



Appeal Decision

Inquiry opened on 19 August 2008

Site visit made on 22 September 2008

by **A N Pykett** BSc(Hons) PhD MRTPI

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

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Decision date:
5 November 2008

Appeal Ref: APP/L0635/A/07/2047477

Aston Grange Farm, Aston, Runcorn, Cheshire WA7 4DG

- 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 Tegni Cymru Cyf against the decision of Vale Royal Borough Council.
- The application Ref: 05-1059-FUM, dated 20 June 2005, was refused by notice dated 19 December 2006.
- The development proposed is the erection of four wind turbine generators up to 125m high, and associated electrical and communication cables, sub-station, anemometry mast, new site access roads and temporary access provisions.
- The inquiry sat for 6 days on 19-22, and 26-27 August 2008.

Preliminaries

1. The application was accompanied by a *Planning Appraisal* and by an *Environmental Statement* prepared under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. I have taken their contents into account in the determination of this appeal. In August 2007 the Secretary of State granted Rule 6 status to a local action group – Stop Aston Windfarm (SAW). Thereafter the parties jointly compiled a comprehensive range of core documents at the appeal stage, many of which were referred to at the inquiry. I held a Pre-Inquiry Meeting on 27 May 2008. At the inquiry the appellant confirmed that planning permission is sought for a temporary period of 25 years.
2. In September 2008, after the closure of the inquiry, *The North West of England Plan Regional Spatial Strategy to 2021* (RSS) was published. The draft version of the plan (including the Secretary of State's proposed changes) was extensively referred to at the inquiry, and, in respect of the policies and contents cited, there is little difference between the proposed changes and the published plan. The principal parties were nevertheless invited to comment on the changed circumstances. I have taken account both of their views and the contents of the published plan in the determination of this appeal. This includes the replacement of both the *Regional Planning Guidance for the North East* (RPG13) and a number of previously relevant policies from the *Cheshire Structure Plan*.

Decision

3. I dismiss the appeal.

Main issue

4. On the basis of the evidence submitted before and during the inquiry, and of my site visit, I consider the main issue in this case is whether the scheme would be inappropriate development in the Green Belt, and if so, whether other considerations would clearly outweigh the harm – together with any harm resulting from any injury to visual amenity – and thus constitute the very special circumstances necessary to justify such development.

Reasons

5. The appeal site is located on agricultural land about 3kms to the south-east of Runcorn. Although the site forms part of the North Cheshire Plain, the land itself comprises a gently undulating area. The bases of the turbines would be at between about 28m and 42m AOD. T1 in the north and T4 in the south would be about 1km apart. T2 and T3 would fall between, and would be about 500m apart. The land lies within the valley of the lower reaches of the River Weaver which passes to the south. The river has been heavily canalised to provide access between the Mersey to the north-west, and Northwich and the canal system to the south-east. The west coast main railway line passes the site to the east – mainly on an embankment. There are a number of villages or small settlements in the vicinity of the site: Sutton Weaver, Aston, Dutton and Bartington to the north of the Weaver Navigation; and Acton Bridge, Crowton and Kingsley on the south side. The higher parts of Frodsham overlook the land from the west. The area is characterised by a complex network of roads, lanes, bridleways and footpaths. To the north the M56 Motorway skirts the southern edge of Runcorn.

Inappropriate/appropriate development in the Green Belt

6. The appeal site falls within the extensive Green Belt surrounding Merseyside and Manchester. There is no dispute between the parties that the appeal scheme would constitute operational development. Notwithstanding the definition of 'building' included in section 336 of the above Act, I am however in no doubt that the erection of a commercial wind turbine cannot be accurately described as a 'building operation' – which is defined in the same section as work normally undertaken by a builder. In my view the scheme does not therefore fall to be considered against those categories of development listed in paragraph 3.4 of Planning Policy Guidance (PPG) 2: *Green Belts*. This is exclusively concerned with the construction of new buildings. I believe the erection of a turbine is most accurately described as an engineering operation, and it should thus be considered against the contents of paragraph 3.12 of PPG2. The same applies to the proposed cable works, anemometry mast, and access roads. In contrast, the proposed sub-station would be housed in a building – though clearly a building which would be entirely ancillary to the proposed turbines.
7. Paragraph 3.12 records that engineering operations are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. My attention was drawn in this context to a decision by the Secretary of State for the former Department of Trade and Industry to grant consent under the Electricity Act 1989 for a wind turbine generating station at Scout Moor near Rochdale in May 2005. In that

case the Inspector agreed with the applicant's view and considered that 'the landscape [would] retain a sense of openness permeating through the slim widely spaced turbines¹'. On this basis the turbines affected were considered to constitute appropriate development within the Green Belt.

