



Appeal Decision

Inquiry held on 1-11 July 2008
Site visits made on 10 and 11 July 2008

by **Robin Brooks BA (Hons) MRTPI**

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

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Decision date:
17 September 2008

Appeal Ref: APP/P1045/A/07/2054080

Carsington Pastures, Manystones Lane, Carsington, Derbyshire DE4 4HF

- 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 Carsington Wind Energy Ltd against the decision of Derbyshire Dales District Council.
- The application Ref 07/00083/FUL, dated 24 January 2007, was refused by notice dated 20 July 2007.
- The development proposed is a wind farm comprising 4 wind turbine generators, substation, access tracks and ancillary development.

Decision

1. The appeal is allowed, and planning permission granted subject to the conditions set out in the Formal Decision at the end of this letter.

Procedural Matters

2. At the Inquiry an application for costs was made by the Council against the Appellant. This application is the subject of a separate Decision.
3. At the opening of the Inquiry the Council confirmed that reasons for refusal Nos. 3, 4 and 5, relating respectively to impact on archaeological interests, nature conservation interests and air traffic safety, had been withdrawn; and that they were satisfied that archaeological and nature conservation matters could be satisfactorily covered by conditions if the proposal was otherwise acceptable. It was also confirmed that as the policies from the Derby and Derbyshire Joint Structure Plan referred to in reasons for refusal 1 and 2 had not been "saved" by the Secretary of State under the Planning and Compulsory Purchase Act 2004, they no longer had effect and did not form part of the Council's case.
4. The Appellant confirmed that, despite some ambiguities in submitted plans, planning permission was sought, as part of the development, for a single anemometry mast towards the eastern edge of the site¹. The proposal had also been modified in that it was now intended to connect to the electricity grid via an underground cable to the substation at Hopton to the east of the site, rather than by an overhead line or underground cable to the Longcliffe substation to the north west as originally proposed. An environmental impact assessment of the amended route had been made in the Further Environmental Information (FEI).

¹ Shown on site layout plan 0954/SL/149a, which also shows definitive numbering for the proposed wind turbines, consistent with that used on the wireframe diagrams in the Further Environmental Information.

5. I made accompanied visits to the site and to a number of viewpoints in and around Carsington, Brassington, Upper Town, Bonsall Moor, Aldwark and Longcliffe on 10 and 11 July. In addition I made unaccompanied visits on 19 - 21 August to a range of viewpoints, as requested and agreed by the parties, including those in Document 7, the Environmental Statement (ES) and Further Environmental Information (FEI). I also walked the Limestone Way over Bonsall Moor and along the High Peak Trail between Middleton Top and the top of Hopton Incline, and from Longcliffe westwards into the National Park.

Environmental Impact Assessment

6. The appealed application was accompanied by an ES intended to meet the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. On 15 October 2007 the Planning Inspectorate wrote to the Appellant, under Regulation 19 of those Regulations, identifying a number of deficiencies in the ES including the approach to site selection and landscape assessment. In response the Appellant submitted the FEI on 16 April 2008 which included what was described as an updating and reassessment of the visual and landscape character assessment in the ES.
7. At the Inquiry the Council contended that the ES and FEI failed to comply with the 1999 Regulations, that they did not amount to an Environmental Statement in law, and that as a consequence planning permission could not be legally granted. They argued that the information in the two documents was neither consistent nor reasonably accessible; that the approach to landscape impact assessment in the FEI directly contradicted that in the ES; that the approach to the setting of Conservation Areas was misconceived; and that the claimed savings in CO₂ emissions were based upon false information and were therefore misleading. The documents as a whole were described as internally inconsistent, inadequate and false in the body of the information provided.
8. It is important to note that the Regulations define an ES as containing "...such ...information...**as is reasonably required** to assess the environmental effects of the development...²"; and that the decision maker "shall not grant planning permission pursuant to an application to which this regulation applies unless they have first **taken the environmental information into consideration...**³" (my emphases). It appears to me that both stipulations leave considerable scope for judgement. As Circular 02/99 makes clear, the essential purpose of Environmental Impact Assessment (EIA) is to draw together, in a systematic way, an assessment of the likely significant environmental effects of a proposal so that the importance of those effects, and the scope for reducing them, are properly understood and an informed decision can be made⁴. I consider that provided the information made available is adequate to assist the decision making process in that way (and bearing in mind that that process also includes the Inquiry), and is reasonably capable of being understood in its entirety, then the requirements of the Regulations are satisfied. Beyond specifying the subject areas to be covered, the Regulations in themselves impose no particular standards of adequacy or accuracy and

² Regulation 2 (1). The full text refers to such information referred to in Part I of Schedule 4 as is reasonably required.

³ Regulation 3(2).

⁴ Circular 02/99, Environmental Impact Assessment, para. 9

deficiencies in parts of an assessment would not in my view necessarily invalidate the whole.

9. Taking the Council's detailed criticisms in turn, I do not see the ES and FEI together as amounting to the "paper chase" or "disparate collection of documents" criticized in *Berkeley v Secretary of State for the Environment [2000] 3 PLR 111*. Although the two documents show different approaches to landscape impact assessment, and the layout of the FEI is less than clear in some respects, I consider that the underlying relationship between the two documents is adequately evident. There is no requirement in the EIA Regulations to republish an ES as a single document following submission of further information; and at the Inquiry I heard no tangible evidence to suggest that the case of any party taking part had been prejudiced, or that relevant information had not been produced, as a consequence of the way the environmental information was structured or published, or of the timing of publication of the FEI. That other parties may disagree with the content or presentation of the ES and FEI, particularly on a matter such as landscape impact, is to be expected but it does not necessarily follow that either content or presentation are deficient.
10. The FEI states that the methodology it employs to assess visual and landscape character impacts supersedes that in the ES and in those terms it cannot reasonably be regarded as supplementary or additional information. There were also errors in presentation of two or three of the photo montages which were identified by the Council and objectors and subsequently corrected. However, with the exception of those errors, the approach taken in the FEI, and subsequently at the Inquiry, is internally consistent and I have seen no evidence that the Council or any other parties were confused or misled by any differences between it and the earlier approach.
11. Nor do I believe that the FEI approach, predicated in part on the argument that visual effects of wind turbines could be viewed positively as well as negatively, is inherently flawed in a way that would invalidate the appraisal. The fact that paras. 19 and 20 of Planning Policy Statement (PPS) 22, Renewable Energy, refers to visual and landscape effects being "minimised" and "temporary" does not mean that those effects must be perceived by all observers, and under all circumstances, as entirely adverse. The FEI fairly refers to the effects of the proposal as they would be perceived by both positively and adversely disposed observers, and the methodology used is sufficiently explicit to enable the reader to apply his or her own judgement to the results.
12. I do not agree with the Council that the FEI approaches impact upon Conservation Areas in a misleading or partial way. The question of effects upon the settings of such areas is addressed. The nature and significance of those effects are largely matters of judgement on which Council and Appellant understandably differ but that does not invalidate the approach taken in the FEI. Also, as the Appellant points out, judgement is needed to in applying the statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area and, by extension, of its setting.
13. The Council criticize the Appellant for calculating the estimated CO₂ emissions savings of the proposal on the basis of an emissions factor of 860g CO₂ per

kWh, a figure deemed inaccurate and likely to mislead by the Advertising Standards Authority⁵, and for not correcting the error by incorporating the much lower figure preferred by the Authority into the FEI. However, whilst the emissions factor figure used is at the very least a significant exaggeration of the 430g CO₂ per kWh now widely preferred, and canvassed at the Inquiry, even at the lower figure emissions savings would be significant over the life of the scheme. Also, and importantly, PPS22 advises that the wider environmental and economic benefits of renewable energy projects, whatever their scale, should be given significant weight, and that planning applications should not be rejected simply because the level of output is small. In my view this advice can reasonably be applied to emissions savings also. Given that emissions savings are but one factor to be considered in weighing benefits against harm, and that the matter was discussed in detail at the Inquiry, I consider that any exaggeration in the ES is not fatal to that document, taken as a whole, and that it is not seriously misleading or partial in the decision-making process as a whole. In further support of that view I note that the Council and Appellant agree, through the Statement of Common Ground, that the actual emissions saving per kWh of electricity generated are not a determining issue in the appeal.

14. The Council's contention that the FEI should have contained a tourism impact statement does not in my view carry weight given that such a document is at present no more than a recommendation in a recently published report for the Scottish Government (Document DC10). For this, and for all the above reasons, I take the view that the ES and FEI, taken as a whole, comply with the 1999 Regulations and are not so flawed as to provide an inadequate or misleading basis for the decision making process, a process which importantly also includes the Inquiry. I have therefore taken them into account together with all representations made by statutory consultees and others.
15. The Council also made submissions on the proposed amended grid connection, referred to in para. 4 above. I consider that the environmental impacts of such a connection have been adequately covered in the FEI as a basis for decision making on the scheme as a whole. The Council's suggested condition (Document DC21) would ensure that the connection would be made as proposed, obviating the risk of an alternative that might not be subject to proper environmental impact assessment.

Planning Policy Context

16. Relevant planning policies are to be found in the Regional Spatial Strategy for the East Midlands (RSS) and the Derbyshire Dales Local Plan (LP). The guidance in the Draft East Midlands Regional Plan, destined to replace the RSS, also carries weight commensurate with the fact that it is well advanced towards adoption. The Panel Report on the Examination in Public (EIP) published in November 2007 was before the Inquiry and the Secretary of State published her proposed changes to the Plan very shortly after it closed.
17. Policy 11 of the RSS, which sets out spatial priorities for development outside the National Park, states that care must be taken to ensure that all new development respects the high quality environment of the area, including the

⁵ Document APP13.

- setting of the National Park and areas of high landscape value. Policy 27 states that sustainable development should ensure the protection and enhancement of the region's natural and cultural assets and their settings, with the highest level of protection being afforded to nationally designated assets; damage should be avoided or, where justified, should be mitigated or compensated for. Policies 30 and 31 respectively promote the highest level of protection for the landscape character of the National Park; and the conservation and enhancement of the historic environment.
18. RSS Policy 41 advises that development plans should include policies to encourage delivery of indicative regional targets for renewable energy. The Regional target for onshore wind generation for 2010 is 122 MW of installed capacity, within which the Derbyshire figure is 36 MW; these figures are part of the total target for all renewables of 671.6 MW. When considering onshore wind energy developments particular attention should be given to landscape and visual impact; effects on the natural, cultural and built environment; cumulative impacts; and contributions to regional renewables targets and objectives on climate change.
 19. LP Policy SF3 states that planning permission will not be granted for development that may adversely affect the purposes of the National Park or be harmful to its valued characteristics. Policy SF4 restricts the range of development permissible in the countryside; such development may include that which provides for needs that can only be met there but it must also satisfy criteria designed to safeguard the character and appearance of the local environment. Policy SF5 sets out a number of design principles to apply to all development, including that it should preserve or enhance the quality and distinctiveness of its surroundings. Policies NBE3, NBE4 and NBE5 protect sites, features and species of nature conservation importance, setting out the principle that benefits of development should outweigh harm, or that in the case of legally protected or rare species there must be an overriding need for the development.
 20. LP Policies NBE8 and NBE21 state that planning permission will only be granted for proposals that respectively protect or enhance the character, appearance and local distinctiveness of the landscape, and preserve or enhance the character or appearance of a Conservation Area; and NBE24 proscribes development that would harm Scheduled Ancient Monuments and requires mitigation measures where other archaeological features would be adversely affected. Policies L9 and L10 seek respectively to safeguard the amenity and continuity of public rights of way and the route of certain designated trails including the Pennine Bridleway⁶.
 21. LP Policies CS5 and CS6 deal respectively with renewable energy in general and with wind turbine developments in particular. The former grants planning permission where the benefits of a development outweigh any adverse environmental impacts, there is an acceptable relationship with neighbouring uses, and siting minimises harm to the landscape. The latter is couched in similar terms with provisos that there is no unacceptable adverse impact on the immediate or wider landscape and that safe and satisfactory access can be provided.

⁶ Coterminous here with the High Peak Trail and Midshires Way.

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22. Policy 39 of the Draft Regional Plan promotes low carbon energy proposals where environmental, economic and social impacts can be satisfactorily addressed with a view to achieving indicative regional targets for renewable energy. The 2010 target for on shore wind generation is 122 MW, the same as in the extant RSS, against a current capacity of 54 MW. The target for 2020 is 175MW. The supporting text states that within the defined Peak Sub-Area, within or close to the National Park, "large scale renewable generation will always be difficult to accommodate".
23. There is also relevant national policy guidance in a range of Planning Policy Guidance Notes (PPG) and Planning Policy Statements (PPS) which I refer to as appropriate below, including PPG15, Planning and the Historic Environment, and PPS22, Renewable Energy.

