



Appeal Decision

Hearing held on 16 & 17 November 2011

Site Visits made on 15 & 17 November 2011

by Alan T Gray MRICS DipTP MRTPI RICS Accredited Mediator

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

Decision date: 23 January 2012

Appeal Ref: APP/P0119/A/11/2154175

Land east of Hill Lane, Oldbury on Severn, Thornbury, South Gloucestershire

- 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 Wind Prospect Developments Limited against the decision of South Gloucestershire Council.
 - The application Ref PT10/2399/F, dated 9 September 2010, was refused by notice dated 18 March 2011.
 - The proposed development comprises the construction and operation of a windfarm consisting of four 127m (to blade tip) wind turbines, one 80m anemometry mast and associated infrastructure.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I facilitated a pre-hearing procedural meeting to encourage the parties to produce a statement of common ground and to agree the extent of and arrangements for extensive site visits, which they did and I am grateful.
 3. The descriptions of the development vary between the application and the Council's decision, and a modified description as agreed at the hearing is used for clarity. The proposed development is widely known as the *Stoneyard Lane Wind Farm*, taking its name from a public right of way affording access to the appeal site.
 4. An environmental statement (ES) accompanied the application which gave rise to this appeal. The Parish Liaison Group (PLG) question its rigour and comprehensiveness, but I am satisfied that it has been produced in accordance with the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 (as amended). Further evidence emerged at the hearing regarding renewable energy, vehicular traffic, landscape, historic features, public rights of way, noise, wind shear, shadow flicker, ice throw, flooding, ecology, ornithology and electro-magnetic fields, and in determining this appeal I have taken account of this environmental information.
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Main Issue

5. It is the impact of the proposals on the character and appearance of the rural surroundings, having regard to the landscape, the historic environment and the amenity of public rights of way, with due regard to the provisions of the development plan, national planning guidance and the need for renewable energy.
6. Other considerations relate to vehicular traffic and access, noise and wind shear, shadow flicker, ice throw, hydrology and hydrogeology, ecology, ornithology and electro-magnetic fields.

Background

The Appeal Site & The Proposal

7. The appeal site comprises several fields extending to 66.5ha of agricultural land in the open countryside on the Oldbury Levels in the Severn Vale, between the hamlets of Oldbury on Severn, Hill and Rockhampton. The River Severn is about 1.5km to the west, the town of Thornbury is about 3.5km to the south-east and Bristol's urban area about 12km to the south.
8. The proposal involves the erection of four wind turbines (comprising an 80m tower with a 93m rotor diameter producing a height to blade tip of 127m) together with an 80m anemometry mast and associated infrastructure including vehicular access from the public highway, 5m access tracks, crane hardstandings, culverts, a switchgear house and export power cable to the grid. It would take two years to construct and remain operational for 25 years.

Policy Framework

9. Protection of the countryside, landscape and local character find support in Planning Policy Statement (PPS) 7, Structure Plan¹ Policy 17 and Local Plan² Policy L1. They find support in the emerging Core Strategy³ Policies CS9 & CS34 but at this stage in their production they attract little weight. They also find support in Draft Revised Regional Spatial Strategy ENV1 but given the recent passage of the Localism Act 2011 and the Government's stated intentions it seems highly unlikely to become part of the development plan and accordingly attracts little weight either.
10. The site does not enjoy the protection of any national, local or special landscape designation, but lies within the following Landscape Character Areas (LCAs): the Severn and Avon Vales at national level and the Oldbury Levels at local level, the latter covered by adopted Supplementary Planning Guidance (SPG)⁴. Protection of the historic environment is guided by PPS5, SP Policy 19, LP Policies L10, L11, L12, L13 & L15 and Draft RSS Policy ENV5. The amenity of public rights of way and recreational routes is protected by LP Policy LC12.
11. The provision of renewable energy and specifically onshore wind farms is encouraged at national, regional and local levels in PPS1 & PPS22 and its