8. As the parties observed at the inquiry, there is no definition of openness in PPG2. Within the *Vale Royal Borough Local Plan (2006)* however, which forms part of the development plan, openness 'generally means freedom from built development. Any development which reduces the openness of the Green Belt as a whole will not be acceptable under the terms of the policy'². Additional guidance can be gleaned from the contents of ODPM Circular 11/2005³: *The Town and Country Planning (Green Belt) Direction 2005*. Although this is concerned with the procedure for referring certain cases to the Secretary of State which a local planning authority does not propose to refuse planning permission, it both reiterates the importance attached to openness, and records matters which should be taken into account in arriving at a judgement as to its significance – in terms of the impact of the development on openness.
9. In assessing its significance, the Direction refers specifically to the scale, or nature, or location of the proposed development. Although the Direction and the Circular are principally expressed in terms of the size of buildings, paragraph 3 of the Circular records the other types of development which may also be inappropriate. In my view a large wind turbine which would be visible from an extensive area must have an impact on openness. I have taken account of the observations made at Scout Moor and Middlemoor⁴ of the visual permeability of this form of development. Nevertheless, quite apart from its total height, the tower in this case would be some 4.5m in diameter at the base, and I can see little justification for the argument that the construction of such a structure can simultaneously maintain openness. Even though the underlying landscape remains visible, the existence and size of the turbine would act as an inevitable interruption to visibility. The space around the structure would become essentially defined by its proximity to the turbine. I believe furthermore that the significance of the effect on openness must be considered to increase in proportion to the number of turbines. Indeed, in circumstances where more than one turbine is to be erected in the form of a group, cluster or farm, the interaction between the individual turbines would act to further diminish openness. The sum of the whole would thus be greater than the sum of the parts; to the extent that the permeability referred to by the appellant would be further compromised.
10. I turn now to consider whether the project would conflict with the purposes of including land in the Green Belt. The purposes are listed in paragraph 1.5 of PPG2. In view of the significant period between the first designation of the Green Belts and the recent development of wind energy, I do not believe the need to regulate the latter could have been taken into account in the identification of the former. Nor in my view should wind turbines be regarded as being representative of specifically urban or specifically rural locations. Indeed, the first key principle of Planning Policy Statement (PPS) 22:

¹ Paragraph 261, CD 42u

² See the reasoned justification to Policy GS3, Page 19, CD 17

³ Document 15

⁴ Document 9

Renewable Energy is that renewable energy developments should be capable of being accommodated *throughout* England in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily.

11. There was no dispute between the parties that in this case only two of the listed purposes may be applicable – the checking of unrestricted sprawl, and safeguarding the countryside from encroachment. In view of their potential ubiquity, I agree with the appellant that the construction of wind turbines cannot be considered to constitute urban sprawl. The case is less clear however in relation to encroachment. Notwithstanding the passage of time since they were identified, I consider the relevant purpose is sufficiently broadly drawn to include a variety of different types of development. I recognise that this purpose is less robustly expressed than the others – it does not seek ‘prevention, preservation or checking’; but merely ‘assistance’ in safeguarding the countryside from encroachment – but I do not see that this detracts from the geographical extent of its application.
12. ‘Encroachment’ is defined in the dictionary as a gradual advancement beyond expected or acceptable limits, but, unlike the other purposes, there is no corresponding reference to a near-by town or urban area. Notwithstanding the origin of the Green Belts, I believe this purpose therefore has a wider application, and, although some distance from the inner boundary of the designated area, I see no reason to doubt that the erection of a turbine would constitute the intrusion of development into the countryside. Thus, I have concluded that the turbines would conflict with both of the criteria included in paragraph 3.12, and that the scheme therefore constitutes inappropriate development. Paragraph 3.2 of PPG2 records that inappropriate development is, by definition, harmful to the Green Belt. It continues that there is a presumption against inappropriate development, and that the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.
13. In my opinion, this approach is reinforced by the contents of paragraph 13 of PPS22. This recognises that, when located in the Green Belt, elements of many renewable energy projects *will* comprise inappropriate development. Apart from the turbines themselves, I consider other elements of the scheme would also constitute inappropriate development within the meaning of PPG2. These comprise: the anemometer mast; the sub-station building; the site tracks; and, though merely for a temporary period, the construction compound and crane pads. I recognise that, in comparison with the turbines, their impact on openness would be limited.

Visual Amenity

14. Paragraph 20 of PPS22 is similarly candid. It records that of all the renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. Even where proposals would not prejudice the purposes of including land in the Green Belt, paragraph 3.15 of PPG2 seeks to avoid visual injury or detriment by reason of their siting, materials or design. In making assessments of the visual and landscape effects of wind energy schemes, PPS22 recognises that the impact of turbines on the landscape will vary with the size and number of turbines and the type of landscape involved. Paragraph