Main Issues

24. As set out at the Inquiry, I consider that there are five issues in the appeal, namely:
- (i) The impact of the proposal on the character and appearance of the surrounding landscape, including the Peak District National Park and its setting; and, in the latter respect whether approval would unacceptably harm the status of the National Park and undermine the objectives of its designation;
 - (ii) the impact of the proposal on the settings of the Carsington and Hopton, and Brassington Conservation Areas and whether approval would preserve or enhance the character or appearance of those Conservation Areas;
 - (iii) the effects of the proposal upon enjoyment of the countryside by members of the public, including those using the High Peak Trail⁷, the Limestone Way and local paths, and those visiting Carsington Water; and whether approval would have significant adverse effects on the contribution made by tourism and recreation to the local economy;
 - (iv) whether, as a matter of law and policy, there is a requirement to consider alternative sites for the proposal; and, if so, whether that process has been adequately pursued and alternatives have been convincingly discounted;

in all cases bearing in mind the aims of local and national planning policies; and
 - (v) the contribution that the proposals would make to achieving regional and national targets for renewable energy generation, bearing in mind extant and emerging national planning policy; and the extent to which any such contribution should be weighed against any adverse impacts in terms of the other issues.

⁷ I use the High Peak Trail throughout as shorthand for a route that is also the Pennine Bridleway, Midshires Way and National Cycle Route No. 54.

Consideration of the Main Issues

First Issue: Landscape Impact

25. The Council criticized the Appellant's approach to visual and landscape impact for not explicitly stating whether effects would be positive or negative and were in turn criticized for eschewing an explicit methodology and simply conducting a critique of the Appellant's evidence. This is not in itself a debate that goes to the heart of the appeal as the landscape evidence for both main parties was given by experienced professionals well able to explain and justify their judgements on impacts. Whilst I have found the Appellant's evidence somewhat equivocal at times when it came to qualitatively assessing effects, the basis of the approach was clearly set out, as were judgements on the visual significance of the proposals. Beyond that it was fairly pointed out that whether or not effects were perceived as positive or negative depended a good deal on the observer's attitude to this particular form of development. I have taken the judgements on visual significance as part of the framework for making my own assessment on landscape impact, along with all the evidence from both sides on the character of the landscape, and its sensitivity to change and ability to accept the appeal proposal.
26. As part of that assessment I have taken the viewpoints set out in the ES and FEI, supplemented by the Appellant's additional viewpoints west of Upper Town and that suggested by the Council on Beeley Moor, and supplemented by the plans of Zones of Theoretical Visibility (ZTV), as reasonably representative of places from which the proposed turbines would be seen to a greater or lesser extent up to about 14 kms away. Certainly this was not seriously challenged at the Inquiry. Subject to their acknowledged limitations I also regard the photographs, wireframes and photo-montages, taken together, as a reasonable indication of visual impact⁸. I have used them as a field guide, calibrating the appearance of the turbines as shown, and their given dimensions, against actual features in the landscape.
27. The Appeal site lies upwards of 2 kms from the Peak District National Park to the north and 3.4 kms from that boundary to the east. It comprises rough pasture on uneven ground, with clear evidence of past lead mining, and forms part of a plateau that rises to a ridge to the north topped by Harboro Rocks, a limestone outcrop at 379m, some 50 m higher than the northern boundary of the site. To the south and west the land falls sharply towards the villages of Carsington and Brassington respectively, and more gently to the east towards Wirksworth.
28. The site is covered by three different published landscape character appraisals. In the Countryside Agency's Countryside Character Assessment (1999) it lies within the White Peak Character Area which also crosses the National Park boundary to include an extensive tract of the Park to the north west. Relevant key characteristics include elevated limestone plateau; shelter belts on high ground; improved farmland, in large fields away from villages; large-scale

⁸ I include here not only those submitted in the ES and FEI but also additional views submitted by the Appellant, corrected views from Manystones Lane and Thorpe Cloud, and alternative visualisations produced for certain of the viewpoints by the Council, the Protect Carsington and Hopton Action Group and Carsington and Hopton Parish Council. In referring to the viewpoints I preface those submitted by the Appellant, Council, Action Group and Parish Council with APP, DC, AG and PC respectively.

limestone quarrying creating major scars in limited places in an otherwise attractive landscape; and long-disused mineral workings of ecological and historic interest. To the south, broadly from the A5035 southwards, is the Derbyshire Peak Fringe and Lower Derwent Character Area, characterised by, among other things, rough grazing on improved pasture, woodland cover and hedgerow field boundaries.

29. The Council's Landscape Character of the Derbyshire Dales (2004) places the site in the Plateau Pastures, a gently rolling upland plateau and a landscape with expansive views and other characteristics generally the same as those assessed by the Countryside Agency report. The change to the softer, lower-lying landscape to the south is also marked in a similar fashion as in that report but with an intermediate Limestone Slopes area along the scarp south of the appeal site giving way to Settled Farmlands, described as a gently undulating to rolling pastoral landscape again essentially with the same qualities as identified by the Countryside Agency.
30. The most recent assessment, the Peak District Landscape Character Assessment (2007), identifies the Appeal site as within Limestone Hills and Slopes, with broadly the same characteristics as identified in the corresponding designations in the Countryside Agency and Council assessments, including wide open views to distant skylines.
31. However, whilst the draft report shows this character area extending across the National Park boundary and running northwest through the Park towards Buxton, the final version includes a significant modification. Here the Limestone Hills and Slopes characterisation is much more confined, extending northwards only to the National Park boundary along the Griffie Grange Valley (A5012). Beyond, and within the Park, there are three further, different character areas before the Limestone and Hills resumes around Winster. Thus in this assessment there is no continuity of landscape character from the appeal site across the Park boundary.

The National Park and its setting

32. Given that the site is outwith the National Park, a good deal of the evidence given on development control policy within the Park is not directly relevant except insofar as it underlines the special attention that must be given to safeguarding the character and appearance of such nationally designated areas. For the appeal site the essential policy context is to be found in the Environment Act 1995, PPS22 and the Regional Spatial Strategy for the East Midlands (RSS).
33. The Act imposes a general duty to have regard to National Park purposes in "exercising or performing any functions in relation to, or so as to affect, land in a National Park", those purposes being conservation and enhancement of natural beauty, wildlife and cultural heritage, and promotion of opportunities for public understanding and enjoyment of the special qualities of the Park⁹. PPS22, para. 14 states that buffer zones should not be created around nationally designated areas that would prevent development of renewable energy projects but that the potential impact on designated areas of such

⁹ Sections 62 and 61 of The Environment Act respectively.

projects close to their boundaries is a material consideration in determining planning applications. Policies in both the RSS and Local Plan, referred to above, reflect the importance of safeguarding both the National Park and its setting. And in the case of the Peak Park protection of the setting is arguably of particular importance given the way in which it is surrounded by industrial towns and cities at no great distance from its boundary, and subject to particular development pressures, pressures acknowledged in the Hobhouse Report as long ago as 1947.

34. Because of the landform around the site, and especially the ridgeline to the north, and the distance from the National Park boundary, there are no viewpoints close to the site from which the proposed turbines would be seen against a background of the landscape within the Park. On and around Manystones Lane I felt no tangible sense of being in the setting of the Park. Whilst from more distant vantage points from the south east through to the south west it might be possible to see some parts of the Park and the turbines within the same extensive panorama, there would in my opinion be no close visual connection between the two such that it could reasonably be said that the character of the Park would itself significantly affected. Certainly when I visited suggested viewpoints to the south, such as those around Carsington Water and along the A517, whilst it was evident that there would be an impact on the landscape outside the Park (which I discuss further below), there was no obvious perception of the presence of the Park. The effects of the proposal thus fall to be judged on views from within the Park or its setting in which the turbines would be seen in the latter; those discussed at the Inquiry were principally from around Bonsall and Aldwark to the north west and north east, and from around Tissington and Thorpe to the south west.
35. From Upper Town, south west of Matlock, on the National Park boundary, and at a distance of about 4.5 kms, the tips of the turbine blades would be just visible above the horizon in the middle distance, the number seen depending on the precise viewpoint (*APP 1-4¹⁰*). Even allowing for the effects of blade movement, I consider that there would be no tangible effect on the character of the intervening Park landscape given the small proportion of the turbines that would be seen, and at a considerable distance. Prominent skyline trees, likely to be a significant landscape feature even in winter, would also act as a foil.
36. From footpaths on higher ground north west of Upper Town, including the evidently well-walked Limestone Way (*APP 5-6¹¹*), the turbines would be clearly seen beyond the distant skyline but above an open hillside of large fields markedly different in character from the more intricate, pastoral landscape of small fields within the National Park in the foreground. Because of screening by local landform and tree cover those views would also be intermittent and at a distance of almost 5 kms the turbines would only occupy a tiny portion of a panoramic view. For all these reasons I consider that, seen from this area, they would be perceived as essentially "beyond" the National Park, that their visual impact would be limited, and that they would not unacceptably harm the landscape character of the Park.

¹⁰ Appendix 4 to Mr Stevenson's rebuttal proof.

¹¹ do.

37. From viewpoints to the north-west and west, notably on Bonsall Moor and near Aldwark (*APP 10.9, 10.10; DC 10.9*), the turbines would be seen in essentially the same context as noted above, namely above an open hillside of rough pasture, corresponding to the Limestone Hills and Slopes character area of the Peak Park landscape assessment referred to above, the character of which contrasts sharply with the smaller scale landscape of enclosed fields of the Park. Although the land between the site and the Griffie Grange Valley undoubtedly forms part of the setting of the Park, I do not agree with the Council that the character of the former flows seamlessly into the latter.
38. This part of the Park setting, though pleasant enough in itself, does not contribute particularly positively to the qualities of the Park itself; it is the landscape of the latter that principally draws the eye. In addition the skyline is marred by industrial buildings of the Viaton and Hoben works and by electricity transmission lines; and there are sizeable active stone quarries in view around Grangemill. The existing structures on the skyline would indeed be dwarfed by the turbines, which would also be active rather than static, but this is not a pristine scene or a skyline that in my opinion would feature particularly highly in the open, expansive views to distant horizons that the National Park Authority (NPA) witness identified as one of the defining qualities of the Park. Also, whilst extractive industry may be part of local history and character, as the Council asserted, it is not an inherently attractive part, at least in its active form, and on the scale seen here it cannot reasonably be argued that its contribution to the landscape is in any sense positive. And whilst views of greater or lesser breadth may include or exclude these quarries, they are inevitably prominent and extensive landscape features which form part of the context in which the proposed turbines would be seen. In my opinion there would be no unacceptable harm to the National Park's setting in this area.
39. To the west, around Longcliffe, and in contrast to the situation north of the Appeal site noted above, there is some commonality in the landscape character across the Peak Park boundary in the form of the Limestone Plateau Pastures character type in the NPA assessment (*APP 9.4 and 10.11*). Here the landscape assumes a more obvious upland plateau character with an extensive network of more or less regularly walled pasture fields. The turbines would be prominent on the horizon, down to hub height, and there would be some loss of tranquillity and natural character, though at least from the High Peak Trail the main focus of view is the expansive outlook southwards towards Bradbourne so that the turbines would be somewhat peripheral in the frame of view. Any harm to landscape character here would be to a limited part of the Park's setting and in my view most observers, including users of the High Peak Trail would not readily link the turbines and the Park (which they might be about to enter or from which they had just come) in the same frame of reference.
40. The turbines would also be visible across the National Park from the popular Tissington Trail north of Asbourne and from high ground thereabouts, including Thorpe Cloud at the mouth of Dovedale (*APP 9.9, 9.16 Rev¹², 10.5 and 10.6; PC montage*). From the Tissington Trail they would be seen on or over the horizon, some 7-9 kms away and in a panorama that would largely reduce them to essentially "point" features, occupying only a tiny proportion of the total prospect. In this area the east boundary of the National Park is only some 2-5

¹² Appendix 8 to Mr Stevenson's rebuttal proof.

kms away (depending on the viewpoint) so that the Park has a very substantial landscape setting between that boundary and the appeal site. I consider that the turbines would be perceived as being on an exposed plateau “beyond” both the defining Park foreground landscape of rolling, enclosed fields, woods and field trees, and the Park setting extending up to the skyline. They would have no obvious connection with either Park or setting, or significant effect upon them; any change in landscape character would essentially be confined to the far edge of the setting. At close quarters outward views from this area would be constrained and filtered by local topography and vegetation, and along the Tissington Trail by features such as cuttings, over bridges and trackside trees and hedges. The impact of the proposed turbines over these substantial distances would also be significantly less in poor weather and reduced visibility; and could be further mitigated by use of a dark finish. Indeed, these considerations would apply to all long-distance views; in changing weather conditions their appearance would often be far more muted than the stark white of the photomontages would suggest.

41. With the exception of local screening the same would apply to views from Thorpe Cloud and nearby viewpoints (taking full account of the Parish Council’s representations and the replacement montage). From here the turbines would be seen as a very limited feature, almost 10 kms away and in a 360° prospect that takes in also views over Dovedale and extensive tracts of countryside both within the National Park and to the south. In my opinion the appeal proposal would not cause unacceptable harm to the distinctive character of the Park landscape seen from these places; and the open views to distant skylines, identified as important in the landscape character assessments and asserted by the Council, would not be adversely affected to any significant extent.
42. On the basis of the evidence, and of my site visits, I consider that the views from the points referred to are reasonably representative of likely impact on other parts of the Park and its setting at comparable distances. The Appellant’s ZTV for the Park shows fairly extensive areas to the west of the site as having views of the proposed turbines to hub height, with about half of that total extent also having views down to the base of the rotor sweep, at distances of up to about 10 kms. However, I consider that within this area the perception of the turbines as being “beyond” the Park and its immediate setting, as set out above, would generally apply. Also, the ZTV is necessarily a broad brush assessment that takes no account of local topographical and other features that would screen or filter views, or of the distinction between publicly accessible viewpoints and private land, all of which are factors likely to mitigate impact. Beyond about 10-12 kms I consider that the turbines would have a very minor visual impact and no significant adverse effect on the character of the Park or its setting. The Council criticized viewpoints at around or somewhat beyond this distance (*APP 9.13, 9.14, 9.17 and 9.18*) as unrepresentative but did not suggest alternatives.

