordance with the approach stated by the Supreme Court in *Hopkins Homes*. As Mr Flanagan submitted, the issue raised by this claim is whether the inspector's conclusion and reasoning gives rise to a substantial doubt as to his proper understanding of the principle that to preserve or to conserve in the planning context means to do no harm. That principle is hardly novel. It was established as long ago as the decision of the House of Lords in the *South Lakeland* case in 1992: see *New Forest* at [76]. As I have sought to explain, the inspector's reasoning in his decision gives rise to no doubt as to his knowledge or understanding of that established principle. Moreover, his judgment that the proposed development would

conserve the natural beauty of the AONB was consistent with the professional judgment reached by the Third Defendant's planning officers, who will themselves have had significant experience of evaluating development proposals on land within the AONB in the context of Policy EN6 of the Local Plan.

86. The Claimant's final contention under this ground was that the inspector did not himself assess the performance of the proposed development against the objectives of the HWMP. In DL23, it was submitted, he did no more than to note the Third Defendant's assessment by reference to the completed assessment template. That, however, was not a proper substitute for his own assessment by reference to the objectives of the current HWMP for the period 2024-2029. Moreover, it was submitted, the inspector failed to follow the Defra guidance in that he omitted to determine the extent to which the proposed development met the stated objectives of the HWMP.

87. In my view, there is no merit in these arguments. The Defra guidance advises relevant authorities to consider the information contained in AONB management plans, including the objectives which have led to the landscape's designation as a protected landscape. It is clear from DL10 and D23 that the inspector did consider the HWMP in making his determination of these planning appeals. It is, moreover, clear from DL23 that he recognised the force of policy WAD1 of the Neighbourhood Plan, which required that the proposed development should have regard to the objectives of the HWMP. I can see no basis for drawing the adverse inference that he failed to consider the stated objectives of the HWMP when assessing whether the proposed development would harm the natural beauty of the protected landscape of the AONB.

88. The particular objective of the HWMP upon which Mr Fulbrook relied in support of this part of the Claimant's argument was that stated under Objective PQ2. I have set out the terms of that objective in paragraph [53] of this judgment. Its focus is on the protection of the unspoilt rural landscape and safeguarding the perceptible natural character, rurality and tranquillity of that landscape.

89. It is clear from the inspector's reasons that he did have proper regard to that objective of the HWMP. As I have explained, he gave careful consideration not only to the

effect of the proposed development on the landscape and scenic beauty of the AONB, but also to the extent, if any, to which seasonal occupation of the camping site and the yurts would diminish the tranquillity and unspoilt rurality of the surrounding countryside through noise and light pollution. He imposed conditions to ensure that those characteristics of the AONB would be safeguarded. Those elements of the inspector's decision were directly

concerned with the stated objective of the HWMP on which the Claimant particularly relied.

Conclusion

90. In my judgment, in determining these planning appeals the inspector did consider whether the proposed development would leave the natural beauty of the AONB unharmed. His reasons do not give rise to any doubt that he did so. Nor do his reasons leave any doubt as to his conclusion that the proposed development would not harm the natural beauty of the AONB. He provided a sufficient explanation for that conclusion. Having found that to be the position, he was able properly to conclude that the proposed development would conserve the natural beauty of the AONB and to grant planning permission on the basis that he had thereby discharged the duty under section 85(A1) of the 2000 Act.

91. For the reasons I have given, ground 1 is rejected.

Ground 2 – the Management Plan

The Claimant's submissions

92. The issue under this ground arises by reference to the inspector's reasoning in the third sentence of DL15, where he said that colourful tents, campervans and their associated paraphernalia *"are often found in the countryside and would not be urbanising"*. The Claimant contends that this reasoning provides clear evidence that the inspector had failed to have proper regard to the HWMP and misunderstood the policy of the HWMP, which was to resist camping and glamping as forms of *'urbanising'* development in the AONB.

93. Mr Fullbrook drew attention to the fourth of the *'Top 5 Issues'* listed in the HWMP, which identifies camping and glamping accommodation and activity as forms of urbanising development which have the effect of eroding the rurality and tranquillity of the AONB. Such development is said to be contrary to the HWMP's stated objective of protecting the unspoilt rural landscape and fostering experiences of rurality and tranquillity. It was submitted that the inspector had either failed to have proper regard to those relevant provisions of the HWMP, or misunderstood them, or failed to give proper and adequate reasons for departing from the policy of the HWMP that camping sites are an urbanising form of development which harm the rural and tranquil character of the AONB.

94. It was further submitted that these errors on the part of the inspector risked creating a harmful precedent and undermining the HWMP in relation to future development management decision-taking.