¹ Bath and North-East Somerset, Bristol, North Somerset & South Gloucestershire Joint Replacement Structure Plan 2002

² South Gloucestershire Local Plan 2006

³ South Gloucestershire Core Strategy (Pre-Submission Draft) 2010

⁴ South Gloucestershire Landscape Character Assessment Supplementary Planning Document 2005

Companion Guide (CG), Regional Planning Guidance 10 Policy 6⁵, SP Policy 25, LP Policy EP5 and emerging CS Policy CS3. Targets are set out in Draft RSS Policies RE1 & RE4. Also of significance is the AECOM report on the potential for the supply of renewables locally⁶.

Reasons

Need for Renewable Energy

12. Notwithstanding the likely fate of RPG10 and the Draft RSS, the latter's conclusions about the local unmet need for renewable energy are stark and with an identified shortfall of something between 50 and 70% cannot be lightly ignored. That conclusion is reinforced by the AECOM report which confirmed a need and also placed the appeal site in an area with potential for wind power development. Even without that encouragement, there is no doubt about the national, regional and local support for the generation of energy from renewable sources.
13. None of that is disputed, save for some local concern about the ability of the proposed development to contribute its predicted generation because of wind factors. But even if these doubts were well-founded, the proposed turbines would still produce a meaningful contribution to energy needs in my view. However, for a renewable energy proposal to be acceptable, environmental economic and social impacts need to be addressed and a satisfactorily balance struck.

Impact on the Landscape

14. This extract from the Non-Technical Summary (NTS) of the ES offers a useful starting point for assessing landscape impact⁷:

Due to their height and movement the turbines would be widely visible from within the surrounding area. There would be some significant changes to the character of the local landscape. These effects would be limited...

15. The appeal site lies on the Oldbury Levels within the Severn Vale and the character of the Levels' landscape is well described in the SPD from which these are selective quotations:

... rural flat, semi-enclosed to open landscape with a backdrop of the Severn Ridges to the east... largely tranquil and remote character... and where more open, views to the distant backdrop of the Severn Ridges or the Forest of Dean... contribute to its character...

16. The landscape also embraces the Oldbury Power Station and its associated pylons which have degraded it to some extent. But because they are generally lower and have matured (ie weathered and thus less prominent) the impact is limited, and notwithstanding their presence, the landscape remains attractive in my opinion. Its tranquillity is accentuated by the relative proximity to and contrast with the largely unseen Bristol conurbation. Only the commuter settlement of Thornbury is visible, an attractive small town in its own right set on a hill with a prominent church and an ancient castle in conserved

⁵ It is now likely that RPG10 will be abolished as a consequence of the Localism Act and that needs to be borne in mind

⁶ AECOM Report on the Potential for Low Carbon Energy Supply in South Gloucestershire 2010