Landscape impact outside the National Park

43. At close quarters the visual impact of the proposed turbines would be dramatic and there would be a marked change to the character of the landscape around Manystones Lane, with the turbines, some 67 m high to the top of the tower and 102 m to blade tip, dominating all existing features. The immediate area

would become, in the Appellant's words, "a windfarm landscape" (*APP 10.1 Rev*¹³; *DC 10.1; AG montage*). There was considerable discussion at the Inquiry as to whether the site and its surroundings could be described as "tranquil" or "wild" in the words of Circular 12/96 as applicable to National Parks.¹⁴ Depending in part on weather conditions I am sure that the landscape is seen by many people, including local residents, as having elements of both these qualities and I can fully appreciate how the sense of largely unencumbered space would be valued by those who use the local footpaths. This was made eloquently clear by objectors at the Inquiry.

44. That said, the landscape immediately around Carsington Pastures does not appear to me to have a strong intrinsic quality or to show positively most of the relevant characteristics identified by the three landscape assessments, except for remains of lead mining and open, expansive views, at least to the south. Despite those outward views it is also to some extent a visually distinct landscape, contained to the north by the Harboro Rocks and the skyline; and bounded to the east and west by falling ground of different character and to the south by the very different low-lying pastoral landscape around and beyond Carsington Water. And it is to a large extent a worked landscape, as evidenced by the extensive remains of historic lead working on and around the site, the nearby Hoben and Viaton Works and electricity transmission lines, including a line of pylons directly across the site.
45. The area does not enjoy any specific development plan protection and in the Derbyshire Dales Local Plan of 1998 the appeal site was excluded from the then Special Landscape Area, as part of a belt of land extending broadly along the High Peak Trail from Longcliffe in the west to Wirksworth in the east, within which there are a good number of quarries both active and disused, and associated industrial development. I do not labour this point, not least because the designation did cover land close to and abutting the site, and in any case that policy approach is defunct. Nevertheless it does suggest an acceptance that the landscape of this part of the Plateau Pastures, or Limestone Hills and Slopes, is not of uniform character or quality and that the influence of mineral working and such like cannot be readily discounted.
46. None of this is to detract from what some observers would deem significant harm to landscape character, and it is clear that the sheer scale of the turbines, and the movement of their blades, would mean that their visual impact would far outweigh that of existing features such as pylons. Nevertheless it does put harm and impact into some sort of context and it seems to me that the turbines could reasonably be seen by many observers as not out of keeping with, and even appropriate to, an elemental, windswept landscape with a history of harnessing of natural resources. The Council's landscape witness accepted that the site could in principle accommodate a wind farm, albeit with caveats as to nature, scale and landscape impact. And whilst few people might go so far as to say that such a development would enhance the landscape of Carsington Pastures and its surroundings, a good number would probably accept it as a dramatic addition; and the distinctive landform of former mining could still be appreciated, unchanged, between the turbines.

¹³ Appendix 5 to Mr Stevenson's rebuttal proof.

¹⁴ Environment Act 1995, Part III, National Parks, para. 11

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47. East and west of the site, notably along Manystones Lane, the turbines would indisputably have a high visual impact (*APP 9.1 and 10.8; DC 9.1 and 10.8*) but that does not necessarily equate to harm. Their scale and simple, almost sculptural, form would not in themselves necessarily be out of place in an open, windswept hilltop setting where the landscape character is of no great complexity. Both their visual impact and their effects on landscape character would diminish fairly quickly to east and west, and would be perceived by those travelling through the landscape as affecting a relatively limited area. The Appellant's landscape witness suggested that the turbines would be the principal determinant of landscape character within a radius of about 650 m (the wind farm landscape) and then would be a key element in that character up to about 1-2 kms distant (the Limestone Hills and Slopes or Plateau Pastures with wind farm landscape sub-type). This seems to me about right.
48. Approaching along the road from the east (*APP 9.1; DC 9.1*) the turbines would be seen in the same frame of view as the extensive quarry to the north of the road behind the Ryder Point works and also, to a lesser extent, the large steading at Enniscloud Farm. Neither would diminish the perceived scale of the turbines but, as clear evidence of an essentially "developed" landscape, they would mitigate any perceived adverse effects on landscape character. Although the quarry face does not break the skyline, its sheer scale cannot but make it a major and negative existing feature of the landscape. From the west the effect would be essentially the same (*APP 10.8*). The landscape frame of reference is here constrained by Harborough Rocks to the north and by the change in landscape character at the scarp slope to the south, and the extensive Hoben works is prominent in the foreground. Although obviously much lower lying than would be the proposed turbines, and in part screened by vegetation, as the Council point out, this is a further example of man's impact on the landscape, and one arguably aesthetically inferior to the appeal proposal. And whilst I believe that existing industrial features would provide a context of sorts for the turbines, I do not agree with the Parish Council that both together would necessarily have some harmful cumulative impact; I believe that most observers would assess the turbines primarily on their own terms.
49. Walkers, cyclists and horse riders passing along the High Peak Trail would be able to see the turbines to a greater or lesser extent over a considerable distance, at least from the west, but the area over which the character of the countryside might be considered changed would be much more limited in extent. The tunnel at the foot of the Hopton incline is the most easterly point at which there would be significant views of the turbines. They would tower over the foreground landscape to a greater or lesser extent between there and Longcliffe before the effect would diminish appreciably passing into the more expansive landscape of the National Park near Hoe Grange. Some Trail users would undoubtedly perceive and object to a loss of solitude and natural landscape character over at least some of this 4-5 kms stretch but the effects would be by no means uniform or entirely out of context.
50. Trailside cuttings and vegetation would screen and filter views over significant lengths and, as already noted, this is a landscape very much shaped by human activities. In addition to the intrusive and extensive activities at the Ryder Point and Hoben works, immediately next to the Trail, there are copious
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remains of former mineral workings along the Trail, including around Harboro Rocks. The Trail, with its bridges, cuttings, tunnel and, further west, high stone embankments, is itself a dramatic piece of engineering, whose impact has been softened by the passage of time but which is nevertheless an entirely artificial addition to the landscape. Just as some Trail users might find the presence of wind turbines objectionable, others could well accept them as simply an addition to the continuum of human development of the Peak District.

51. The Council do not raise specific objections to the proposed anemometry mast, substation or access tracks and in my view these would have only the most limited impact on the landscape. The mast would be an insubstantial structure of temporary duration, and details of the substation and tracks could be controlled by condition; they would in any case amount to little more than the type and scale of works not infrequently carried out for agricultural purposes.
52. Turning to the effects on the landscape as perceived from more distant viewpoints, I agree with the Appellant that in principle significant visual effects would be likely up to about 3-5 kms radius of the appeal site though this does not in itself equate to unacceptable harm to landscape character. Much depends on the particular context in which the turbines would be seen (or that of the viewpoints from which they would be seen) and localised matters of topography and screening will strongly influence what might be seen.
53. I deal below with views from the B5035 south of Carsington so far as they bear on the setting of the Conservation Area there (*APP 9.2 and 10.4; DC 9.2 and 10.4*). So far as the surrounding landscape is concerned, views of the turbines above the bare scarp edge would be dramatic and potentially surprising, and their motion arguably somewhat disturbing at a distance of just over 1 km. However, dense vegetation along the road side would provide a partial foil, even in winter, and there is little sense from here of the scarp below Carsington Pastures being more than a relatively limited portion of the surrounding landscape. The turbines would also be seen in the context of a high voltage electricity transmission line crossing the scarp, a low voltage line in the foreground (though accepting that both would be of significantly smaller scale) and considerable vehicle activity, including steady passage of quarry wagons, along the highway.
54. Carsington Water, within the pastoral lowland landscape of Settled Farmland or Peak Fringe¹⁵, has no real affinity with the appeal site in terms of landscape character though the scarp slope below the site forms an important part of the lake's landscape setting. Seen from around the Water and the surrounding area the turbines would be prominent on the skyline and would appear superhuman in scale; and the movement of their blades would undoubtedly draw the eye (*APP 9.6, 9.7, 10.2, 10.3; PC viewpoint south of Stainsborough Hall*). There would undoubtedly be some loss of tranquillity and undeveloped character from the lake's landscape setting.
55. However, those qualities are less evident on the western side of the Water where the dam wall, visitor centre and car parks are all clearly man-made elements in the landscape and where there is considerable activity of visitors,

¹⁵ In the District Council and Countryside Agency appraisals respectively.

- water sports and traffic on the lakeside road. Even on the quieter, eastern banks it is hard to entirely escape evidence that the Water is itself a manmade creation. In addition the turbines would only occupy a small sector of the lake's setting, of which arguably the most attractive part is the wooded land to the east side, and would be seen in the context of conspicuous pylons and industrial building on the ridge. None of this is to minimize the major visual impact that the pylons would have but overall I am not convinced that they would unacceptably harm the landscape character of the Water and its setting taken as a whole, or detract appreciably from the enjoyment of that area by the great majority of visitors. Also, from a good many points around the lake dense foreground vegetation (and likely to be dense in winter also) would allow only occasional or partial views of the turbines, especially in the woods towards the northern end of the lakeside path on the eastern bank (*PC viewpoints*).
56. The turbines would be clearly seen on or just below the skyline from high ground in a broad arc from the south west to the north east. From some viewpoints at around 4 kms or so there would be a major visual impact and some loss of undeveloped "natural" landscape character (*APP 9.5*). From other places at a comparable distance impacts would be much reduced by the landform or character of the intervening landscape; from Black Rock for example only blade tips would be seen beyond a heavily quarried and largely urbanised foreground (*APP 9.15*). At greater distances the effects would be muted; at 6-8 kms the turbines would only occupy modest parts of extensive panoramas, with expansive skies, in which it is the well wooded and cultivated foreground that is the main focus of interest; they would be essentially "beyond" that landscape and be perceived as having only a tenuous connection with it (*APP 9.8, 9.10 and 9.11*). As with the National Park (para. 41, above) there would be little tangible impact beyond 10-12 kms; in many cases it would be difficult to pick out the turbines on the skyline (*APP 9.19*).
57. As might be expected, the ZTVs produced by the Council and Appellant, covering areas outside the National Park, broadly correspond though different conclusions were drawn from them. Whilst they are broad guides to visibility I consider that, as noted in para. 41 above, local factors are likely to mean that they represent very much a worst case. Visibility from in and around towns such as Matlock and Wirksworth would be very much influenced by urban development within the foreground; and, as already noted, there would be little tangible effect on areas beyond 10 kms.
58. Although the Council express concern about the cumulative landscape impact that the appeal proposal would have together with a possible wind turbine development at Matlock Moor, PPS22 advises that such impacts should be assessed at the planning application stage. The Matlock Moor proposal has only reached the stage of EIA scoping and, although the Council's view was that there was a good chance of it proceeding, there is no certainty that it will. And if it does then the appropriate approach would be to assess cumulative impact against the background of the appeal proposal. Also, having looked at the two sites from Beeley Moor, as suggested by the Council, they are so far apart, and the impact of the appeal proposal would be so limited, at least from distant viewpoints like this, that it is not at all obvious that the loss of remoteness within and around the National Park that the Council fear would actually arise.

59. Drawing together my conclusions on the first main issue I consider that only to the northwest of the site, towards Hoe Grange beyond Longcliffe, could the visual and landscape impact upon the National Park and its setting be considered potentially harmful to any significant extent. Elsewhere, distance, concealment by landform or vegetation and differences in landscape character between the site and the Park would all variously or together reduce any such impacts to acceptable levels such that the status of the National Park would not be harmed nor the objectives of its designation undermined. Outside the National Park I believe that the character and appearance of the landscape would not generally be adversely affected to any great degree, with the exception of an area of up to about 1-2 kms to the west, east and south of the site, and some viewpoints up to about 4-5 kms, where visual and landscape character impact could be perceived as harmful. In all of these cases impact would be mitigated to a greater or lesser extent by similar factors to those identified in and around the National Park. Where there is potential harm, within or outside the Park, that must be weighed in the balance with other aspects of the proposal.