- 19 refers to the contribution which can be made by the use of objective descriptive material, although it acknowledges that, to some extent, the final decision is a matter of professional judgement. Cases will need to be considered on an individual basis, but, as with key principle (viii), the minimisation of visual effects is sought.
15. After some initial variation, the appearance of commercial wind turbines now seems to be fairly uniform, but, as is recorded in the *Companion Guide* (CG) to PPS22⁵, they are available in a wide range of sizes. It is the one aspect of their design where variation appears to be possible. The CG additionally observes that, although turbines have increased in size and capacity over time, it should not automatically be assumed that the largest turbines will feature in planning applications for onshore locations.
16. A similar conclusion can be drawn from the provisions of the development plan. The proposal falls most directly to be considered against Policy EM 17 of the RSS. Although it records that opportunities should be sought to identify proposals and schemes for renewable energy, a number criteria will need to be taken into account. These include the acceptability of the location/scale of the proposal and its visual impact in relation to the character and sensitivity of the surrounding landscape. This should stop short however of effectively precluding the supply of certain types of renewable energy, other than in the most exceptional circumstances such as within the nationally recognised designated areas listed in paragraph 11 of PPS22. Although these do not include the Green Belts, another criterion of the policy seeks the maintenance of the openness of the region's Green Belts.
17. Policy BE21 of the *Adopted Vale Royal Borough Local Plan First Review Alteration*⁶ (June 2006) states that the wider benefits of renewable energy developments, whatever their scale, will be given significant weight in the determination of planning applications. Schemes will be supported, but will need to have regard to the immediate and wider impact on the landscape; the measures taken to minimise visual effects; and their impact on the openness of the Green Belt.
18. The appellant and the council have employed specialist landscape architecture advice at both the application and appeal stages. Before the determination of the application there was agreement between the parties' respective advisors that the scheme was acceptable. Consultants acting for the council concluded that the proposed development would retain the differences between the landscape character areas across the borough. It would be located in a relatively large scale landscape and would not overpower the smaller scale landscapes. It would not compromise the character and quality of the Weaver Valley Area of Special County Value (ASVC)⁷, and it would be sufficiently distant from Aston not to compromise the setting of the hamlet. Although the

⁵ Page 156, CD 29

⁶ CD 17

⁷ The Weaver Valley was identified in structure plan Policy R2 as an ASVC, and local plan Policy NE11 allows development which would preserve or enhance the area. Local plan Policy NE13 seeks to prevent development which would harm the landscape value of the valley. However, paragraph 15 of PPS22 records that such local landscape designations should not be used in themselves to refuse planning permission for renewable energy developments. Although structure plan Policy R2 has now been replaced by RSS Policy EM 1, structure plan Policy GEN8 is saved until a further RSS review. The Weaver Valley Regional Park is thus recognised in planning policy. The project is also cited in Table 9.1 of the RSS.

scheme might 'overwhelm' receptors at Peartree Lodge, Bankfield and Weaver View Cottages (about 600m from the nearest respective turbines), this would be limited to a small number of individuals⁸.

19. Notwithstanding these conclusions and a positive recommendation from the Planning Officer, the planning application was formally refused permission, and different consultants were retained at the appeal stage. On this occasion the consultants advising the different parties came to conflicting conclusions. In accordance with the advice included in paragraph 20 of PPS22 I have considered these conclusions, and the views expressed by other parties, principally in terms of the size and number of turbines and the type of landscape involved.
20. The consultants acting on behalf of the appellant conducted a full landscape and visual assessment as part of the ES. This included a review of the local landscape character areas, the preparation of zones of potential visual (ZPV) influence maps, and the preparation of a number of photomontages from a distance of up to 14.6kms. I visited a number of the viewpoints both during the formal site visit and on other occasions. I also visited a number of dwellings, and walked a good length of the bridleway and footpath on the south side of the Weaver Navigation. A number of additional photomontages were prepared by SAW showing the effect of the proposed turbines from this right of way. Although all the material submitted in evidence was useful, I do not believe it can be determinative in its own right. I have used it as an aid to arriving at conclusions.
21. In September 2007 the council simultaneously adopted two Supplementary Planning Documents – *Landscape Character (SPD5)*⁹ and *Landscape Sensitivity and Wind Turbine Development (SPD4)*¹⁰. The former classified the 13 landscape types which fall within the boundaries of Vale Royal. Each landscape type was sub-divided into geographically discrete character areas. As its name implies, the latter was concerned with the extent to which the types and areas are capable of accommodating wind turbines.
22. Although the application boundary extends as far as the north bank of the Weaver Navigation, and thus falls with two landscape character types and areas, the turbines would all be sited in area 5A – Aston Heathy Farmland and Woodland. The two more southerly turbines would however be quite close to the boundary with area 8C – the Lower Weaver Valley. The ZPV maps indicate that the turbines would be visible from an extensive area, including area 4B (Frodsham to Northwich Undulating Enclosed Farmland) to the south of the Weaver; and area 4D (Whitley and Comberbach Undulating Enclosed Farmland) to the north-east of the Trent & Mersey Canal and the A533. In terms of relief, it is the segment to the south-west where visibility of the turbines would be restrained by the sandstone ridge.
23. Area 5A is described in SPD4 as a large scale, elevated farmland landscape with a relatively large field pattern resulting from late post-Medieval agricultural improvement and twentieth century field re-organisation. It is considered to have moderate sensitivity to the installation of a small group of