⁷ NTS Section 7

- surroundings. Other features of the local landscape are the historic listed buildings of the Levels contained by the Monmouthshire hills to the west and the Cotswolds to the east.
17. The appeal site's landscape setting may not be unique but it is well worthy of care and attention in my opinion. In making an assessment of the impact of the proposed development it is helpful that the ES employs the customary methodology, namely the Guidelines for Landscape and Visual Impact Assessment (GLVIA). It is a pity, however, that the same methodology is not adopted in an identical manner by other parties in order to ease the comparison of opposing assessments of landscape and visual effects.
 18. For the first assessment it is necessary to have regard to the sensitivity of the landscape resource and the magnitude of the proposed change. The ES assesses the sensitivity of landscape receptors as *medium/low to high/medium*, the magnitude of the potential change as *low to high/medium*, and the level of significance of the effect on the landscape as *nil to substantial/moderate*. This assessment results in a *significant* effect only for estuary, shore line and levels (the host landscape type) within 3.5km of the site.
 19. Generally, I agree. However, the GLVIA notes there is no standard way of assessing the magnitude of change and it seems to me that, so far as the host landscape is concerned and having regard to the assessment criteria used in the ES, the magnitude of the impact has been underestimated. I believe that the substantial size of the turbine towers (twice the height of pylons⁸) coupled with the turning movement of their blades would magnify their impact and that consequently there would be a *significant* effect over 3.5km from the site; and I regard a *significant* effect as an *adverse* effect here.
 20. For the latter assessment it is necessary to evaluate the likely appearance of the proposed turbines from a number of viewpoints using computer-generated wireframes and photomontages; and with due regard to the magnitude of change and the sensitivity of the receptor determine the level of significance of the effect, as in the first exercise. The ES uses 28 viewpoints. The PLG would have wished more and it might have been helpful had at least two been marginally relocated⁹ but I am satisfied that there are sufficient to reach firm conclusions.
 21. Of the 28, 9 would experience *no likely significant* effect and 5 only in part (ie not for road users), but for 14 there would be a wholly significant effect for all viewers and the ES concludes there would be a significant effect at 17. Of these, the level of significance is rated as *very substantial* at 9; and bearing in mind my comments on the assessment of the magnitude of change it is likely that the number of adverse significant effects at viewpoints would be more than 17.
 22. The PLG's assessment of the same viewpoints rates magnitude of change on a scale from *slight* to *major* and effect from *not significant and neutral* to *significant and adverse*. It is therefore difficult to make precise comparisons but if *very substantial* is regarded as the equivalent of *significant and adverse* there are 9 of the former and 8 of the latter. Nevertheless, the fact that there

⁸ PGL Written Representations Appendix A, Section 9, Figure 3

⁹ ES Viewpoints 27 & 28 at Somerset Monument and Horton Camp where no view is possible from either

are also 6 *moderately significant and adverse* effects confirms my opinion that the visual effects would be more severe than the ES suggests.

23. In judging wider landscape impact, as opposed to individual occupiers' outlook, it would be inappropriate to consider views from within dwellings. But in the immediate vicinity of the site I am particularly concerned about significantly adverse visual effects from many viewpoints¹⁰, acutely so from Hill Lane (1), Hill Village (2) and Camp Hill (11) where open views would be dominated by tall moving turbines and almost equally so for the footpath to the south-east of Hill (3), St Michael's Church, Hill (6) and Rockhampton Village (7) where largely open views would also be dominated by moving turbines. I am deeply concerned about views from Grovesend Road in Thornbury (12) where the proposed turbines would be very prominent, sections of the Severn Way (9) and the Jubilee Way (20) where they would be distracting and alien for users, and Oldbury Naite Crossroads (5) and nearby where moving turbine blades would overshadow power lines. In addition, there would be adverse effects for other views identified in the ES as significant. Furthermore, I believe that views from Stoneyard Lane and nearby public rights of way would also be very badly affected.
24. At a distance I am concerned about clear views of moving turbines against the backdrop of the Cotswolds from the Offa's Dyke National Trail (25) on the other side of the Severn and about the acknowledged theoretical visibility from various places on National Cycle Route 41. I am also concerned about views of moving turbines from the Severn Bridge (24) which, whilst not freely available to drivers exercising concentration would be available for passengers through bridge infrastructure and in my opinion, they would be more prominent than the pylons or the Oldbury Power Station.
25. In addition to the impact of the turbines themselves, the proposed anemometry mast would also have an impact. The existing mast on the site however, albeit in a different position, has no seriously adverse landscape effect and I am of the same opinion in relation the proposed one. But there are other aspects of the proposed development that would involve physical development and the loss of agricultural land coupled with hedgerows, both on and off the site. Much of this would be temporary and could be made good but the short and long term effects would add to the adverse impact of the proposed turbines.
26. Regard must also be had to the cumulative visual effects of the proposed development in concert with operational, consented and proposed wind farms within about 20km of the site. I have some reservations about conclusions of the ES on this matter, namely that the cumulative impact would be limited other than in static views from Stinchcombe Hill above Dursley (26). I agree with that but consider that the effect would be significantly adverse. Furthermore, to that I would add some sequential effects from Offa's Dyke National Trail (25) and the Severn Way (9). Other than that I would agree with the cumulative conclusions on settings, but albeit in a limited way, they reinforce the harm.