Second Issue: Conservation Area Impact

60. PPG15 states that the desirability of preserving or enhancing the character or appearance of a Conservation Area, applicable to development proposals within such areas, should also be a material consideration when assessing proposals which are outside but which could affect their settings or views in or out. I agree with the Council, drawing on the case of *Revival Properties Ld v SoS, Deerpark Securities Ltd and Richmondshire District Council [1996] JPL B86*, and advice from English Heritage, that the scope of views between the proposal and the settings of the two Conservation Areas should be drawn widely, that "setting" should be interpreted in terms of both present and past relationship with the landscape, and that particular attention should be given to the scale and movement of wind turbines.
61. The setting of Carsington and Hopton Conservation Area is formed in part by the steep scarp slope along the north side of the two villages, below which nestle tight knit groups of buildings, harmonious in scale and vernacular architecture. Some of the scarp between the two villages, wooded in part, is included within the Conservation Area. Where it wraps around the western edge of Carsington, below Carsington Pastures, it is not so included but it is indisputably part of the setting, giving a pleasing sense of shelter and enclosure.
62. However, this setting is only clearly seen as such from a limited area. It can be seen from within Carsington, particularly towards the west end of the village, but from the south, approaching from the A5035, it appears as part of the wider landscape rather than as the setting of the Conservation Area (*APP 9.2 and 10.4; DC 9.2 and 10.4*). Trees, bushes and hedges effectively screen the village from view (as I believe would also be the case in winter) so that there is no real sense here of approaching the settlement or of any strong relationship between it and the wider landscape. Further east, towards and within Hopton, vegetation, buildings and intervening landform effectively screen any views of the scarp slope below Carsington Pastures. Only from higher ground to the south east, on the minor road towards Kirk Ireton (*PC viewpoint*), is the slope clearly seen but at that point it is Hopton in the foreground, and the wooded

- slopes to the north of the village, that draw the eye. From here the scarp slope to the west is seen as part of the wider landscape but not as forming part of the setting of the Conservation Area.
63. The ZTV plots indicate that parts of some or all of the proposed turbines would be visible above the scarp slope, seen from some points within the Conservation Area and from the other viewpoints referred to above. However, I consider that in this case the assessment, necessarily a broad brush approach, presents very much a worst case. Local topography, buildings and vegetation would effectively screen the turbines from view from most of the Conservation Area, or confine views to glimpses of blade tips above the horizon from a few points at the west end of the village, which would be barely perceptible, let alone intrusive. Although more might be seen, up to the base of the rotors in some cases, from the other viewpoints to the south and south east, I consider that there would not be a significant impact on the Conservation Area setting because from here the slope below the appeal site is not perceived as part of that setting, for reasons noted above. Nor, approaching from the south, off the B5035, is there any real sense of being "in" the setting at that point such that views of the turbines would be harmful; the Conservation Area itself includes extensive open areas in this direction and the further open land beyond its boundary does not play a significant role in its setting.
64. In my opinion only from the public footpath from Carsington up the scarp slope towards King's Chair would the proposed turbines be seen as having any significant impact on the setting of the Conservation Area. Even here that impact would be limited by the enclosure of the lower section of the path by buildings and vegetation on Miner's Lane so that the turbines would be seen in juxtaposition with the Conservation Area over only a short length of the path, before it strikes north-west from the edge of the wood and the view down into the village is lost (*PC viewpoint*).
65. Turning to Brassington Conservation Area, the Conservation Area Appraisal identifies the upland plateau landscape and the open field system around the village as characterising the Area's setting; notes that that setting is visually contained to the north and east by the valley sides; and states that in approaching from the west views across the rising landscape form an important part of the setting. I concur with all of this and, although the Council's landscape witness suggested that, seen from the west, the historic setting of the village to the east lies principally below the enclosure wall (as noted in the Conservation Area Appraisal), the landscape setting clearly extends further, up to the edge of the plateau.
66. The ZTV maps and viewpoints (*APP 9.3; DC 9.3*) show the blade tips of 3 turbines, and the hubs of one or two, visible above the skyline seen from across the valley to the west, within the Conservation Area. These would be an unexpected addition to the pastoral backcloth to the village, and their impact would be exacerbated by the movement of the blades, though it would be somewhat ameliorated by trees which break the skyline; and by the way in which the buildings of the village clustered on the valley floor, and especially the views of their roofs, tend to attract the eye and focus attention on the lower parts of the valley, including the lower valley sides opposite.

67. Entering the village from the west, parts of all four turbines would be seen above the skyline, in two cases to below hub height (*APP 10.7; DC 10.7*). However, at some distance away, whilst some buildings can be seen, there is no clear evidence of the existence or form of the village, no indication that the valley slope seen forms part of the Conservation Area setting, and no tangible indication of the Conservation Area itself. There would be a significant visual impact on the landscape but not on the setting of the Conservation Area. Moving further towards and into the Conservation Area the extent of the turbines that would be seen would diminish rapidly. Once within the village, views across to the setting are constrained by buildings, walls, hedges and trees such that it is unlikely that the impact on the setting would be anything like that suggested by the ZTV plots. In my view there would be few if any places around the village from which the proposed turbines and the setting of the Conservation Area would be so juxtaposed that the former would cause significant harm to the latter. Similarly from further west, towards Bradbourne, although the wider landscape setting of the village is clearly seen, as noted in the Conservation Area Appraisal, that is not coterminous with the Conservation Area setting, which would remain essentially unchanged.
68. Drawing together this assessment, I have taken account of the fact that the impact of the turbines would be increased by the movement of the blades; of their distinctive scale, vertical form and materials; and of the way they would be perceived by an observer moving through and around the Conservation Areas. However, given that there would be only four turbines, in a compact group, and that views of them would generally be limited and partial, I do not believe they would generally be seen as strikingly incongruous with the settings of the three historic villages. Where there would be some more adverse impact, notably in some views from the Miner's Lane public footpath at the western end of Carsington, and from the western slope of the valley within which Brassington lies, any harm must be weighed in the balance against benefits of the appeal proposal.

Third Issue: Impact on Recreation and Tourism

69. The importance of recreation around the appeal site, and the contribution of tourism to the local economy, are evident both on the ground, in well used trails and other facilities and the number of businesses dependent in whole or part on visitors; and in the Council's evidence on visitor numbers and spending estimates. The High Peak Trail is popular with walkers and cyclists and is part of the National Bridleway Network and National Cycle Route Network; the Limestone Way is a well walked County long distance trail; and there is an intensive network of public rights of way in the area, including the circular path around Carsington Water. The figures alone, albeit global in scope, are striking. The Peak Park is said to attract over 10 million leisure visits each year and, outside the Park, Carsington Water alone had an estimated 870,000 visitors in 2006, or around a million according to the Protect Carsington and Hopton Action Group). It is estimated that tourism and recreation in the Peak District and Derbyshire generate over £1.3 billion of spending and support over 24,000 jobs; within the Park the corresponding figures could be £350-450 million and 3,400 jobs. None of this was challenged at the Inquiry. Such popularity clearly means a great deal in terms of both visitor's enjoyment of the area and contribution to the local economy, a contribution which in turn

- helps maintain the fabric of the countryside. It should not be lightly put at risk.
70. That said, assessing what influence the appeal proposal would have upon that popularity involves making a judgement on very limited evidence, as the Council fairly acknowledged. The results of a survey of visitors to the National Park by the NPA in 2005 indicate that almost all came to see the scenery and about half to enjoy the peace and tranquillity, and that many made repeat visits; and I have no doubt that these results hold good across the National Park boundary also. It is safe to assume that most users of the trails and paths are attracted primarily by the attractive countryside through which those paths pass though a good number of those using the High Peak and Tissington Trails may well be drawn as much or more by the opportunities they offer for off-road cycling and hard exercise and so might well be correspondingly less sensitive to the character of their surroundings.
71. As noted above, the turbines would be likely to have significant visual effects in principle within a radius of 3-5 kms, an area that overlaps the Peak Park, and covers extensive sections of the trails and paths referred to, as well as the whole of Carsington Water. It is reasonable to assume that members of the public antipathetic towards wind turbines (or at least most of them) would react negatively to those proposed at Carsington Pastures when seen within this area. However, as already set out, such views would be by no means universal or uninterrupted throughout; they would frequently be constrained by local landform or other screening; and in many places the turbines would occupy only small segments of wide landscape panoramas which often hold much of visual interest in other directions.
72. Against this background I find it hard to believe that, in general, views would be so disturbing as to unacceptably diminish the aesthetic and recreational experiences of the majority of visitors, including their appreciation of the particular qualities of the National Park. For those neutral towards wind turbines, or favourably disposed towards them, then any adverse feelings and consequent loss of enjoyment would of course be much less; and some visitors might find the interest of their visit enhanced. And whatever the attitude of the viewer, the effects would tail off rapidly with increasing distance and beyond 10 kms or so I consider it unlikely that they would tangibly affect the enjoyment of the landscape in the round of even the strongest opponents of wind turbines. Also, whilst I appreciate that local residents may have a particular affinity with the site and its surroundings through regularly walking local footpaths, only limited sections of those paths, close to the site, would be directly affected. Extensive and attractive views in many directions, including southwards from above Carsington and over Carsington Water, would remain entirely unchanged.
73. The public footpath to the east of the site is 100-130 m from the nearest turbines and the High Peak Trail is some 160 m away. I deal below with the question of public safety, and with risk to horse riders, but footpaths and trails are not in my view so close to the proposed turbines that users in general would be deterred or intimidated by their scale and proximity, perceived safety risks or noise to the point that they would be likely to seek out alternative routes or avoid the area in future. Also, although as already noted, the turbines would be visible, at least at times and in part, over some 4 – 5 kms of

- the High Peak Trail, they would be dominant over a much shorter length such that most users of the Trail, at least those travelling any distance, would be likely to perceive them as essentially a landmark en route. I accept that a good number of Trail users will make shorter "out and back" trips, perhaps from Middleton Top, but even they would be out of direct sight of the turbines for a good deal of the time.
74. The Trail passes through a considerable variety of scenery, with some intrusive and unattractive industry, notably at Ryder Point and Hoben Works, and the section past the Appeal site is by no means the most attractive on the route, or even on that part outside the National Park. Taking all these points into consideration, and looking at the Trail as a whole, I do not believe that users of it would have their appreciation of their surroundings unduly degraded or that any more than a tiny minority might be deterred from using or returning to it because of the presence of the wind farm.
75. So far as tourism is concerned, research into what has happened, not happened or might happen in other areas seems to provide a reasonable guide to what would be likely to follow here. The Investigation into the Potential Impact of Wind Farms on Tourism in Wales (2003), cited by the Council and the Action Group, does not appear to me to cogently support the Council's suggestion that the Carsington Pastures scheme would have serious implications for the visitor economy, not least because the conclusions on wind farms possibly deterring future tourist visits were decidedly tentative. Nor do the results of the Sheffield University study into public attitudes to mobile phone masts in the Peak National Park (2008) carry weight given that that particular form of development is very different in nature and in the attitudes it can engender.
76. The various studies cited by the Appellant, and not challenged by the Council, show no clear evidence of wind farms having had a significant and lasting adverse effect on visitor numbers or the tourist economy; and the most recent such publication, the Moffat Centre's report on the Economic Impacts of Wind Farms on Scottish Tourism (March 2008) concludes that even on a worse case scenario adverse economic impact would be very small and, in three of four (admittedly extensive) case study areas, hardly noticeable.
77. The thrust of this evidence is also reflected in previous appeal decisions; and it is significant that, whilst the Inspector's report on the Whinash Wind Farm, extensively referred to at the Inquiry, concluded that that proposal's landscape impact would unacceptably harm the enjoyment of those walking in the area, he saw no reason to contemplate adverse effects on tourism and the rural economy. Given the much smaller scale of the Carsington Pastures proposal, and my appraisal of its limited impacts on landscape character, the likelihood that there would be no significant harm to the tourism industry here is all the greater.
78. I have carefully considered the opinion survey carried out by the Action Group in the weeks leading up to the Inquiry and which resulted in 1,481 signatures on a petition of objection, and a total of 1,682 individual objections. As the work was carried out in part at weekends from an information stand in the village, it is reasonable to assume that this could reflect the views of a good number of visitors to and around Carsington Water and analysis did indeed

show that some 88% of objections came from outside the immediate area, and nearly 50% from outside Derbyshire. However, with every respect to those who undertook this work I am not convinced that this leads to the conclusion that visitors numbers would be reduced, or the tourist trade harmed, if the appeal proposal went ahead. There is no information on how these numbers compare with the total of visitors in the area at the time, or with the number who did not object, or on the amount of information that objectors had before them; and the Action Group's conclusion that, extrapolated over a year, the number of objectors might be some 10,000-13,000 is essentially speculative. Whilst I have no doubt that that signatories of the petition and other objectors were entirely sincere in their views, this aspect of the Action Group's case does not go much beyond confirming that wind turbines arouse strong emotions.

79. I conclude on the third main issue that the proposal would not unacceptably detract from enjoyment of the countryside by members of the public, including those using the High Peak Trail, the Limestone Way and other local paths, and those visiting Carsington Reservoir; and approval would not have significant adverse effects on the contribution made by tourism and recreation to the local economy. So far as rights of way are concerned, there would be no unacceptable conflict with the aims of Local Plan Policies L9 and L10.