⁸ Appendix A, CD 6

⁹ CD 23

¹⁰ CD 22

- turbines¹¹. The relationship of the group to main roads and key transport nodes is considered important as these already comprise existing sources of movement in the landscape. The most important aspect of the potential layout is considered to be from the public viewpoints on the adjoining undulating enclosed farmland landscape areas to which I have referred. The siting of the turbines should respect valued landscape components such as that of the former Aston Hall. They should be located away from the steep wooded valleys which incise the area. The area is considered to have moderate-high sensitivity to larger numbers (7-12) of larger turbines (c.120-130m to tip), and a slightly lower sensitivity to a group of smaller turbines (under 100m to tip) whose footprint would be the same as a small group of larger machines.
24. The guidance included in SPD4 is accompanied by a number of qualifications. Amongst these, reference is made to the study being confined to landscape character only. As is recorded in the CG¹², the assessments of landscape and visual effects are generally considered as separate exercises. The study does not therefore take account of impacts on visual amenity. It is also noted that the visibility of development may extend over some considerable distance, covering many different landscape types or character areas. A development may therefore influence the character of an adjacent character area, as well as the area in which the proposal lies.
25. In my visits to the site and its surroundings I took note of the different characteristics of the various types and areas identified in SPD5 and SPD4. To my mind the distinctions and distinctiveness identified in both are accurate and carefully observed. The area defined by: the Weaver Navigation to the south and west; the M56 Motorway to the north; and the railway to the north-east; does indeed have some of the character of an island – surrounded as it is by the built-up areas of Runcorn and Frodsham, or the more intensively occupied landscape to the south (between Frodsham and Weaverham), and to the east (between Weaverham and Runcorn). Although in my view it is far removed from the character of elevated heathland or moorland, it does exhibit a larger scale landscape with a sense of openness – largely induced by its limited relief, comparatively large fields, and low hedgerows. There are few houses or other buildings in the area, and Aston itself is a small hamlet.
26. The photograph and photomontage for viewpoint 4 provided by the appellant indicates the character of the landscape. From this vantage point the landscape appears large, flat and of limited interest. The effect of the existing pylons and overhead wires is evident, and the impact of the turbines from this vantage point would be manageable. I recognise of course that a substantial proportion of the lower parts of the turbine towers would be hidden from view below the horizon.
27. At the inquiry I heard a significant volume of evidence in respect of the landscape surrounding the site of the former Aston Hall. I understand the house was built in 1668, but it was largely demolished in 1938. The parkland surrounding the house was the subject of detailed designs by Humphrey Repton in three phases between 1793 and 1810. The area of the parkland occupies the land between Aston Lane and the Weaver Navigation and extends

¹¹ 'Small' in this context means 2-6 turbines of between 100-120m in height to the blade tip.

¹² Page 60, CD 29

from Beckett's Wood in the north-west to Whittle's Corner in the south-east. Notwithstanding its provenance, the parkland is not included in the national list of Registered Parks and Gardens. It is recognised however in the Cheshire County Council Register of Historic Parks and Gardens. The register records that the substantial woodland belts are very much in evidence, and the land is now managed as a shooting estate. It notes that despite the loss of the house and parkland trees, the remaining plantations and other features provide an almost intact setting to that planned by Repton. A rather less favourable view is included in the consultation draft of the *Cheshire Landscape Character Assessment*. It describes the parkland at Aston Park as degraded¹³.

28. There is a public footpath between Aston Lane and the river which passes to the south-east of Parkside Farm, but there are no public rights of way within the main part of the parkland. Nevertheless, I saw the site of the former house and the parkland on my site visit. The parkland is also visible from the outside – principally from the higher land in Frodsham to the west. As is evident from the Red Book however¹⁴, Repton's principal concerns were with the approach to the house from Aston Lane, and the prospects from the house. The front elevation of the house faced north-east, and the views from the principal rooms were to the north and east. The turbines would also be to the east and south-east. However, Repton advises that woodland to the east of the house should be rendered 'impervious to the eye... lest the corn when ripe be seen thro' the stems of the trees; this would totally defeat the great object of our improvement, which is to present a natural glade of lawn betwixt two varied lines of respectable woods'.
29. In view of the changes which have occurred it is unacceptable in my view to place too much emphasis on the impact of the proposed development on the landscape at Aston Park. The loss of the house removes the principal focus of Repton's landscape architecture. Although the middle-distance enclosure which he sought is retained, this serves to render the parkland a rather introspective experience. I do not dispute the accuracy of the cross-section submitted¹⁵ on the council's behalf, but the viewpoint is not publicly accessible, and I do not believe the composition as a whole would be seriously affected by the proposed turbines.
30. The agricultural landscape which had so concerned Repton is visible to the west of Parkside Farm. Although the woodlands on the steeper valley slopes leading down to the Weaver Navigation are also visible from this area, Repton's improvements are much less evident. The turbines would be significantly more visible, but again, I do not believe this would be to the extent that they would diminish the character and appearance of the parkland.
31. The Weaver Navigation passes the appeal site to the south. There are popular footpaths and bridleways on both banks of the river, together with a network of other rights of way and lanes crossing the rising land towards Kingsley, Crowton and Acton Bridge. Although their visibility would be frequently interrupted by the proximity of hedges or buildings, all the turbines would be visible from other locations. In particular, T3 and T4 would be relatively close

