



Appeal Decision

Site visit made on 27 October 2010

by D L Burrows DipTP MRTPI

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

Decision date: 23 November 2010

Appeal Ref: APP/U2615/A/10/2131105

Land to the east and west of the Ormesby Road, adjacent to the disused Hemsby Meteorological Station between the villages of Ormesby St Margaret and Hemsby

- 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 Sea & Land Power and Energy Ltd against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/09/0592/F, dated 8 September 2009, was refused by notice dated 23 December 2009.
 - The development proposed is the construction and operation of a wind farm consisting of four wind turbine generators, switch house, access tracks, hardstanding and underground cabling.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. An environmental statement produced in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 accompanied the application. Regard has been had in determining this appeal to the contents of that statement, further environmental information submitted with the application and appeal, comments from statutory consultees and other representations duly made about the likely environmental effects of the proposed turbines.

Main Issues

3. The main issue is the effect of the proposals on the character and appearance of the locality.

Reasons

4. The 4 turbines would have a tubular tower, be 3 bladed and of a mid-grey colour with a semi-matt, minimum reflective finish. Each turbine would have a maximum hub height of 60m with a 90m diameter blade sweep. The overall maximum height would be 105m. The switch house would be about 26sqm in area and 4m tall. There would be no requirement for additional overhead power lines. The turbines would be connected to the switch house by underground cables and then to the local grid via a pole on the opposite side of Ormesby Road from the switchroom.

5. The appeal site is farmland which straddles both sides of Ormesby Road a "C" class road which links Hemsby to the north with Ormesby St Margaret to the south. 3 turbines would be to the west of the road and 1 to the east. Although the western boundary of the site is contiguous with The Broads National Park, the nearest turbine would be about 275m from that boundary. To the east of the road the turbine would be located to the west of Yarmouth Road which links the seaside settlements of Hemsby and Scratby. The A149, about 1.5km to the south, is one of the east-west routes between the coastal resorts/towns and Norwich.
6. To the west of Ormesby Road the landscape falls within the National Character Area – The Broads - whilst to the east it is described as North East Norfolk and Flegg. The more detailed Great Yarmouth Borough Landscape Character Assessment 2008 describes the wider area as settled farmland. The area is low lying and the topography is gently undulating. The generally arable landscape of rectilinear fields, defined by hedges and banks, has an open and exposed character offering panoramic views. However, the character of the area is influenced by human activity and views can be broken up by stands of trees, the woodlands of The Broads and the settlements. The vertical elements in the landscape such as the church towers, overhead lines and the turbines at Blood Hills/Somerton are visually prominent in this simple, attractive, tranquil landscape with its scattered villages and farmsteads.
7. Although the appeal site is not subject to any national or local landscape designations The National Park is directly to the west and north, whilst the Norfolk Coast Area of Outstanding Natural Beauty lies about 3km to the north.
8. It is inevitable given the scale and location of the turbines they would be prominent features in a relatively flat and open landscape. Their smooth sleek lines and somewhat utilitarian appearance would create a degree of harm in this essentially rural location with its smaller scale and more traditional forms of development which rely to a large extent on local materials and are more easily absorbed by the natural vegetation. The location of the appeal site is an integral part of countryside. However it is somewhat enclosed by built development to the north, east and south and woodland to the west. Therefore even though in general terms the landscape is one which can and has accommodated large structures such as the turbines to the north, in this case the more confined nature of the surroundings, particularly from close and intermediate views would emphasize the discordant scale, height and appearance of the 4 turbines.
9. At present there are 3 different turbine sites within 5 km of each other. The 33 offshore turbines at Scroby Sands, the single large turbine at Somerton and the 10 smaller ones at Blood Hills. The 4 new turbines would also fall within this 5km area and introduce a fourth wind farm development. The landscape evaluation accepts that there would be some cumulative impacts from both static viewpoints and in sequence when travelling. The tourist nature of the area means that it is not just from the major roads that these impacts would be experienced but also from the minor lanes linking the villages and local attractions by road and by boat from people on the plentiful waterways. There would be cumulative impacts from The Broads which would be likely to impair people's enjoyment of the undeveloped nature of the national park. Although it is recognised that noise from the turbines would not be a problem and the relatively slow motion of the blades would be in accord with the gentle pace of water traffic. However, whether people consider turbines to be a positive