Fourth Issue: Alternative Sites

80. As noted earlier, the Planning Inspectorate's letter of 15 October 2007 which referred to the assessment of alternative sites, did so in the context of environmental impact assessment under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999; and it was subsequently agreed that the matter should be dealt with through evidence to the Inquiry. Where a developer has considered alternatives the Regulations¹⁶ require an outline of the main ones, and the reasons for the choice, to be included in the ES but the accompanying Circular 02/99 makes clear that though consideration of alternatives may be both a material consideration and good practice, there is no express requirement to study alternatives. As it is agreed here that there was no comparative assessment of possible sites (though a number of criteria such as wind speed, and proximity of electricity transmission lines and housing, were applied to the County) the requirement does not apply. Accordingly I do not find the environmental impact assessment flawed in this respect; nor did the Council assert that it was.
81. The Council's argument was that failure to consider alternative sites made the Appellant's proposal wrong in common law and that it must be rejected for that reason. Pointing to the circumstances in which the courts have held that existence of alternative sites may be a relevant consideration, they cited a number of legal authorities. In particular *R (on the application of Scott and another) v North Warwickshire BC [2001] 2PLR 59* indicates that this may be so where a proposal, though desirable in itself, would cause such harm on the site proposed that the possibility of a less harmful alternative must reasonably be considered. *SoS v Edwards [1994] 60 P&CR* sets out the criteria for determining where the question of alternative sites is relevant, namely (in short) presence of clear public benefits from the proposal; existence of

¹⁶ Para. 4 of Part II of Schedule 4.

inevitable adverse public effects; existence of an alternative site with lesser adverse effects; and a situation where one, or only a few, planning permissions would be granted. *Rhodes v Minister of Housing and Local Government [1963] 1 All ER 300* makes clear that the decision maker is not obliged to seek out the existence of alternatives; it is sufficient to conclude on the facts that that an identified need can and should be met elsewhere without reference to any specific sites.

82. In relation to these authorities I am not convinced that in terms of the *North Warwickshire* case the appeal proposal would cause such harm that it would be inherently unreasonable to consider alternative sites. There would certainly be degrees of harm, notably to landscape character and the setting of the two Conservation Areas, as I have noted above, but such harm is not of a scale of magnitude unheard of or unusual in wind energy cases and as in all such cases it has to be balanced with other considerations. Nor does it seem to me that this is a situation where only one permission, or a limited number, could be granted, as rehearsed in *Edwards*. Indeed, PPS22 advises that renewable energy developments should be capable of being accommodated wherever the technology is viable and environmental, economic and social impacts can be addressed satisfactorily (para. 1(i)); that it can only be developed where the resource exists and where economically feasible; and that a sequential approach to siting is inappropriate (para. 16). There is nothing in national, regional or local planning policy that would limit in principle the number of wind energy that might come forward; quite the reverse. Even taking Derbyshire outside the Peak Park (and accepting that county targets are not carried forward in the draft Regional Plan), it is at the very least unlikely that no further planning permissions for similar schemes will be granted. For the wider Region such a scenario becomes almost inconceivable.
83. So far as *Rhodes* is concerned, just as the Appellant submitted no evidence on possible alternative sites, neither did the Council. Their position was essentially assertion that sites with a lesser landscape impact must exist, supported by only very general comment on types of landscape where wind turbines might be more acceptable. On the facts it is not possible to conclude that there are alternative sites that are both suitable and available. In this respect I do not find the Council's argument that there must be potential commercially viable sites no great distance away but further from the National Park convincing. It essentially concentrates on wind speed alone as a determinant of viability and ignores other relevant considerations such as site availability. Nor do I interpret PPS22 as requiring consideration of alternative sites as a matter of policy. To say that its guidance on landscape and visual effects means that alternatives must be explored as a way of determining how different schemes and sites might affect the carrying capacity of the landscape seems to me an inference too far. Finally, whilst the Landscape Institute's Guidelines for Landscape and Visual Impact Assessment encourage consideration of alternatives as good practice, this is self evidently guidance, with no official status, and not policy.
84. To sum up on the fourth main issue, on the evidence I am not persuaded that the appeal proposal is one of the narrow range of cases (as agreed by both main parties) where alternatives should be considered as a matter of law; nor that there is any requirement in relevant planning policy to do so. In any case

I consider that the nature of any adverse impacts that the proposal would have is such that a decision can properly be made on the merits of the case, balancing any such impacts against other considerations. Accordingly it is unnecessary to consider further the second part of the issue as framed, namely whether the process of considering alternatives has been adequately pursued and alternatives have been convincingly discounted.

Fifth Issue: Contribution to Renewable Energy Generation

85. It is not necessary to rehearse in detail the importance that national policy attaches to encouraging renewable energy generation; it is made abundantly clear in PPS22 and a succession of other statements of policy up to and including the Prime Minister's speech on 26 June this year on creating a low carbon economy, and which was before the Inquiry a few days later. The Council accept the thrust of this policy and that it is a matter that must be balanced against any harm the appeal proposal might cause, with the proviso that the extent of both benefit and harm must be understood and quantified. The Statement of Common Ground says that the renewable energy output from the appeal proposal should be given "significant weight" in determining whether or it should receive planning permission.
86. However, the Council argue that targets set in RSS carry no weight in the determination of planning applications as they relate to forward planning rather than to development control. They cite para. 16 of the Planning and Climate Change Supplement to PPS1 which states that strategic targets should not be applied directly to individual planning applications and that if there is consistent under-performance against planned outcomes that is something to be addressed by revising RSS. They contend that approaching the appeal proposal in terms of the contribution it would make to achieving targets, and thus, by extension, the framing of my fifth main issue, would be contrary to national policy.
87. In my view renewable energy "targets" are capable of a wider interpretation than those set out in regional guidance for specific areas or generation methods alone. PPS22 explicitly sets a target of generating 10% of UK electricity from renewable sources by 2010 and, though couched as an "aspiration", the 20% figure for 2020 can also be considered a target. These targets render tangible the aim of the national guidance, namely to develop renewable energy resources in order to tackle climate change and maintain reliable and competitive energy supplies. They indicate clearly the direction of travel and individual proposals can be reasonably be assessed in part in terms of the contribution that they make to that journey.
88. My interpretation of para. 16 of the PPS Supplement is that it proscribes assessing individual proposals directly by reference to regional targets, perhaps in the sense that a planning application should necessarily be refused because a particular target has been met, or allowed because there is a shortfall against a target. RSS policies, including Policy 41 of the extant RSS and Policy 39 of the draft Regional Plan, on renewable and low carbon energy respectively, are aimed at those preparing development plans rather than those assessing planning applications. However, it seems to me that regional targets, and the extent to which they have been or might be achieved, must be a relevant consideration when considering individual proposals simply because it is only

through an accumulation of those individual proposals that any target **will** be achieved.

89. An approach which sought to keep individual planning applications and regional targets entirely separate would be irrational not only in terms of the Government's aim of securing substantially more renewable energy generation capacity but also of the whole basis of the plan-led system. As with national targets, regional targets make explicit the scale of the task the Government has set, and show the direction of travel. Without seeking to stretch the analogy too far, individual applications may be reasonably considered against how far they might advance the journey, and how far that journey has itself progressed, though not in terms of whether or not they would secure arrival at a particular station. Performance against targets, however they are defined, is of course but one factor to weigh in the balance between possible benefits and harm. I have followed this approach in both framing the fifth main issue and assessing the appeal proposal against that issue.
90. County renewable energy targets have not been carried forward from the extant RSS into the draft Regional Plan and the Appellant accepted that the figure of 36KW for onshore wind in Derbyshire in the former no longer carried significant weight. On the Appellant's evidence also, operational schemes, together with those under construction and permitted, would (if the last two categories were implemented by 2010) achieve the indicative Regional target for onshore wind energy of 122 MW for that date set out in the extant RSS. The target was, in the words of the Council, effectively in the bag. Clearly so far as onshore wind energy is concerned there has not been, in the words of para. 16 of the PPS1 Supplement, "consistent under-performance against the planned outcomes" in the East Midlands.
91. However, PPS22 advises that targets should be regularly reviewed and revised upward if they are met; that achieving a target is not in itself a reason to refuse permission for further schemes; and that, whilst it may be appropriate to give broad indications of the contributions that different technologies might make, fixed targets should not be given for specific technologies. On the Appellant's unchallenged evidence the overall RSS target of 671.6 MW¹⁷ for all technologies for 2010 is far from being met, and the emerging Regional Plan presages targets for 2020 of 175 MW for onshore wind energy and 3671 MW for all onshore technologies. The Council questioned the weight that could be accorded to the targets in the emerging regional strategy in the light of what the EIP Panel report said about their achievability. The Panel considered that further work needed to be done, as soon as possible, to ensure that the stated targets could be met, including capacity studies of the sub regions; that the targets set were "extremely challenging" and that this should be made clear; that there were doubts over their deliverability; and that the importance of meeting regional targets should be stressed, as should the difficulties of doing so without a complete shift in current planning practice.
92. Despite what the Panel said about the need for targets to be realistic, and not to be "pie in the sky", nothing in their report suggests to me that they had in mind any reductions; they did not recommend any such changes and none have been made in the Proposed Changes. Although they had doubts about

¹⁷ Includes 400 MW for offshore wind generation.

the robustness of the regional evidence base for those targets, they noted that, taken together, they were consonant with national targets. The whole tenor of their comments and recommendations appears to be a “wake up call” stressing the importance of achieving the targets set, a point subsequently reflected in the text of the Proposed Changes. Significantly also, I note that the draft Regional Plan says that targets should be treated as a minimum, that at present renewable energy makes a minor contribution to the East Midlands’ capacity and that the Region lags behind the other English Regions in this respect.

93. With a combined installed capacity of 10 MW the appeal proposal would make a tangible contribution to the draft Regional wind energy target for 2020, albeit that that target date is well into the future, equivalent to just under 6%. Given the stress that the draft Regional Plan and the Panel report, as well as national policy, all place on promoting renewable energy I consider this to be an important consideration that weighs in its favour. And even if opinions differ as to the precise significance of the contribution, it is important to bear in mind PPS22 advice that such proposals should not be rejected simply because the level of output is small. A further benefit of the proposal is that it could count towards shortfalls in delivery by other modes of renewable energy generation given that targets for individual modes are indicative only. Onshore wind generation is a proven technology but the same cannot necessarily be said about the other forms of generation referred to in the extant RSS and emerging Regional Plan, as is apparent from the evidence before the EIP Panel¹⁸. Clearly the Panel had particular doubts about the scale of the contribution that micro generation might make.
94. The importance of the contribution also needs to be seen against the background of reports and policy statements by national agencies such as English Heritage and Natural England, referred to at the Inquiry, which stress the severe and harmful influence that climate change could have upon our cherished built and natural environment, and the limited window of opportunity for countering that harm before it is too late. Nor is the importance of the contribution significantly reduced in my view by what the Council say about predicted emissions savings. Though those savings might be small in global terms, even at the level postulated by the Council they would still be a clear and tangible benefit that should be taken into account in any balancing exercise. I conclude on the fifth and final main issue that the appeal proposal would make a valuable contribution to achieving regional and national targets for renewable energy generation, bearing in mind extant and emerging national planning policy. I balance this against other considerations towards the end of this letter.

Other Matters

Public consultation

95. The Council, the Parish Council and the Action Group criticized the Appellant for not engaging more energetically with the local community, in the light of advice in PPS1, Delivering Sustainable Development, that community

¹⁸ Notably East Midlands Regional Targets and Scenarios for Renewable Energy, Best Foot Forward, June 2006 (CD121).

involvement is vitally important to planning and the achievement of sustainable development. The Action Group in particular alleged that local residents had not been adequately informed of the proposals at an early stage and that approaches to the Appellant had been rebuffed in a cavalier and disrespectful manner.

96. On the evidence before me I find it difficult to reach a clear conclusion on these matters but I have neither seen nor heard anything to clearly indicate that public consultation and information was so deficient that the proper interests of local residents were prejudiced, or that anyone who wished to make representations was denied the opportunity to do so. Importantly, Carsington and Hopton Parish Council were involved throughout as a consultee and the Inquiry itself provided an opportunity for local residents to express their views as part of the planning decision-making process, an opportunity which they took through both the Parish Council and the Action Group. Given the wide ranging and detailed debate that ensued I consider it neither necessary nor helpful to explore in detail what might or might not have been said, and by whom, at earlier stages. On a matter like the appeal proposal, which is both subject to particular siting constraints and which also inevitably raises strong feelings, the reality may be that there is only limited scope for changes to be made in response to consultations and this can be misconstrued as an unhelpful attitude. Overall I am satisfied that any shortcomings in local publicity and consultation were not so serious as to invalidate the appeal or weigh significantly against the proposal.

Public safety

97. The British Horse Society (BHS) object to the appeal proposal on safety grounds, arguing that there should be a separation distance between turbines and bridleways of at least 200 m and that where a bridleway forms part of a National Trail, as is the case here, that distance should be increased to four times the height of the turbines concerned. This would indicate a separation distance from the High Peak Trail of around 408 m, rather than 160m and 300 m from the nearest proposed turbines. However, although an objection from Natural England, cited by the Society, refers to policy support for such separation around National Trails, PPS22 is silent on the matter and its Companion Guide refers only to the BHS 200 m exclusion zone as a suggestion that could be deemed desirable but is not a statutory requirement. Natural England have since indicated that their reference to policy is to one adopted by the Countryside Agency and not by themselves. They have withdrawn their formal objection though support the BHS's approach as good practice.
98. Neither the BHS nor the Council could provide any information on the number of horse riders using the High Peak Trail but I accept that it is likely to be more than is the case on many bridleways, not least because here the path is part of a nationally promoted network; and that if there is a safety risk the more people that are exposed to that risk the more serious the matter becomes. Having said that, the evidence for such a risk is not compelling. If there was a tangible and unacceptable risk of horses being frightened by turbines, with likelihood of injury to them, their riders and third parties, it is likely that it would have been addressed in national planning policy guidance; and the BHS representative was only able to offer anecdotal evidence of accidents, some of which had apparently involved domestic turbines. As the Appellant argued, the

blades of modern turbines revolve more slowly than both earlier and domestic models, and do not start suddenly in a way that might disturb a horse; and there are instances where turbines have been permitted much closer to bridleways than the BHS guidelines would suggest, apparently without adverse effects. Also, the topography and partial screening along the High Peak Trail are such that it seems unlikely that a horse would be brought in sight of the turbines at close quarters, suddenly and without any prior warning.