¹³ Page 99, CD 87

¹⁴ CD 89

¹⁵ Document 5

- to the top of the steeper slope between the river and the higher ground of the Aston Heathy Farmland and Woodland area.
32. A number of photomontages from this area were submitted by SAW. To my mind they help to illustrate the extent to which the river, the adjoining flood plain, and the steep valley sides combine to form a readily identifiable and different landscape unit. These are indeed identified as the first of the key characteristics of area 8C in SPD5. The presence of the river and the steeper wooded slopes renders the landscape both more intimate and more interesting than the farmland on which the turbines would actually be sited. Although the canalisation of the river is readily apparent, the area is a quiet, tranquil landscape. The scene is complemented by the buildings and navigational structures at Dutton Lock. Of much greater impact is the Dutton Viaduct, which carries the main line some 700m downstream of the lock.
33. Especially from the walks on the south bank of the river, T3 and T4 would be particularly prominent. From the south and south-west they would be seen only against the sky, and their height would be exaggerated by their location at the top of the valley slopes and the comparatively low elevation of the receptors. On the other hand, their locations would render them relatively isolated from settlements, and their greatest impact would be on those using the countryside for recreation or exercise. Nevertheless, in my view the locations of these turbines would render them in conflict with the advice in SDP4 that they should be sited away from the steep, wooded valley slopes.
34. I have also considered the impact of the turbines from the vicinity of Dutton Lock and Dutton Viaduct. In the former case the effect of the structures would be diminished by distance, the intervening landscape, and the existence of the locks themselves. The locks and their associated buildings can now be regarded as an expression of the transport technology of a previous age, and, as a matter of principle, I would not regard modern wind turbine technology as being necessarily incompatible. In my view the same argument would apply to Dutton Viaduct and the railway. SPD4 makes a similar point – transport routes are an existing source of movement in the landscape. In this respect I agree with the appellant that the turbines would not diminish the setting of the viaduct itself as a Grade II* listed building. I note that the original form and appearance of the viaduct has already been affected by the gantries installed to carry the overhead power lines.
35. I have taken account in this context to the promotion of the area as the Weaver Valley Regional Park. One of its purposes is recorded in paragraph 6.49 of the structure plan as the enhancement of existing open space networks. The draft boundary covers an extensive area¹⁶, and although the initiative is cited in the reasoned justification to local plan Policy NE13, the efficacy of this policy is reduced by the replacement of structure plan Policy R2 and the contents of paragraph 15 of PPS22. In comparison with such designations, criteria-based policies of the type included in local plan Policy BE21 are preferred.
36. Bartington Hall is also a listed building (Grade II) and lies about 2.7kms to the south-east of the nearest turbine (T4) site. The building has been recently

¹⁶ See Appendix 7 of Ms Reynolds' Proof

- renovated and outbuildings converted to residential use. The turbines would be visible to the north-west, but in my view they would be too distant to have any appreciable effect on the setting of the building.
37. There was a degree of agreement between the parties in relation to the effects of the proposed development on landscape character and visual amenity from the viewpoints included in the ES. There was a difference however in relation to viewpoint 13 at Barnton. This viewpoint is 6.3kms to the nearest turbine, and the appellant assesses that both the magnitude of change and the effect of the development would be moderate. The council considers the magnitude of change would be substantial, and the effect major/moderate. I gather the appellant's assessment was coloured by the then condition of the land – the field in the foreground had evidently been recently harvested. During my own visit to viewpoint 13 the field was being grazed. In my view the different circumstances serve to illustrate how significantly the appearance of the landscape can change with the seasons and the weather. On the occasion of my visit visibility was appreciably clearer than is shown in the photograph and the sandstone ridge as Frodsham was significantly more prominent. The prospect was thus more attractive than the photograph implies. Nevertheless, the view is wide and extensive and the vertical impact of the turbines would be correspondingly limited.
38. The same cannot be said of the middle-distance prospects to the east of the site – in the vicinity of Dutton Hall, Lodge Lane and Dale Farm. The impact of the scheme from these viewpoints is perhaps best illustrated by the photomontage in the ES at viewpoint 5. The A533 is elevated above the level of the Trent & Mersey Canal and is at about the same level of the proposed turbine bases. The land therefore falls down to the canal before gently rising again, with the sandstone ridge forming the background. At a distance of 1.1kms the full height of T1 would be apparent, with the other three turbines appearing only marginally smaller.
39. From the canal bridge on the bridleway to the south of Dutton Hall the composition of the landscape is further enhanced by the visibility of the Weaver Navigation, Dutton Lock and the viaduct. It is a complicated, interesting, pastoral scene upon which the full extent of the proposed turbines would be only too evident. The appellant argues it is inevitable that wind farm development will result in a marked change to the physical attributes of the immediate area, irrespective of the receiving environment. The turbines will share the normal attributes of all such schemes – including a range of responses which are partially dependent on the predispositions and perceptions of the viewer¹⁷.
40. I recognise and acknowledge the public perception and response studies cited by the appellant. Nevertheless, I fear the appellant lays too much emphasis on the effect of predisposition; to the extent indeed that the advice included in paragraph 20 of PPS22 is undermined. Amongst other matters, this records that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved. At close range, I accept that all commercial turbines would appear to be very large structures, and in distant views their scale is diminished by the size and horizontality of