Discussion and conclusion

95. I do not accept these submissions. I accept that read in isolation, the third sentence in DL15 may appear to run contrary to the stated policy of the HWMP, which sees camping and

glamping as types of development which erode the rural and tranquil character of the countryside in the AONB and are in that sense urbanising development. That, however, is not a fair way of reading the inspector's decision or examining the adequacy of his reasons. In Save Britain's Heritage v Number One Poultry Limited [1991] 1 WLR 153, 165D-F, Lord Bridge referred with approval to the observations of Woolf LJ in Ward v Secretary of State for the Environment (1989) 59 P&CR 486, 487 that a planning appeal decision –

"...must not be construed in the same way as one would construe a statute, and above all it must be looked at as a whole and judged on the basis of the impression created when the decision letter is looked at as a whole, rather than concentrating on a particular sentence or paragraph in the letter".

96. The inspector's reasons in DL15 must be read as a whole. In my view, the clear impression created by the inspector's reasoning in that paragraph and subsequent paragraphs is that he had the particular provisions of the HWMP on which the Claimant relies very much in mind. I do not read DL15 as adopting a policy position on the impact of camping development in the AONB which is at odds with that stated in the HWMP. Rather, the inspector was seeking to assess whether, given it location and immediate surroundings, the proposed campsite in the present appeals will erode the rural and tranquil qualities of the AONB, that being the harm caused by urbanising development that the HWMP seeks to address.

97. The inspector gave clear and cogent reasons for concluding that the proposed use of the appeal sites for seasonal spring and summer camping and glamping – occupation of the yurts – would not be urbanising in the sense given by the HWMP. He explained why the seasonal use and occupation of the appeal sites as a campsite and yurts would not erode the rural and tranquil character of the countryside of the AONB. Firstly, it would not be possible to see the campsite or the yurts in operation and occupation in long distance views. Secondly, the Bewl Water site already operates as a visitor attraction. Visitors to Bewl Water would not be surprised to see a seasonal camping site with tents and camper vans in use at such a site. Thirdly, the appeal sites are not pristine countryside and are set in the context of buildings and uses that presently form part of the Bewl Water site.

98. Reading DL15 as a whole, I am left in no doubt that the inspector's sole purpose was to form a view as to whether the seasonal use of the appeal sites for camping and glamping would erode the rural character and tranquillity of the countryside of the AONB. That he gave thought to that question is sufficient evidence of his having the relevant provisions of the HWMP well in mind as he carried out his assessment of the effects of the proposed development. In my view, the inspector is not to be taken to have misunderstood the policy of the HWMP, that camping and glamping are forms of urbanising development which tend

to result in the erosion of the rurality and tranquillity of the unspoilt countryside of the AONB. Instead, the inspector is to be taken to have turned his mind to the much narrower question whether such development in the particular context of the appeal sites and their immediate surroundings will have that harmful impact. That was quite properly a matter for his planning judgment. He has given proper and adequate reasons for concluding that the proposed development would not do so.

99. I bear in mind also that in DL16 to DL20 the inspector went on to assess whether the proposed development would detract from the tranquillity of the surrounding area, concluding that it would not do so.

100. I should make it clear that I have not taken any account of the witness statement of the inspector, David Smith, signed on 29 April 2025. It will very rarely be appropriate for this court to receive evidence from an inspector which in substance adds to the reasoning given in his or her decision letter on the planning appeal under statutory challenge. It is unnecessary to explain again the reasons for that reticence, which have been rehearsed many times in previous decisions of this court: see for example, Ioannou v Secretary of State for Communities and Local Government [2013] EWHC 3945 (Admin) at [51] – [53] *per* Ouseley J.

101. The obvious inference when an inspector refers to a policy document in the body of his or her decision is that the inspector has had regard to the current version of that document. In the present case, there is no reason to infer other than that the inspector's references in the decision letter are to the HWMP published on 27 March 2024. Indeed, as Mr Flanagan pointed out in his pleaded defence and during oral argument, the Claimant had drawn the inspector's attention to the current HWMP in its written representations and provided a hyperlink to the document.

102. Finally, my conclusion that the inspector's reasons in DL15 are not indicative of any failure to take account of or to appreciate the policy position stated in the HWMP is reinforced by what he said in DL35 and DL36 –

"It is understandable that there is concern about considering these proposals in isolation and not in conjunction with other proposed or mooted developments at Bewl Water. Whilst the impact of the proposed camping use and of the yurts have been considered together, these decisions can only consider those proposals. In the absence of a clear masterplan for Bewl Water supported by development plan policies, they have to be assessed in their own right.

Nevertheless, the outcomes of these appeals should not be regarded as a 'stepping stone' to any future developments. Overnight accommodation at Bewl Water has already been accepted as part of the fishing lodge appeal and no objections in this respect were raised in the boat house appeal. However, the acceptance of seasonal camping and occupation of four yurts should not be taken as setting a precedent for further tourism-related uses".

103. Those paragraphs also address the Claimant's concerns about the possible precedent effect of his decision to allow the planning appeals.

104. For these reasons, ground two is rejected.

Disposal

105. The claim must be dismissed.