¹⁰ ES Viewpoint numbers in brackets

27. Direction of travel and seasonal tree screening are significant factors in such assessments but I have had full regard to these considerations in reaching conclusions on visual effects.
28. It is perhaps of real significance that the ES states¹¹:

On the basis that within the open countryside, man-made features of the scale proposed are more likely to have a negative effect rather than a positive one on the intrinsic character and value of a landscape and on views, the nature of predicted effects is to be regarded as adverse, rather than beneficial or neutral.

That is what I have found. The impacts are sufficiently adverse to threaten a charmingly tranquil landscape for a very long time. The clear intention of LP Policy L1 is to conserve and enhance landscapes, the proposed development would do the opposite and there is therefore serious conflict with it, as also with SP Policy 17 and the aims of PPS7.

Impact on the Historic Environment

29. The assessment of the effects in the ES is partly based desk-based and partly based on fieldwork. For all heritage assets the magnitude of the impact is rated against sensitivity and for indirect effects, in terms of its setting within the wider landscape context. Resultant effects, direct and indirect, are rated between *negligible* at the least and *very substantial* at the most, although the nomenclature sometimes varies. Cumulative effects are also considered.
30. No heritage assets would be directly affected by the proposed development, other than ancient hedgerows, ridge and furrow and medieval or post-medieval drainage gullies on the site. They would be affected by the formation of access roads, turbine bases and hardstanding areas, together with the undergrounding of cables and the erection of a switchgear building. The significance of the effects is considered *negligible* to *minor* and I see no real reason to disagree with that conclusion.
31. As to the setting of heritage assets, there are 2 Scheduled Monuments, 57 listed buildings (1 Grade I, 4 Grade II* and 52 Grade II) and a conservation area in the immediate vicinity¹²; there are 2 Registered Historic Parks and Gardens farther away. All make valuable historic contributions to the South Gloucestershire LCA but I shall restrict my assessments mainly to those agreed by the Appellants the Council and the PLG as of greatest significance, most of which were seen on the site inspection.
32. The first Scheduled Monument is the hill fort on Camp Hill at Rockhampton. It occupies a commanding position with extensive views over the Severn Vale and the Oldbury Levels. They comprise its setting and add to its significance, as the ES notes. The ES regards the setting as of *high sensitivity* and the impact *moderate* but the effect slight and of *no significance*. I disagree. I am in no doubt that tall turbines with turning blades would be very prominent, occupying at least 16% of the available vista at a distance of less than 3km. The effect would be far more than slight, would be of at least *moderate significance* and damaging to it.