¹⁷ See paragraphs 10.2 and 10.3.2 of Mr Stewart's Proof

most landscapes. Seen from middle-distance vantage points however, I believe the importance of the size and the scale of the structures becomes critical.

41. A particular landscape may thus be able to accommodate a small number of modestly sized turbines where the same number of large turbines would be out of scale and unacceptable. I note in this context that the planned hub height of the turbines was lowered from 100m to 80m during the project evolution stage, but I do not agree that this strikes the right balance between energy production and visual impact¹⁸. Nor in my view does the evidence on landscape and visual impact submitted on behalf of the appellant adequately address the effect of 125m high structures on the particular appeal site and its surroundings. I recognise that very large turbines of the type proposed are now available and are more efficient. However, although these may not appear out of place in a moorland or industrial setting where there may be few valued middle-distance vantage points, their impact on this more intimate and occupied landscape must weight against the scheme.
42. From both the vantage points to which I refer above, the scale and content of the landscape can be readily appreciated. The vertical difference between Island Farm (close to the River Weaver) and the base of the nearest turbine (T4) would be about 20m. The height of the viaduct would be similar. The height of the pylons which cross the appeal site varies. At the inquiry it was estimated they were between 30 and 40m. I recognise these detract from the quality of the scenery, but the turbines would be much more substantial structures. More significantly, T4 would be over 6 times the height difference between river level and the upper break of slope which defines the edge of the Aston Heathy Farmland and Woodland. In my view they would thus appear seriously out of scale with their landscape setting, and I fear they would completely dominate this attractive rural scene. The other components of the scene, even the larger ones – the viaduct, the river, and the woodlands – would be so fundamentally diminished by comparison, that the project could legitimately be described as a serious injury to visual amenity.
43. It is from the east and south-east that I fear the turbines would appear disproportionately large. From these directions it is the relatively modest changes of level and slope which endow the landscape with depth and enhance its appeal and attraction – a quality it shares with much of lowland England. In my view the turbines would fail to appropriately respond to or address this scale. Although there are no substantial settlements in this area, the impact of the turbines would be further disadvantaged by the passing presence of the most sensitive receptors to changes in the landscape¹⁹. I refer not just to those using the Cheshire Ring Canal Walk, but also to those using the canal itself, walkers on the Delamere Way, and riders on the Aston Ring Bridleway. Taking account of the altitude of the base of the towers, at the highest point of its rotation the turbine blades would exceed the highest parts of the sandstone ridge to the south of Frodsham. They would be notably higher than either the cooling towers at the Fiddlers Ferry Power Station or the Runcorn Bridge

¹⁸ Paragraph 2.6.8.2, CD 2(b)

¹⁹ See paragraph 7.32 of CD 71

referred to by the appellant²⁰ – both of which are sited close to sea level in heavily industrialised and urbanised settings.

44. On my site inspection I also visited properties and the area served by Lodge Lane. As is recorded on the appellant's residential survey data²¹, some of the dwellings in this area would be even closer to the turbines than the two vantage points to which I refer above. The turbines would be clearly visible, but from many locations much of the tower in each case would be obscured by the railway embankment which carries the main line. Indeed, to my mind the proximity and height of the embankment is so influential that it seriously depletes the potential appreciation of the landscape which might otherwise be possible from this area. I conclude that the effect of the scheme on visual amenity from this limited area is not as great as its impact from some of the rather more distant vantage points.
45. I have sought in this part of the decision to take account of the impact of the proposed turbines on visual amenity from the surrounding area. In general, I believe the effect from the north and west would be less injurious than that from the south and east. From the locations to which I have referred, I believe the modestly varied topography renders the latter viewpoints more susceptible to change and hence less able to accommodate very large structures. This would not apply to the same degree either in a flat landscape or one where greater changes of levels are on a more substantial scale. In each case the extent and character of the middle-distance foreground is crucial, even as increasing numbers of turbines become visible in different landscapes in many different parts of the country.
46. I have referred to the impact of the scheme on visual amenity in the identification of the main issue in this case. The status afforded this matter is given direct or indirect expression in local plan Policy BE21, PPG2 and PPS22. As far as the RSS is concerned, Policy EM 17 requires that the acceptability of the location and the scale of the proposal are taken into account in relation to the character and sensitivity of the surrounding landscape. The policy is tempered by the requirement to avoid precluding the supply of certain types of renewable energy, but, for the reasons I have given above – principally as a result of the height of the proposed turbines – I have concluded the project would result in significant harm to visual amenity in the locality.