99. As the Council accept, safety risks are not determinative in themselves but must be assessed and weighed in the balance with other planning considerations. For reasons set out above I do not believe that the appeal proposal would present an unacceptable risk to the safety of horse riders, or by extension, other users of the High Peak Trail, or that riders' perception of such risks would reasonably deter them from using that route. Although other safety concerns were also raised, including blade shear and ice throw, the Council did not support these as being too tenuous and unsupported by respectable evidence. I agree. The only tangible evidence to the Inquiry, apparently derived from the Caithness Wind Farms Information Forum, draws the definition of an accident attributable to a wind farm so widely as to render what is said on the number and types of incidents of structural failure, ice throw and so on of very questionable value.

Archaeology

100. The Appeal site lies within what the County Council Archaeologist describes as "a highly sensitive, rich and diverse archaeological landscape" including barrows, relics of a Romano-British field system and one-time lead mines, and with a number of Scheduled Ancient Monuments, both designated and candidate. In the light of further work undertaken after the planning application was refused the Council are satisfied that the proposal would not directly harm any archaeological remains, with the proviso that development should be accompanied by an archaeological assessment. I see no reason to disagree with this approach.
101. None of the visible remains visually dominate the landscape and the great difference in scale between them and the proposed turbines would mean that there would be no visual competition between the two, and the remains could continue to be "read" separately and appreciated on their own terms. The landscape has also been much changed by human activity over the years, not least by lead mining, so that it cannot reasonably be regarded as in any sense unaltered, at least so far as the earlier archaeology is concerned. I do not share the Parish Council's view that the sense of history and atmosphere engendered by the old workings on and around the site would be harmed. It is something essentially rooted in the landscape and would remain largely unaffected; indeed it could be argued that the turbines would add to it as a further chapter in the history of man's harnessing of natural resources. I consider that the setting of visible archaeological remains would be preserved. Subject to a condition to cover archaeological investigation, as suggested by the main parties, the appeal proposal would not conflict with the aims of Local Plan Policy NBE24.

Natural history

102. Additional survey work and associated information on bats, Great Crested Newts and wintering birds led the Council, after consultation with Natural England, to decide not to pursue the reason for refusal which alleged that the planning application had not demonstrated that interests of national and county nature conservation interest would not be significantly harmed. Instead conditions have been suggested requiring monitoring and mitigation strategies for bats and Great Crested Newts respectively. Nothing presented at the Inquiry, notably by Carsington and Hopton Parish Council, the Action Group and Carsington Bird Club, persuades me that the Appellant's assessments were unacceptably flawed or that the Council's approach of relying on safeguarding conditions is inadequate.
103. The survey of bats, conducted in accordance with a methodology agreed with Natural England, concluded that there was limited bat activity on the site, and that there would no serious loss of habitat or significant risk from turbine blades. Although the Parish Council and the Action Group suggested that mine workings on the site might be used by roosting bats they produced no clear evidence of this; and their assertion that Natural England's reaction might be different if the proposal were put forward today is essentially speculation. Whilst I appreciate objectors' concern that insufficient survey work has been done, the precautionary approach inevitably has to be tempered at some stage by what is practicable and reasonable. On all the evidence I am satisfied that, subject to a monitoring strategy that could be secured by a condition, as requested by Natural England, the proposal would not present an unacceptable hazard to bats.
104. I appreciate the concern of Carsington Bird Club about the site's proximity to Carsington Water and the possibility of it lying on a north-westward migratory route. I also understand the potential pitfalls in drawing general conclusions from sightings of relatively small numbers of birds over limited periods. However, the Appellant's surveys appear to me to be sufficiently thorough to support the conclusion that the site does not lie on a major flight route and that the turbines would be unlikely to have significant adverse effects on birds. They were apparently accepted as such by English Nature who do not object in relation to wintering birds. I was also told that RSPB had withdrawn their objection at an earlier stage and, whilst there might be speculation as to why they did so, they evidently did not have such misgivings as to maintain it. Observations by Bird Club members are clearly those of concerned and knowledgeable enthusiasts but what was said at the Inquiry does not seem to me to take the debate much beyond a possibility that some migrating birds might be at some risk. On all the evidence I consider that risk to be of acceptable proportions.
105. The Appellant's evidence that Great Crested Newts are present in ponds on the site in modest numbers, that they would be subject only to minor adverse impacts and that mitigation measure would in themselves benefit the species, has not be convincingly contradicted. English Nature have withdrawn their objection. Given the proximity of the proposed works, the developer would in any case need to obtain a European Protected Species licence. In the light of my conclusions on bats and birds, above, and the absence of any obvious risks

to other aspects of natural history, I consider that subject to the imposition of conditions to require a monitoring strategy for bats and a mitigation strategy for Great Crested Newts, the appeal proposal would not conflict with the aims of Local Plan Policies NBE3, NBE4 and NBE5.

Effects on residents' living conditions

106. The Appellant's detailed survey of likely effects on the outlook from residential properties in the surrounding area has not been challenged except in the broadest terms. It is also robust in that it appraises situations where views would be partial or only from certain windows as well as properties that would be more obviously affected. From what I have seen on my visits I concur with the conclusion reached, namely that although some properties would be subject to significant effects, albeit only through certain windows, none would have their outlook so affected in the round that living conditions for their occupants would be unacceptably degraded. Some views would be changed but those changes do not necessarily equate to harm; none of the properties would be so close, or with such direct views towards the site, that the turbines could reasonably be seen as oppressive or overbearing.
107. I confirmed this by looking at the site from some of the closest properties, and those likely to be most directly affected, including a converted barn on Manystones Lane to the west of the site, and holiday accommodation at Breach Farm on the B5035 to the south, in the latter case as an accompanied visit. In both cases the turbines would be very prominent in views towards Carsington Pastures but at a distance of some 1.1-1.3 kms I do not judge their effects to be disproportionate in the overall outlook from both properties, or that in the case of Breach Farm those effects would put at risk the holiday enterprise there. With increasing distance from the site, effects on the outlook of dwellings would fall off rapidly, especially taking into account the screening effects of landform, tree cover and buildings. Those effects would not in my opinion seriously undermine residents' living conditions.
108. The Appellant's noise assessment, using the ETSU methodology recommended in PPS22, predicts that noise from the turbines would be within recommended night time and day time noise limits by comfortable margins at all locations studied and at all times except that at Lesede Cottage just west of Carsington village, and within the village itself, lower day time limits would be just met¹⁹. The principal concerns of the Carsington and Hopton Parish Council, the Action Group and others on noise relate to these instances where it is felt that levels are, in the words of the Parish Council, at the threshold of what are considered to be acceptable; and to whether the assessment is sufficiently robust and reliable, particularly in terms of its approach to topographical shielding, wind shear and amplitude modulation (AM).
109. The possibility of some of the predicted noise levels being exceeded appears to me more theoretical than real given that all such predictions are very much worst case, assuming constant downwind propagation of noise and hard ground. Any residual doubts should be assuaged by the suggested conditions restricting noise emissions and providing for monitoring and a complaints procedure, based on tried and tested models. All of this gives confidence that

¹⁹ Or just exceeded by 0.1dB at 5 m/s wind speed, described by the ES as very small and not significant.

the proposal would, in the words of the Companion Guide to PPS22, “offer a reasonable degree of protection to wind farm neighbours”.

110. The 2 dB attenuation applied for topographical screening does not seem unreasonable to me, given the nature of the landform around the Appeal site and the worst case nature of the appraisal as a whole, noted above. It was justified by the Appellant’s noise witness at the Inquiry and, though the Parish Council’s own technical advisor questioned it, he did not seriously challenge its use. Reference was also made to particular acoustics around Carsington where noise might travel over longer distances than expected, and where the village could be markedly quieter than its surroundings. However, there is nothing substantive here to suggest that the ES assessment is insufficiently robust, or failed to adequately take into account the local topography, or that that topography would itself unduly exaggerate noise impact in the village, or that insufficient account has been taken of the tranquil nature of the village.
111. This leads in turn to concerns about wind shear whereby turbines significantly higher than the 10 m reference height for wind speed measurements may generate more noise than predicted due to the increased wind speed at increased height. The Appellant’s evidence that if it occurred it would be at night in stable atmospheric conditions, and that noise limits applicable then would not be breached, was not convincingly challenged. The Parish Council’s acoustics advisor did not substantiate his suggestion that wind shear might be permanent, might arise from the effects of local topography, or could occur during stable atmospheric conditions during the day, and he described its occurrence at the site as “a possibility”. In my view, on all the evidence, that possibility is not as serious objection to the proposal.
112. Although it is possible that AM, a particularly marked fluctuation in aerodynamic noise, might occur at Carsington Pastures there is nothing to indicate that this is a serious possibility; certainly the layout of turbines proposed would not suggest that it is. Statistically the incidence of AM at wind farms is low and the Government have seen no reason to change advice in PPS22 on using the ETSU methodology in response to research upon it. Overall, on the information available I consider that the risk of AM causing problems is low and acceptable.
113. Although a range of other noise matters have been raised, including the possible incidence of infra-sound, low frequency sound, vibration, through ground transmission and effects upon health, there is nothing tangible to suggest that any should be particular problems here. Overall I consider that given the robust nature of the noise assessment, and the suggested conditions to control and monitor noise, the additional “safety margins” on noise levels sought by the Parish Council are unnecessary; and that it safe to conclude that noise from the turbines would not unacceptably harm the living conditions of local residents. Noise can of course be perceived by different individuals in different ways, and compliance with ETSU guidelines cannot in itself guarantee that no-one will ever be disturbed at all by new sources of noise. Nevertheless there is no compelling evidence to depart from the ETSU approach, as advised in PPS22, in this case.

Policy Considerations, Balancing and Overall Conclusions

114. In drawing together my conclusions on the appeal I say at the outset that, for reasons set out above, I do not accept the Council's arguments that flaws in the EIA and the absence of a comparative assessment of alternative sites (Issue (iv)) determine that planning permission cannot properly be granted. I have concluded under Issue (iii) that the proposal would not unacceptably diminish the enjoyment of the countryside of the great majority of visitors to the Peak District National Park and Derbyshire in general, or of local residents; and would not significantly harm the contribution that tourism and recreation make to the local economy. There would be no significant conflict with the aims of LP Policies L9 and L10 relating to rights of way and trails. None of the Other Matters covered above are determinative in themselves and I note there that, subject to imposition of appropriate conditions, there would be no conflict with LP Policies NB3, NB4, NB5 and NBE25 which relate to aspects of natural history and archaeology. There remains a balance to be struck between any adverse effects on the character and appearance of the landscape (Issue (i)), and the settings of the two Conservation Areas (Issue (ii)), and any benefits in terms of contributions to renewable energy generation (Issue (v)).
115. Under Issue (i) I conclude that there would be no unacceptable harm to the character and appearance of the National Park and its setting seen from the north, east and south within a radius of about 3-5 kms. Nor would there be such harm in longer distance views within and across the Park, including views from the west, from along and around the Tissington Trail. However, there would be some adverse effects to the Park's setting seen at closer range from the west, notably from Longcliffe up to the Park boundary. With this limited exception I do not believe that in terms of LP Policy SF3 the purposes of the National Park would be adversely affected or its valued characteristics harmed. The thrust of Policies 11, 27 and 30 of the RSS would similarly be generally met.
116. Outside the National Park there would be significant visual impacts at close quarters around and along Manystones Lane, from the south around Carsington Water, and from some other viewpoints up to around 4-5 kms. In almost all cases there are mitigating factors but there would inevitably be significant effects upon the character and appearance of the landscape which some observers would to a greater or lesser extent consider harmful. It could not reasonably be argued that in all places and from all viewpoints, in the words of LP Policy SF4, the proposal "preserves or enhances the character and appearance of the countryside and thus there is a conflict with the aims of that Policy. There is a similar conflict with Policy SF5, dealing with the design and appearance of development and the impact that it would have upon "the quality and local distinctiveness of its surroundings"; with Policy NBE8 that aims to "protect or enhance the character, appearance and local distinctiveness of the landscape"; and with the aims of RSS Policy 27 so far as they apply to protecting and enhancing the Region's natural and cultural assets in general.
117. Under Issue (ii) I conclude that there would be some adverse impact on the setting of Carsington and Hopton Conservation Area at the west end of the village, and to that of Brassington Conservation Area seen from some places on the west side of the village. LP Policy NBE21 addresses proposals adjacent to a Conservation Area in terms of how they would preserve or enhance the

character or appearance **of the area**, and arguably would not apply to proposals affecting its setting. However, this is perhaps semantic and in any case PPG15 does apply the test of preserving or enhancing character or appearance to the setting of Conservation Areas, though it leaves the decision maker with the discretion to consider “the desirability” of so doing. The appeal proposal would fail to preserve parts of the settings of the two Conservation Areas, seen from a small number of viewpoints. There would be a conflict with RSS Policy 31 so far as this is capable of application to individual planning proposals.