¹¹ ES Paragraph 7.7.24

¹² Almost all within 3km of the site

33. The second is Oldbury Camp at Oldbury on Severn and here the impact would be less severe because it does not dominate its setting which has been substantially altered over time. The ES regards the setting as of *medium sensitivity*, the effect *negligible* and its *significance undiminished*. Once again, however, I believe the effect is under-rated. Although I agree about the sensitivity, I consider that the effect would be approaching *moderate* in significance because all four turbines would be visible, occupying 19% of the horizon; and moving blades would appear prominent at a distance of 2.5km from the camp's northern edge.
34. It is unnecessary to consider the setting of all the listed buildings in the immediate vicinity because many would have no intervisibility with the proposed turbines. I shall therefore concentrate on the closest and/or those with the highest designations.
35. Thornbury Castle is an attractive Grade I building which is now a hotel and restaurant, the immediate setting comprising its listed grounds and gardens¹³. Although, like Thornbury itself, the Castle and its gardens occupy an elevated situation overlooking the Levels, views of the proposed turbines would generally be obscured by vegetation when in leaf. The ES describes the setting's sensitivity as *high*, the impact as *negligible* and the resultant effect as *not significant*. The Levels below contribute to the castle's wider setting and I do believe that some views would be available in summer with more in winter. Thus, because of the highly sensitive nature of the immediate setting I would regard the impact as at least *slight* and the resultant effect significant and *slightly adverse*.
36. St Michael the Archangel, Hill, is a charming Grade II* building in an intimate, attractive situation. The ES regards the setting's sensitivity as *high* but the magnitude of effect as *slight or negligible*, the significance of the effect as *minor to moderate* and *not significant*. The proposed turbines would barely be visible from its doorway where views are restricted by the immediate topography but virtually the full height of all four turbines would be visible from within the church's own setting, on the edge of the churchyard or immediately outside it where so much related activity (eg weddings and funerals) must involve people congregating, waiting and enjoying the landscape. To my mind therefore, the impact would be at least *moderate*, tending to *major* resulting in a *significant and adverse* effect which would damage the setting very considerably.
37. St Arilda, Oldbury on Severn, is a fine Grade II* church set on a hill top above the surrounding Levels. Its immediate setting is defined by the original churchyard but in my opinion the location of the church is so dominant that its wider landscape context contributes very significantly to a wider, overall setting which it is difficult to ignore because of its scale. To my mind it is impressive with commanding views in all directions. Oldbury Power Station is in view, as are power lines, but I do not regard them as particularly prominent¹⁴. The ES regards the setting's sensitivity as *high*, the magnitude of the effect as *negligible* and the significance of the effect as *minor to moderate* but *not significant*.

¹³ Grade II on the Register of Parks and Gardens of Historical Interest

¹⁴ See paragraph 16 of this decision

38. Albeit more than 3km away, the proposed turbines would be seen from parts of the churchyard as prominent in the landscape below and attention would be particularly drawn to them by the rotating blades. They would be notably out of scale, the magnitude of the impact *moderate* to *major* and consequently *significant and adverse*. In my opinion the proposed turbines would have a damaging effect on the setting.
39. Scotland's Farmhouse is a Grade II traditional, brick-built farmhouse in a slightly elevated situation and at a distance of 0.8km is the closest listed building to the site. The ES describes the setting's sensitivity as *medium*, the turbines' impact *moderate* and the resultant effect as *not significant*. It is true that farmhouses have associated agricultural buildings and operations in close proximity. Agricultural clutter can be regarded as a detracting phenomenon but it also serves to sharpen the character and importance of the farmhouse. The setting of Scotland's Farm includes the open farmland of the appeal site and there is no doubt in my mind that the sensitivity of the setting is *high*, the impact *moderate* to *major* and the resulting effect *significant and adverse*. I thus consider that at close range, the proposed turbines would dominate the setting and have a very damaging effect.
40. Hill Court is a substantial Grade II country house lying largely behind St Michael's Church and as a consequence views of the site are probably unavailable from the house itself. Its immediate setting is the surrounding parkland from which filtered views towards the site are available. The ES accords it *high sensitivity*, but the impact *negligible* and the resultant effect on the setting as *not significant*. Again I disagree. Because the proposed turbines would occupy some of the wider setting of the house and parkland which enjoy high sensitivity, I cannot agree that the impact would be negligible. To my mind it would be at least *moderate* and the resultant effect *significant and adverse*, to some degree for the rich rural setting.
41. It is tempting to go on to consider other listed buildings like the Church of St Oswald in Rockhampton, Morton Grange in Upper Morton or Court and Yew Tree Farms in Hill. But I have concentrated on those that the parties considered representative and I had the opportunity to judge by inspection. And it is significant they have consistently demonstrated a pattern of discrepancy in the assessment of effects as between the ES and my own.
42. Thornbury Conservation Area is some 2.7km from the site, at its closest. It comprises the western, older part of the town including Thornbury Castle. Only limited views of proposed turbines would be available and I do not regard them as significant for its setting.
43. The ES also considers cumulative effects on settings against three scenarios involving consented and proposed proposals within 10km. I have no real criticism of the first or second scenarios which conclude that there would be no cumulative effect on heritage assets. I do however have concerns about the third because it embraces the proposed replacement of Oldbury Power Station which is following a different consenting process, remains at the pre-application stage and may not be constructed as originally proposed with cooling towers up to 200m high. That, however, would not greatly influence any cumulative harm on the settings.