experience or not the scale and nature of existing turbines is not one of the natural beauty aspects of The Broads for which they were given special protection. Even though the proposal would continue the tradition of energy from wind in the locality, the turbines proposed are of a large size and of a far more industrial appearance than traditional wind energy developments which are more easily absorbed into the landscape.

10. The combination of the above factors means that the development because of the character of the area and the diverse appearance, size and speeds of existing turbines would have an adverse impact on the appearance of the locality. The proposal would therefore be contrary to the objectives of policies NNV2, NNV3, NNV5 and NNV7 of the Great Yarmouth Borough Wide Local Plan.
11. In reaching this conclusion it is accepted that the greater the distance of particular viewpoints from the development the more the visual harm emanating from the proposal would diminish, even from within The Broads. It is also noted that the existing turbines are already integral characteristics of the wider area, but in this particular locality the proximity of so many together with their varying inter-visibility would unacceptably change the delicate balance that exists between the turbines and their natural surroundings. It would compromise the visual amenity of residents, workers and travellers in the locality.

Other material considerations

12. The application site is close to the Broadland Special Protection Area (SPA)/Ramsar site with its populations of pink footed geese and marsh harrier. At the time the application was refused, the Council, taking account of objections by the RSPB, was not satisfied that the proposal would have acceptable effects on this area and its wildlife. As a consequence the application was refused because of nature conservation interests.
13. However, following the decision the appellants undertook additional survey work and the RSPB is now satisfied that its objections have been addressed and that the proposal both on its own and in combination with other existing/permitted wind farms would not have adverse effects on the pink footed geese populations using the Broadland, North Norfolk Coast or Wash SPAs. The Council concurs with this view and no longer objects to the proposal on this ground. When looking at all the information submitted in this respect it can now be concluded that the proposal would not have significant adverse effects on the SPA and pink footed geese.
14. Moreover, when considering all the other submissions in respect of ornithological and other nature conservation issues there is nothing to fundamentally challenge the views of Natural England that based on the cumulative ecological surveys and the mitigation measures proposed there is no objection to the proposal on nature conservation grounds.
15. The nearest listed building to the appeal site the Grade 1 listed barn at Hall Farm which is 200m to the north of the appeal site and 450m from the nearest turbine. It is a large barn dating back to the 14th Century and still in agricultural use. It is seen as part of a built complex within the rural area. It forms part of a farmyard complex, is inward looking and is separated from the appeal site by hedges and trees. Its setting is very localised and would not be affected by the proposal. Similar arguments apply to the numerous other