118. In terms of LP Policies CS5 and CS6, which deal with renewable energy and wind turbines respectively, I consider that it can be demonstrated that the benefits of renewable energy production would outweigh any adverse environmental impacts and that there are no unacceptable problems in terms of relationships with neighbouring uses. The test of minimising the amount of harm to the immediate or wider landscape is satisfied insofar as I consider such harm to be generally limited in nature and extent. There are no suggestions that safe and satisfactory access cannot be provided for construction and maintenance traffic subject to application of appropriate conditions.
119. RSS Policy 41 encourages development of renewable energy generation in locations where environmental, economic and social impacts can be addressed satisfactorily, echoing national policy in PPS22. There can be no doubt of the importance and urgency of this policy approach in the light of serious and increasing concern about climate change. Harnessing wind power is a proven technology that can make a tangible contribution to implementation of that policy in the short and medium terms. If it is to do so it is inevitable that there are difficult choices to be made, and balances to be struck, in terms of planning policies that on the face of it pull in different directions.
120. As I have noted above, the appeal proposal conflicts with development plan policy in some respects, relating to impact on the setting of the National Park, on landscape elsewhere and on the setting of two Conservation Areas. However, as I have also noted, those conflicts are limited in nature and extent and in my view they are outweighed by the benefits of the renewable energy that would be supplied. That contribution would be modest in relation to targets set in extant and emerging regional policy, and Government targets and expectations, but it would be by no means trivial; and it is only by a succession of such individual proposals, of varying scales, that targets can be achieved. Although the RSS target for onshore wind generation is largely achieved, it is an indicative measure and only limited progress has been made towards overall regional targets. Targets in the emerging Regional Plan are even more challenging. On balance I have come to the conclusion that the considerations in favour of the development outweigh those contrary to it and that planning permission should be granted.
121. I have taken into account all the other matters raised in the representations, including the concerns of the Council (and of the NPA representative in particular) that approval in this case would indicate a weakening of the strict control that properly needs to be applied to protect the special qualities of the National Park. No such inference should be drawn from my decision. Any other proposals that might come forward would need to be judged on their merits, as I have done in this case. I have also considered the challenge by a

local resident to the legitimacy of the planning application but I have seen no good reason to question its bona fides. Neither these, nor any of the other matters raised, bring me to different conclusions on the main issues or on the appeal as a whole.

Conditions

122. A list of suggested conditions was submitted at the Inquiry, agreed between the two parties, and I shall apply most of these (accompanied by the guidance notes on noise matters) as necessary and reasonable to secure a satisfactory development though I have made detailed amendments to some in the light of advice in Circular 11/95 and for greater clarity and precision. I have made more substantive changes as follows.
123. Condition 1 is the statutory time limit and would normally require development to commence within 3 years of the date of decision. However, I can see that a longer period might well be appropriate here in view of the complexity of the development and the need to secure other consents. The Council raised no objection to the 5 years sought and I see no reason to differ on this. I have amended suggested Condition 2, which limits the life of the development to 25 years, to exclude the anemometry mast (as well as the construction compound), as this is intended to have a much shorter life than this, as is evident from suggested Condition 4. Reference to "the expiration of 5 years" in suggested Condition 4, relating to removal of the anemometry mast, is ambiguous as it is not clear from when that period is intended to run. I have applied a limit of 1 year from the date of commissioning, as for Condition 3, with the proviso that it is open to the developer to seek the Council's agreement to an alternative period.
124. A strict reading of suggested Condition 5 would be that it requires removal of the sub station serving the whole scheme, and all access tracks, even if only one turbine ceases to be operational. I have amended it to make clear that in that eventuality it would be necessary only to remove the access to the turbine concerned, and the sub station could continue serving the remaining operational machines. Suggested Conditions 18, 19 and 21-23 all relate to different aspects of access which in my view can be best addressed through a single Condition 18 requiring all details of access to be submitted to, and approved by, the Council prior to development commencing. The various detailed specifications in both the suggested conditions and notes can then be secured as part of one overall scheme. Formation of a liaison committee, representing the developer, Council and Parish Council, required by suggested Condition 24, is a laudable objective but of arguable relevance to planning and, more importantly, such a condition fails the test of enforceability in Circular 11/95. I shall accordingly omit it though it is of course a matter that the parties concerned might well wish to pursue.

Formal Decision

125. I allow the appeal, and grant planning permission for a wind farm comprising 4 wind turbine generators, substation, access tracks and ancillary development at Carsington Pastures, Manystones Lane, Carsington, Derbyshire DE4 4HF in accordance with the terms of the application, Ref 07/00083/FUL, dated 24

January 2007, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) Other than in respect of the temporary construction compound and the anemometry mast, the permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date that electricity from the development is first supplied to the grid, this date to be notified in writing to the Local Planning Authority upon commissioning. By no later than the end of the 25 year period the turbines shall be decommissioned and they and all related above ground structures shall be removed from the site. Six months before the due date for the decommissioning of the turbines a scheme for the restoration of the site shall be submitted to the Local Planning Authority. The scheme shall make provision for the removal of all the above ground elements plus one metre of the turbine base below the ground level of the turbines and associated equipment and the return of the land to agricultural use, and shall include details of phasing. Upon approval, the restoration scheme shall be implemented in accordance with the phasing details, the turbines having already been removed not later than the due date.
- 3) The temporary construction compound shall be removed no later than one year from the date of commissioning of the turbines and the ground restored to its previous condition within six months of such removal.
- 4) Unless otherwise agreed in writing by the Local Planning Authority, the temporary anemometry mast shall be erected at Grid Reference 424968 354358 and shall be removed from the site no later than one year from the date of commissioning of the turbines.
- 5) If any turbine hereby permitted ceases to be operational for a continuous period of 12 months, or such period of time as may otherwise be agreed in writing by the Local Planning Authority, all of its above ground elements plus one metre of each turbine base below ground level, as well as any access track that directly serves it, shall be removed within the ensuing period of not more than six months, or as may otherwise be agreed in writing by the Local Planning Authority.
- 6) No development shall take place until full details of the sub station building, including details of the materials to be used on its external surfaces, have been submitted to, and approved in writing by, the Local Planning Authority; and the building shall be built in accordance with the approved details and retained as such thereafter.
- 7) No development shall take place until full details of the external finish and colour of the turbines have been submitted to, and approved in writing by, the Local Planning Authority. The turbines shall be erected in the approved finish and colour and so retained thereafter during their operation unless otherwise agreed in writing by the Local Planning Authority.
- 8) All of the turbine blades shall rotate in the same direction. The turbines shall be located in the positions shown on the approved plans or within a tolerance of 20 metres from the base of the approved column position. Details of any such variation from the approved positions shall be submitted to, and approved in writing by, the Local Planning Authority prior to the erection of any of the turbines.
- 9) No development shall take place until a traffic management scheme for the implementation of the permission has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include arrangements for exceptional loads and appropriate temporary signage and shall be implemented in accordance with the approved details.

- 10) No development shall take place until full details of the turbines, including make, model, design, hub height, turbine base to tip height and blade measurements, power rating, sound power levels and tonal assessment have been submitted to, and approved in writing by, the Local Planning Authority.
- 11) Construction work, which is audible from the boundary of any noise sensitive receptor, shall only take place between the hours of 07.00 and 19.00 on Monday to Friday inclusive, 07.00 and 13.00 hours on Saturdays, with no such working on a Sunday or local or national public holiday. Outwith these hours, development at the site shall be limited to turbine erection, maintenance, emergency works, dust suppression and the testing of plant and equipment, or construction work that is not audible from any noise-sensitive property outside the site. The receipt of any materials or equipment for the construction of the site, other than turbine blades, nacelles, and towers, is not allowed outwith the said hours, unless otherwise approved in writing by the LPA having been given a minimum of two working days notice of the occurrence of the proposed event. Fixed and mobile plant used within the site during the construction period shall not incorporate warning devices that are audible at the boundary of any noise sensitive property.
- 12) The rating level of noise emissions from the combined effects of the turbines when measured and calculated in accordance with the Guidance Notes annexed to this decision²⁰ shall not exceed the values set out below:

Between the hours of 2300 and 0700:

	Wind Speed at 10m Height (m/s)								
	4	5	6	7	8	9	10	11	12
New Harboro Farm	43	43	43	43	44	45	45	46	47
Enniscloud Meadow Farm	45	45	45	45	46	48	50	53	55
Any location in Carsington Village	43	43	43	43	43	43	46	49	53

At all other times:

	Wind Speed at 10m Height (m/s)								
	4	5	6	7	8	9	10	11	12
New Harboro Farm	41	42	43	44	45	47	49	48	50
Enniscloud Meadow Farm	45	45	45	45	46	49	51	54	57
Any location in Carsington Village	35	35	37	39	41	44	47	50	53

At any other dwelling lawfully existing at the time of this consent, noise limit values shall be taken from the dwelling having the most comparable pre-established background noise levels of those nearest to the dwelling in question. Pre-established background noise levels are those defined in the Carsington Pasture Wind Farm Environmental Statement that accompanied the planning application dated 24 January 2007.

- 13) At the request of the Local Planning Authority, and following a complaint relating to noise from the turbines, the operator of the development shall, at its expense, employ an independent consultant approved by the Local Planning Authority to measure and assess the level of noise emissions from the turbines following the procedures described in the Guidance Notes annexed to this decision.
- 14) Not later than the commencement of the operation of the wind farm, the operator shall commence to log wind speed and wind direction data at a Grid Reference previously submitted to, and approved in writing by, the Local Planning Authority

²⁰ See Annex at the end of this letter.

and shall thereafter monitor such data continuously throughout the period of operation of the wind farm. This data shall be retained for a period of not less than 12 months. It shall include the wind speed in metres per second (ms^{-1}) and the wind direction in degrees from north for each 10 minute period. At the reasonable request of the Local Planning Authority the recorded data measured at 10m height above ground level, and relating to any periods during which noise monitoring took place or any periods when there was a specific noise complaint, shall be provided. Where wind speed is measured at a height other than 10m, the wind speed data shall be converted to 10m height, accounting for wind shear by a method whose details shall also be provided to the Local Planning Authority. At the reasonable request of the Local Planning Authority the wind farm operator shall provide a list of ten-minute periods during which any one or more of the turbines was not in normal operation for periods during which noise monitoring in accordance with these conditions took place. "Normal operation" is defined in the Guidance Notes.

- 15) No development shall take place until full details of the intended means of surface water drainage have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 16) No development shall take place until a construction method statement has been submitted to, and approved in writing by, the Local Planning Authority. Development shall take place in accordance with the approved statement.
- 17) No development shall take place until details of the temporary construction compound referred to in Condition 3, and any other provision to be made within the site for storage, accommodation, loading and unloading and parking, have been submitted to, and approved in writing by, the Local Planning Authority. All such provision shall be retained for the duration of the construction period in accordance with the approved details.
- 18) No development shall take place until full details of access to the site have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter. The details shall include the proposed vehicular access and associated visibility splays; access track routes, specifications and gradients; any provision to be made for parking and manoeuvring of service vehicles; and the location and specification of any gates or barriers. Visibility splays to the proposed vehicular access shall at all times be kept clear of any obstructions to visibility exceeding 0.6m above the level of the highway.
- 19) No development shall take place until the existing vehicular access to Manystones Lane has been permanently closed, and the existing vehicular crossover reinstated as verge, in accordance with details previously submitted to, and approved in writing by, the Local Planning Authority.
- 20) No later than 6 months from the date of commissioning of the wind farm an interpretation board shall be erected on the site, accessible to the public, to explain the operational details of the wind farm and its contribution to countering climate change.
- 21) No development shall take place until a base line survey of the existing television reception quality at all dwelling houses where interference may occur has been submitted to the Local Planning Authority. Any complaints related to television reception quality which arise as a direct result of the operation of the wind farm shall be rectified within 6 months of the date of commissioning of the wind farm, in accordance with a complaint and mitigation scheme submitted to, and approved in writing by, the Local Planning Authority prior to commissioning.

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- 22) No development shall take place until a scheme for monitoring and reporting bats utilising and flying across the site has been submitted to, and approved in writing by, the Local Planning Authority. Monitoring and reporting shall be carried out in accordance with the agreed scheme.
 - 23) No development shall take place until a mitigation strategy to protect and enhance the habitat of Great Crested Newts on the site has been submitted to, and approved in writing by, the Local Planning Authority. The mitigation works shall be carried out in accordance with the agreed scheme.
 - 24) No development shall take place until a scheme of archaeological work and recording of the site, including monitoring of any soil stripping and recording of features, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall then be carried out in accordance with the approved scheme.
 - 25) Unless otherwise agreed in writing by the Local Planning Authority the development here by permitted shall only be connected into the local electricity distribution network via underground cabling to the Hopton primary substation along the indicative route as shown on drawing number 0954/EL/0073/d.