44. The position of English Heritage requires mention. The organisation initially expressed concern about the proposed development but did not in the end maintain an objection. According to the Appellants, in the case of St Michael's Church the change of heart was based on being shown a photograph/wireframe taken from its doorway. But views from that position are restricted¹⁵. The inspection confirmed that and permitted a wider appreciation of the setting. Indeed, the Council's Committee Report says as much. I am unaware of how other English Heritage conclusions were reached.
45. Although the effects of the proposed development on the setting of some important heritage features would be minimal, there would be a very significant effect on the setting of other, mainly closer features. In my opinion they play a very important part in establishing the character of the Levels and are worthy of great care, notwithstanding the fact that not all of them enjoy the highest designations. The settings would all suffer and the totality of the harm would be unacceptable, resulting in conflict with LP Policies L10, L12, L13, L15, and SP Policy 19 which find support in PPS5.

Public Rights of Way

46. Several public rights of way pass through, adjoin or closely approach the appeal site and there are many more within the host landscape. Four public footpaths pass through the site as does a bridleway. National Cycle Route 41 follows Hill Lane alongside the site and there are two national trails in the vicinity, the Severn Way to the west and the Jubilee Way to the south. They all gain great benefit from the tranquillity of the surroundings and are pleasurable to use in my opinion. But the erection of four tall turbines with moving blades would change that for the worse and increasingly so with proximity.
47. Users in or near to the site, whether on foot or on horseback or on a bicycle would be likely to have their attention focussed on the surrounding landscape, the extent of observation depending on the mode of travel. The closer they were to the turbines, the more prominent they would be, their constant presence accentuated by movement and to a lesser extent, noise. The proposed turbines would be dominant within the landscape and increasingly dominant with proximity because of their disproportionate scale. To my mind they would have an extremely adverse effect on the amenity of the routes.
48. These effects could partly diminish with distance owing to intervening features, but users farther away would still have their enjoyment of routes affected. All four turbines would be visible in many vantage points and from some the moving blades would be viewed above the ridgeline of the Forest of Dean on the other side of the Severn, unlike pylons and the Oldbury Power Station which could not in most views. Some users might welcome a view of and/or proximity to turbines, but experience suggests that they would be unlikely to be local people who enjoy the readiest access to most of these rights of way.
49. There is concern about the proximity of the proposed turbines to a footpath and to a bridleway. One turbine would oversail a footpath and another would be within 130m of a bridleway. A permissive path would be provided to overcome the effects on the footpath and that seems to represent about the most that could be achieved by way of mitigation. No remedy is offered for the

¹⁵ See paragraph 36 of this decision

second unfortunate juxtaposition. It is less than the distance recommended by the British Horse Society which finds its place in PPS22 CG, but just above fall over distance and much more than the absolute minimum which would be the avoidance of oversailing. I do not therefore consider that safety is a major consideration, although it has to be acknowledged that horses can be spooked by close proximity to moving objects, especially large ones and that could threaten the safety of riders.

50. Nevertheless, it seems to me that the amenity of these public rights of way and many others would be badly affected by the proposed turbines and as a consequence there would be unacceptable conflict with LP Policy LC12. However, experience suggests that wind turbines often occupy the same landscapes as public rights of way and that their loss of amenity may be an inevitable consequence of producing renewable energy in this way. On its own, therefore, this conflict would not be sufficient to count against the proposed development but it does add weight to the landscape and historic environment conclusions.