Other Matters

Horses

47. I turn now to consider other matters which have been raised. I heard evidence at the inquiry concerning the possible impact of the proposed development on horses and horse riding in the area. Evidence was presented for SAW by representatives of the British Horse Society and the Mid-Cheshire Bridleway Association. There are a significant number of livery yards and riding stables in the area, and the Aston Ring Bridleway is a favoured route. Starting at Bartington, the ring follows bridleways close to either the Weaver Navigation or the Trent & Mersey Canal; it passes under the Dutton Viaduct, north to Aston Grange Farm before turning east to Dutton Lodge Farm and back down to the

²⁰ See Figure 24, CD 2(c)

²¹ Document 12

river. The route provides an 8 mile circular loop through much of the landscape to which I have previously referred.

48. Apart from its impact on visual amenity, there is some concern that the appearance of the turbines and the shadows and noise they generate could startle horses and cause them to bolt. It is feared this could have an adverse effect on the attraction and utility of the ring and reduce the off-road opportunities for riders in a wide catchment area. The CG to PPS22 acknowledges a consultation with the British Horse Society and advises a 200m exclusion zone along bridleways. However, I understand the society reviewed its policy in 2007, and it now advises that a 200m separation distance should be regarded as a minimum. A distance of 3 times the overall height of the turbine is favoured – 375m in this case. T1 would be just under 250m from the bridleway which passes to the north.
49. The closest turbine to the ring would therefore comply with the terms of the minimum separation distance, and I received no evidence as to the rationale behind the 3 times height recommendation. I note however that the society's policy recognises the manner in which horses can become familiar with wind turbines. Although it would appear unlikely that horses would graze the fields close to the proposed turbines, I have no reason to suppose that those resident in the area about which concern was expressed would not become more familiar with the structures after an initial period. On balance, I have been able to attach little weight to this objection to the scheme.

Noise

50. Witnesses acting for SAW and a number of others, including Mike Hall MP into whose constituency the appeal site falls, have referred to the noise generated by wind turbines. I have considered the representations made and the evidence submitted on behalf of the appellant. The noise predictions do indicate their likely volume on the nearby bridleways. I acknowledge that this would have some adverse impact on the enjoyment of these routes. Although the impact resulting from noise is included as one of the criteria in local plan Policy BE21 without qualification, paragraph 22 of PPS22 records that the 1997 report by ETSU for the former Department of Trade and Industry should be used to assess and rate noise from wind energy development. This is concerned with the effect of turbines at noise-sensitive properties – usually dwellings.
51. The criteria included in ETSU-R-97²² do not require that turbines are inaudible at the nearest noise-sensitive properties; merely that they should not exceed certain limits. The noise survey carried out on behalf of the appellant demonstrates that there would be no exceedence of the relevant noise limits. The CG to PPS22 records that there is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health. A similar conclusion is recorded in respect of vibration.

Safety

52. A number of representations were made in relation to the safety of the proposed development – particularly in view of the proximity of the site to the

²² CD 77

main line, to Liverpool John Lennon Airport, and to the A533. All these matters are addressed in principle in the CG to PPS22, and I have received no specific objections or expressions of concern from the relevant authorities. The scheme complies with the advised fall over distance in relation to the railway, and Document 19 records the position of the airport. Although the turbines would be visible from the A533 there is no history of accidents associated with wind farms. I am satisfied that neither their location nor the traffic characteristics of the road are a cause for concern in this case.

53. At the inquiry, the *Mechanical Operating and Maintenance Manual* for the Vestas V90 turbine was cited²³. In particular, paragraph 2 of the safety regulations advises operators and technicians not to stay within a radius of 400m of the turbine unless necessary. The appellant was unable to explain the rationale for this distance. Indeed, it was acknowledged that this is strange advice to include in a maintenance manual where the remainder of the document is concerned with procedures for working on and in the turbine. Furthermore, a safety zone of over 3 times the height of the machine is in direct conflict with the thrust of the guidance included in paragraphs 49-51 of Chapter 8 of the CG to PPS22. However, in view of my decision in this case I see little purpose in my seeking to resolve the difference on the basis of the information I have received.