- listed buildings in the locality, particularly those in Hall Lane and at Decoy Farm.
16. There are also a number of conservation areas, the closest are within the settlements of Hemsby (500m) and Ormesby St Margaret's (800m). These areas and the listed buildings within them are within the villages and the settings and character of these two areas owe much to the buildings around them. It is acknowledged that the wider setting of the listed buildings and conservation areas includes the surrounding countryside and there would be some inter-visibility between them and the turbines. However, even though the turbines would be substantial structures in their own right, their impact would not fundamentally alter the agricultural nature of the countryside which provides the wider setting of the buildings and conservation areas.
 17. There are other matters which need to be assessed in relation to turbine developments. Local residents have raised issues about impacts including noise disturbance, potential health impacts, shadow flicker, TV reception and the like.
 18. In this case a noise assessment, in accordance with ETSU-R-97 *The Assessment and Rating of Noise from Wind Farms* for the construction, operation and decommissioning phases of the wind farm. The assessment was at 6 locations which the Council agreed were the closest noise sensitive receivers. Whilst some temporary construction and decommissioning activities were considered to have the potential to increase ambient noise levels, operation of the turbines did not. It should be noted that noise from the construction and decommissioning phases would be of relatively short duration. From the information submitted there is no substantive evidence to challenge this view.
 19. There are numerous articles in the press and other documents which raise concerns about effects on health due to low frequency noise. However in the Companion Guide to PPS22 (Technical Annex 8 para 45) the Government's view is quite simply that there is no evidence that ground transmitted low frequency noise from turbines is at a sufficient level to be harmful to human health. This view is restated in Revised Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) which was published by the Government for consultation in the Autumn of 2010.
 20. Operational traffic associated with the development is likely to be low. The Highway Authority are satisfied that subject to a construction management plan including an approved construction route there should be no particular highway safety proposals during the construction phase. Similar arrangements could be made for the decommissioning phase.
 21. It has been mooted that a private members bill may result in mandatory minimum distances between turbines and dwellings. However at the present time this does not form part of Government policy and whether such measures would be enshrined in legislation is not known. The matter cannot therefore carry weight in determining this appeal. Similarly it could be that in the future new legislation may change Government policy in relation to the assessment of on-shore renewable energy proposals in the light of public comment. However, the possibility of these, as of yet, unknown details is not a good reason to delay proposals which could have acknowledged benefits in reducing green house gas emissions.

22. Despite fears from residents, the available information is that, provided they are *properly designed and maintained wind turbines are safe technology..... There has been no example of injury to a member of the public.* (Companion Guide to PPS22 Technical Annex 8 para 49). It should be noted that in this instance, whilst Ormesby Road passes through the site there are no public rights of way across the fields. Matters such as interference with TV reception, shadow flicker, archaeology, hydrology/geo-hydrology and aviation are ones which could be addressed by appropriate conditions.
23. When looking at all the additional concerns of local people and organisations in relation to these other matters, it is concluded that the evidence submitted does not justify refusal of the proposal on these grounds.
24. There is no fundamental conflict with the findings in respect of this appeal and the conclusions of the inspector who determined the appeal for a turbine at Blood Hills, Somerton in 1999 (APP/U2615/A/99/1017508/P5. The circumstances were different in respect of location and there was only one turbine which, although of a similar height, had shorter permitted blades. In addition the 33 turbines at Scroby Sands have since been constructed.

Benefits of energy renewal

25. Nationally policy on renewable energy is to be found in *PPS22:Renewable Energy*. It does not express a preference for one type of renewable scheme above another. Neither do the revised draft National Policy Statements for Energy released for consultation purposes in October 2010 favour off-shore wind farms over on-shore schemes. Moreover the 2020 national targets for renewable energy production were reaffirmed at lately as September 2010.
26. At national, regional and local levels there is a commitment to producing energy from renewable sources. The turbines would have an annual generating capacity of up to 2.5MW each. Based on 30% generation this could supply 5500 homes which equates to around 14% of the needs in the Council's area. Over their estimated 25 year lifetime the turbines would also reduce CO₂, sulphur dioxide and nitrogen oxides emissions. The scheme would therefore play an important part locally in meeting the Government's targets for a renewable energy supply.
27. Whilst of significant scale, the life time of the proposal is temporary, a number of the perceived adverse effects would be reversible. For instance, such matters as decommissioning and reinstatement of land could be controlled by appropriate planning conditions. Devaluation of property prices is not a planning matter. There would also be socio-economic benefits such as employment/business potential.

Overall conclusion

28. It is concluded above that the development would result in material harm to the character and appearance of the area because of its scale and location and the cumulative impacts of other similar developments. It is recognised that all wind energy projects inevitably give rise to some significant landscape impacts and this is inherently recognised in national policy guidance. Nevertheless when considering all the evidence, the conclusion is that the adverse impact on and harm to the character and appearance of the area surrounding the appeal site is so significant that even when taking account of the acknowledged benefits of the proposal, the need for renewable energy and the lack of

substantial objection on other grounds, is sufficient to warrant refusal of the proposal.

D L Burrows

INSPECTOR