Other Considerations

51. Because of the narrow, twisting rural characteristics of the local highway network, substantial works would be necessary to transport the large constituent parts of the proposed turbines to (and at the end of the operational phase, from) the site. Albeit individually minor, the extensive works would include the reconfiguring of junctions together with the re-alignment or widening of carriageways. There is the possibility of some large vehicular conflict in connection with the planned decommissioning of Oldbury Power Station but that remains conjecture at this stage and would not present an impediment.
52. The highway works would require the use of land outwith the Appellants' control but the Council accepts and so do I that they could be completed by way of a Section 106 agreement and/or required by a Grampian condition. Consequently highway considerations need not stand in the way of the proposed development.
53. There is considerable and understandable local concern about the impact of turbine noise on the quiet enjoyment of their homes by some local residents. A noise impact assessment was undertaken for the ES in accordance with the appropriate guidelines and on the basis of independent advice the Council concluded that it was sufficient. According to the assessment noise impacts would be acceptable. One receptor failed when gathering background data and the lowest noise levels from other receptors were used for that monitoring point instead. I regard that substitution as reasonable because even if the actual background noise were lower at that point, the surroundings are usually so quiet that I think the difference would be minimal.
54. There is strong local concern about implications for noise of wind shear and amplitude modulation. These are relatively complex issues and I do not doubt the strongly held, well informed and cogently expressed views upon them. However, there is insufficient site-specific empirical data for me to conclude firmly that the potential effects of wind shear or amplitude modulation would result in any dwellings suffering unacceptable noise impacts as a result of the proposed turbines in this case.

55. There are similarly expressed views about shadow flicker from revolving turbine blades. The ES concludes that some dwellings have the potential to suffer substantially as a consequence but that a scheme of mitigation would address it, which could be secured by conditions. I am persuaded that the phenomenon is predictable and that as a consequence any occurrence could be avoided by timely stoppage of rotating blades. Nevertheless, I have sympathy for the concerns of those who may be affected and can understand their fears about the impact on their lives.
56. The risk to users of public rights of way or others as a consequence of ice throw from rotating blades is another local concern. Whilst I understand the fears, there is no substantial or compelling evidence to suggest that this is a risk that could not be managed by the operators in the light of their liabilities or could not, if necessary, be addressed by conditions.
57. It is perhaps unsurprising that there should be concerns on the Levels about hydrology and hydrogeology. A flood risk assessment was undertaken within the ES in accordance with industry best practice and as a statutory consultee, the Environment Agency did not object to the proposed development when the application was before the Council. Nothing has been produced since to persuade me that there is any substance in related concerns of local people and any risks of flooding could be obviated by conditions.
58. Ecology is comprehensively dealt with in the ES, and subject to an ecological enhancement plan and appropriate conditions it can safely be concluded that there would be no significant implications for protected species including bats, badgers and great crested newts. There is some local anxiety about birds and particularly buzzards colliding with rotating turbine blades and I can understand that. But ornithology was also addressed in the ES. There is some evidence of species of nature conservation importance in the assessment but no important concentrations of breeding or wintering birds were found. Few migratory birds were observed and flight activity over the site was limited. The Severn Estuary Special protection Area (SPA) lies within about 3km but the predicted effects on its bird population are negligible.
59. The Council concurred with the conclusions of the ES at the time the application was being considered and there is no objection from Natural England or the RSPB. Subject therefore, to an ecological enhancement plan and appropriate conditions it can safely be concluded that there would be no significant implications for ecological or ornithological interests as a result of the proposed development.
60. Finally, there is understandable concern about electro-magnetic interference with television reception, which seems likely to be serious for up 20 dwellings and significant for a further 2213 homes. That is also addressed in the ES and I am satisfied that suitable mitigation to restore service could be secured by way of conditions.

Conditions & Section 106 Agreement

61. Some 30 conditions have been suggested by the Council which are largely acceptable to the Appellants and could have been imposed subject to assessment against the advice in Circular 11/95.

62. There is a draft S106 Agreement but it has neither been signed nor sealed and cannot therefore be taken into account.