Robin Brooks

INSPECTOR

APPEARANCES**FOR THE LOCAL PLANNING AUTHORITY:**

Anthony Crean	QC; instructed by Paul Wilson, Head of Planning, Derbyshire Dales District Council
He called	
Stuart Mills BA DipTP MRTPI	Senior Planner, South Area Team; Peak District National Park Authority
Ben Wright BA(Hons) DipLA MLI	Director; Aspect Landscape Planning Ltd, Lower Suite, West Court, Hardwick Business Park, Noral Way, Banbury, Oxfordshire OX16 2AF
Jonathan Bradbury MA BSc MRTPI	Development Control Manager, Derbyshire Dales District Council

FOR THE APPELLANT:

Jeremy Pike	Of Counsel; instructed by Stephen Salt, West Coast Energy Ltd
He called	
Dr Andrew McKenzie PhD BSc MIOA	Director; Hayes McKenzie Partnership, 16a The Courtyard, Dean Hill Park, West Dean, Salisbury SP5 1EY
Jeffrey Stevenson MA MPhil DipEconDev MLI MRTPI MinstEnvSci FRGS	Principal; Jeffrey Stevenson Associates Ltd, Windrush House, Baulking, Farringdon, Oxfordshire SN7 7QE
Stephen Salt BSc DipTP MRTPI	Planning and Development Director; West Coast Energy Ltd, The Long Barn, Waen Farm, Nercwys Road, Mold, Flintshire CH7 4EW
David Stewart MA (Cantab) DipTP MRTPI	Principal, David Stewart Associates, Selgars House, Uffculme, Cullompton, Devon EX15 3DA

FOR CARSINGTON AND HOPTON PARISH COUNCIL:

Neil Edmiston	Chairman; Bank House, Carsington, Derbyshire DE4 4DE
Adam Summerhayes	Reptons Cottage, Pingle Lane, Carsington, Derbyshire DE4 4DE

FOR PROTECT CARSINGTON AND HOPTON ACTION GROUP:

Janice Southway	The Cottage, Mining Lane, Carsington, Derbyshire DE4 4DE
Craig Southway	As above
Ruth Grieves	Glebe House, Carsington, Derbyshire DE4 4DE
Professor Don Mackenzie BSc PhD FGS	White House, Carsington, Derbyshire DE4 4DB
Melvyn Pickering	Hill View, Mining Lane, Carsington, Derbyshire DE4 4DE
Steve Burton	The Rectory, Carsington, Derbyshire DE4 4DE

FOR CARSINGTON BIRD CLUB

Peter Gibbon	Chairman; 25 Church Street, Holloway, Matlock, Derbyshire DE4 5AY
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FOR THE BRITISH HORSE SOCIETY:

Dr Karen Hinckley	County Access and Bridleway Officer, Amber House, Kelstedge, Chesterfield, Derbyshire S45 0EA
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INTERESTED PERSONS:

Professor Per Bullough	1 The Stables, Calver Mill, Calver, Hope Valley S32 3YY
Christopher Stait	The Homestead, Turlow Fields, Hognaston, Derbyshire DE6 1PW
William Metcalfe	Wood View Cottage, The Buddle, Mining Lane, Carsington, Derbyshire DE4 4DE

DOCUMENTS**Inquiry Documents**

- 1 Attendance lists
- 2 Council's letter of notification of the Inquiry, list of those notified and press advertisements
- 3 Statement of Common Ground
- 4 List of suggested conditions agreed between Council and Appellant
- 5 Bundle of 14 representations to the Planning Inspectorate on the appeal including from Natural England, Derbyshire CC, English Heritage and Carsington Bird Club

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- 6 List of core documents (CDs)
 - 7 Plan of agreed viewpoints for accompanied site visit

Council's Documents (all prefixed DC)

- 1 Opening statement
- 2 Outline legal submissions
- 3 Extracts from Mr Stewart's evidence to Green Rigg Inquiry on CO₂ emissions savings and achievement of regional renewable energy targets
- 4 Wind Energy and the Historic Environment, English Heritage, October 2005
- 5 Extract from Conservation Principles – Policies and Guidance, English Heritage; Definitions
- 6 The setting of Cultural Heritage Features, JPEL, June 1999
- 7 Inspector's ruling, Green Rigg Inquiry, 29 January 2008
- 8 Correspondence from Appellant and Council, February and June 2008, re. alternative sites, additional viewpoints and wind speed data
- 9 Inspector's report on Whinash Wind Farm, 3 February 2006
- 10 The Economic Impacts of Wind Farms on Scottish Tourism, Moffat Centre, March 2008, Executive Summary
- 11 Extract from Renewable Energy Consultation Paper, BERR, June 2008
- 12 Plan from RSS for the East Midlands showing Peak Sub Area
- 13 Plan showing boundary of Peak District National Park in relation to Derbyshire
- 14 Visit Peak District and Derbyshire, Annual Report 2007/8
- 15 Photographs from Mr Mills' presentation
- 16 Map showing viewpoints of Mr Mills' presentation
- 17 Summary map of viewpoints and assessment of landscape impact in ES and FEI
- 18 Extract from Encyclopaedia of Planning Law re. consequences of designation of Conservation Areas
- 19 Plans of boundaries of Brassington and Carsington and Hopton Conservation Areas
- 20 Letter of objection to appeal proposal from Natural England dated 4 April 2007
- 21 Council's suggested condition re. connection of appeal proposal to national grid
- 22 Closing submissions
- 23 Application for costs

Appellant's Documents (all prefixed APP)

- 1 Opening statement
 - 2 The Planning System: General Principles (substitute CD14)
 - 3 2020 VISION – How the UK can meet its target of 15% renewable energy, Renewables Advisory Board, June 2008
 - 4 Renewable Energy Consultation Paper, BERR, June 2008
 - 5 Consultation for a UK Renewable Energy Strategy; ministerial
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- statement 26 June 2008
 - 6 Text of Prime Minister's speech on creating a low carbon economy
26 June 2008
 - 7 Guidelines for Landscape and Visual Impact Assessment,
Landscape Institute, 2002
 - 8 References to Documents APP 3-6 on Government energy policy
 - 9 Noise briefing note by Dr McKenzie
 - 10 Outline legal submissions
 - 11 Extracts from Planning Policy Wales, Technical Advice Note 8,
Planning for Renewable Energy
 - 12 Letter from Neil Exton, Land and Development Manager, West
Coast Energy, dated 8 July 2008
 - 13 Advertising Standards Authority adjudication on Npower
Renewables, October 2007
 - 14 Letter from Lakefield Caravan Park and Equestrian Centre,
Camelford, Cornwall re. effects of Delabole wind farm on tourism
and riding, dated 21 July 1998
 - 15 Plans of Base of Rotor Sweep ZTV for Carsington and Hopton and
Brassington Conservation Areas
 - 16 Closing submissions
 - 17 Legal authorities referred to
 - 18 Extracts from Proposed Changes to East Midlands Regional Plan,
July 2008

Parish Council's Documents (all prefixed PC)

- 1 Response to Mr Stevenson's rebuttal proof
- 2 Review of noise issues by Robert Davies Associates, dated 4
December 2007
- 3 Statement dated 1 July 2008
- 4 Copies of response to planning application dated 21 June 2007
and review of noise assessment by Metropolitan Railway
Consultants Ltd, April 2007
- 5 Closing statement

Action Group's Documents (all prefixed AG)

- 1 Presentation dated July 2008
- 2 Bundle of emails of objection
- 3 Bundle of letters of objection
- 4 Petition of objection
- 5 Response to Mr Lowther's written evidence on bats
- 6 Submission on public safety on bridleways and footpaths
- 7 Correspondence with Appellant on public consultation, May-July
2008
- 8 Closing statement

Other Parties' Documents

- WM1 Letter from Duchy of Lancaster Office dated 5 July 2004,
submitted by Mr W Metcalfe

- WM2 Letter of objection dated 7 July 2008 from Mr Metcalfe
- CBC1 Bundle of documents on birds and wind farms submitted by Mr Gibbon, Carsington Bird Club
- ST1 Statement of support by Mr Stait
- BH1 Statement of objection by British Horse Society submitted by Dr Hinckley
- BH2 Letter of objection to planning application by British Horse Society dated 3 March 2007 submitted by Dr Hinckley

Annex relating to noise conditions**THE GUIDANCE NOTES**

The following paragraphs are based upon steps 2-6 specified in Section 2 of the Supplementary Guidance Notes to the Planning Obligation contained within pages 102 et seq of "The Assessment and Rating of Noise from Wind Farms, ETSU-R-97" published by ETSU for the Department of Trade and Industry. It has been adapted in the light of experience of actual compliance measurements.

NOTE 1

Values of the $L_{A90,10min}$ noise statistic should be measured at the affected property using a sound level meter of at least IEC 651 Type 1 quality. This should be fitted with a ½" diameter microphone and calibrated in accordance with the procedure specified in BS 4142: 1990. The microphone should be mounted on a tripod at 1.2 - 1.5 m above ground level, fitted with a two layer windshield wind shield or suitable equivalent, and placed in the vicinity of, and external to, the property. The intention is that, as far as possible, the measurements should be made in "free-field" conditions. To achieve this, the microphone should be placed at least 3.5m away from the building facade or any reflecting surface except the ground.

The $L_{A90,10min}$ measurements should be synchronised with measurements of the 10-minute average wind speed and with operational data from the turbine control systems of the wind farm or farms.

The wind speed and wind direction and a note of all 10 minute periods when one or more of the turbines was not operating normally should be provided to the consultant to enable an analysis to take place.

The precise definition of "normal operation" should be agreed in writing with the local authority prior to the commencement of the development on the basis of data available but should generally be taken to mean when the turbine power output is not significantly different from the reference power curve using the nacelle anemometer.

In the interests of commercial confidentiality no information is required to be provided for individual turbines or on the nature of any abnormality or for any period during which noise monitoring is not taking place.

NOTE 2

The noise measurements should be made over a period of time sufficient to provide not less than 100 valid data points. Measurements should also be made over a sufficient period to provide valid data points throughout the range of wind speeds considered by the local authority to be most critical. Valid data points are those that remain after the following data have been excluded:

All periods during rainfall

All periods during which wind direction is more than 45 degrees from every line from each of the turbines and the measurement position.

All periods during which turbine operation was not normal.
 A least squares, “best fit” curve should be fitted to the data points.

NOTE 3

Where, in the opinion of the Local Planning Authority, the noise emission contains a tonal component, the following rating procedure should be used. This is based on the repeated application of a tonal assessment methodology.

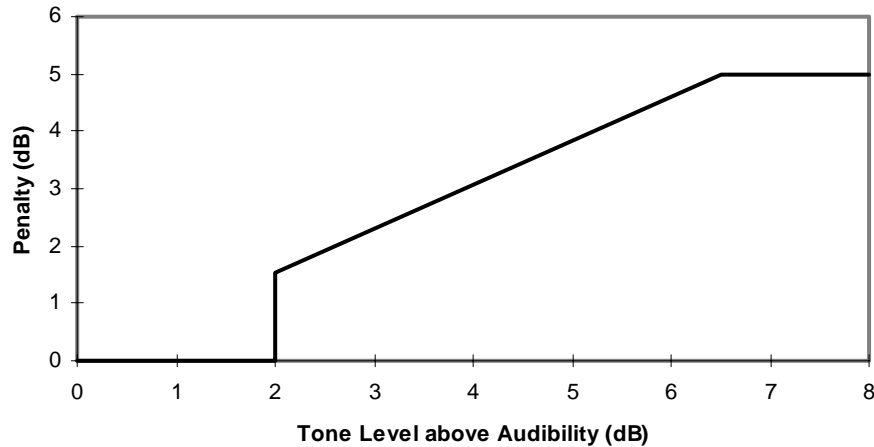
For each 10-minute interval for which $L_{A90,10min}$ data have been obtained, a tonal assessment is performed on noise emission during 2-minutes of the 10-minute period. The 2-minute periods should be regularly spaced at 10-minute intervals provided that uninterrupted clean data are obtained.

For each of the 2-minute samples the margin above or below the audibility criterion of the tone level difference, ΔL_{tm} , is calculated by comparison with the audibility criterion given in Section 2.1 on page 104 et seq of ETSU-R-97.

The margin above audibility is plotted against wind speed for each of the 2-minute samples. For samples for which the tones were inaudible or no tone was identified, substitute a value of zero audibility.

A linear regression is then performed to establish the margin above audibility at the assessed wind speed. If there is no apparent trend with wind speed then a simple arithmetic average will suffice.

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



The rating level at each wind speed is the arithmetic sum of the wind farm noise level, as determined from the best fit curve described in Note 2, and the penalty for tonal noise.

The rating level shall be determined for each wind speed. If the values lie below the maximum values of turbine noise indicated by the tables in Condition 13 attached to the planning permission then no further action is required.

NOTE 4

If the rating level is above the limit, a correction for the influence of background noise should be made. This may be achieved by repeating the steps in Note 2, with

the wind farm switched off, and determining the background noise at the assessed wind speed, L_b . The wind farm noise at this speed, L_w , is then calculated as follows where L_a is the measured level with turbines running but without the addition of any tonal penalty:

$$L_w = 10 \log \left(\frac{L_a}{10^{10}} - \frac{L_b}{10^{10}} \right)$$

The rating level is re-calculated by adding the tonal penalty (if any) to the wind farm noise. If the rating level lies below the values indicated from the tables in Condition 14 then no further action is required.

If the rating level exceeds any of the turbine noise levels in the tables then the development fails to comply with Condition 13 attached to the planning permission.