Conclusions

63. There is a balance to be struck between the need for renewable energy and the environmental costs associated with its production. The balance for the Council and for the PLG is negative whereas the balance for the Appellants is positive; but for me the balance is negative.
64. There is a clear need for renewable energy and the proposed development would make a useful contribution to satisfying it. Furthermore, there is no serious blockage to development from noise and wind shear, shadow flicker, ice throw, hydrology and hydrogeology, ecology and ornithology, or electro-magnetic fields. All of these sincerely held local concerns are either unproven or could be addressed by conditions. There are significant traffic implications but I am satisfied that to the extent necessary and in the absence of a Section 106 or other Agreement, they could be overcome by Grampian conditions.
65. However, the proposed development would have serious implications for the character and appearance of the rural surroundings in terms of landscape, the historic environment and the amenity of public rights of way, so serious in my opinion that they outweigh the benefits of renewable energy production. These adverse impacts give rise to unacceptable conflict with the relative development plan policies which find support in national planning guidance and therefore, despite the conformity with development plan policies relating to renewable energy which also find national policy support, the appeal cannot succeed.
66. I have not reached this conclusion lightly and have considered the temporary nature of the development. However, in this case *temporary* means a two year construction period followed by 25 operational years. That is a very long time and I am not therefore persuaded that the temporary nature of the development would greatly reduce the adverse impacts.
67. I have had regard to all of the other matters raised but none dissuades me from the conclusion that this appeal should be dismissed.

Alan T Gray

Inspector

APPEARANCES AT THE HEARING

APPELLANTS (Wind Prospect Developments Limited)

Alistair Smith BU&RP MPIA	Wind Prospect Developments Ltd
Robin James House BA (Hons) LPC, Solicitor	Squire Sanders Hammonds LLP
Rob Shepherd MIOA	Hayes McKenzie Partnership Ltd
Susan Dodwell MA (LD) CMLI	Woolerton Dodwell Associates
Dr John Knight MA PhD CEnv MIEEM	Knight Ecology Ltd
Peter Cardwell BA MIFA	Archaeology & Heritage Consultancy
Richard Kellerhern MSc MICE MCIWEM CEng	Wallingford Hydrology

LOCAL PLANNING AUTHORITY (South Gloucestershire Council)

Simon Penketh BA (Hons) BTP Dip UD MRTPI	Planner
Martin Crawford BSc	Traffic Engineer
Rachel Fry BA (Hons) MPhil CMLI	Landscape Architect
Rebecca Anthony BA (Hons) Dip BC	Heritage Officer

PARISH LIAISON GROUP

Barry Turner, Chairman	Oldbury on Severn Parish Council
Tony England, Chairman	Rockhampton Parish Council
Thomas Jenner-Fust, Chairman	Hill Parish Meeting
Alexandra Soffe	Hill Resident

LOCAL REPRESENTATIVE

Councillor Matthew Riddle, Ward Member, South Gloucestershire Council

LOCAL PEOPLE

A substantial number of local people attended the hearing and many participated by asking questions and/or making evidential contributions, including Dr M Toft who spoke authoritatively about shadow flicker, ice throw, noise and wind shear, and Mr Malcolm Lynden who spoke knowledgably about the Oldbury Power Station and its proposed replacement. The fact that all the contributors are not identified individually does not devalue their contributions on a range of other subjects.

DOCUMENTS PUT IN AT THE HEARING

1. Notification of the Hearing
2. Site Inspection itinerary and map
3. Statement of Common Ground
4. Note on wind shear (WPD)
5. Note on Duckhole Lane and Severn Bridge viewpoints (SGC)
6. Note on health and safety issues around bridleways and roads (PLG)
7. Note on renewable energy production (PLG)
8. Photograph from St Michael's Hill (PLG)
9. Horizon nuclear power leaflets (2)
10. Draft Section 106 Agreement & relative correspondence

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Services Department:

Telephone: 0870 333 1181

Fax: 01793 414926

Textphone: 0800 015 0516

E-mail: customers@english-heritage.org.uk