Targets

54. One of the key principles included in paragraph 1 of PPS22 is that the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations which should be given significant weight in determining whether proposals should be granted planning permission. To this end, and although the RSS should include targets for the exploitation of the region's renewable energy resource potential, the achievement of the target should not be used as a reason for refusing planning permission for otherwise acceptable schemes. Indeed, the targets should be revised upwards if they are met.
55. The combined regional target included in the RSS for renewable energy schemes is 1234.4MW by 2010 and 1932MW by 2015²⁴. By 2005, 97 schemes had been completed with a total capacity of 312.5MW. The RSS disaggregates the figures to both the sub-regional level and in terms of the different technologies. The target for wind farms, wind clusters, and single large turbines is 648MW by 2010 and 795MW by 2015. By 2005, 16 schemes had been completed with a total capacity of 68.9MW. The equivalent wind energy target for Cheshire is 87MW by 2010²⁵.
56. The proposed development would have a capacity of 12MW, and, as the appellant observes, there are as yet no wind farms in Cheshire despite a 17 year period of such developments in England as a whole. Taking account of the long lead times involved in both wind energy schemes and renewable energy projects generally, it is evident that neither the sub-regional nor the regional targets are likely to be attained. Although the figures indicate that

²³ Paragraph 1.1.3 records that the ES is based on the Vestas V90 3MW machine. The manual is included as Document 17

²⁴ See RSS, Table 9.6

²⁵ See RSS, Table 9.7a

appreciable progress has been made at the regional level, the poor performance in respect of wind energy at the sub-regional level must add significant weight to the appellant's case.

Conclusion

57. Paragraph 3.2 of PPG2 records that inappropriate development is, by definition, harmful to the Green Belt. There is a presumption against inappropriate development, and the Secretary of State attaches substantial weight to such harm at the appeal stage. In this case I have also concluded for the reasons I have given that the visual amenity of the Green Belt would be injured. These amount to substantial hurdles. For the very special circumstances to exist which are also referred to in paragraph 3.2, this harm must be *clearly* outweighed by other considerations.
58. In this context I have taken note of the wider environmental benefits associated with the increased production of energy from renewable sources. These are specifically referred to in paragraph 13 of PPS22, and in many other policies and publications. Annex D of *The Energy Challenge*, published in 2006, comprises a renewables statement of need²⁶. It records that although the wider benefits of renewables schemes may not always be immediately visible to the specific locality in which the project is sited, the benefits to society and the wider economy as a whole are significant. They must be reflected in the weight given to these considerations. More recently, the Supplement to PPS1: *Planning and Climate Change*, published in 2007, seeks to make sure that decisions are made in accordance with its provisions²⁷. These include ensuring that renewable and low-carbon sources of energy supply are maximised, and ensuring that local approaches to protecting landscape and townscape are consistent with PPS22 and do not preclude – as a matter of policy – the supply of any type of renewable energy other than in the most exceptional circumstances.
59. The changing emphasis of Government policy can also be traced through the progression from RPG13; to the Draft RSS; to the Panel Report of the Examination in Public²⁸; to the Secretary of State's Proposed Changes; and the final RSS. However, the need to maintain the openness of the Green Belt remains, together with the acceptability of the location and scale of the proposal and its visual impact in relation to the character and sensitivity of the surrounding landscape.
60. It is evident that the balanced approach required by the provisions of the development plan is present also in national policy. I have sought to take all these matters into account in arriving at a conclusion. Much recent policy favours the distribution and construction of wind energy schemes throughout England. In contrast, Green Belt policy has a relatively long history. Its two fundamental aims are recorded in paragraph 1.4 of PPG2 – its permanence and its openness. In order to secure the retention of openness, development within the Green Belts is severely restrained. But it is not intended that there should be no development, and the need to address climate change is pressing. The implication of paragraph 13 of PPS22 is that the other considerations it

²⁶ CD 52

²⁷ CD 25

²⁸ CD 19

identifies *can* be sufficient to clearly outweigh the harm which results from inappropriateness and any other harm. In my view much hangs on the clarity sought by paragraph 3.2. For the very special circumstances described in PPG2 the balance of advantage must be obviously and plainly evident. In this case the inappropriateness of the scheme would be substantially aggravated by the injury to visual amenity – principally as a result of the height of the proposed turbines in their particular landscape setting. Although the benefits of the proposal are real and substantial, I have concluded in this case that they are insufficient to outweigh the harm with the necessary clarity. The very special circumstances referred to in PPG2 do not therefore exist.

61. I therefore further conclude the proposed development would conflict with the purposes of paragraphs (i) and (v) of local plan Policy BE21, and with local plan Policies NE11 and NE13. Nor would the project be able to take advantage of the proviso included in local plan Policy GS3. Notwithstanding the general thrust of RSS Policy EM 17, I consider the scheme would be in significant conflict with two of its criteria – those concerned with visual impact and the openness of the Green Belt. It is for the reasons given above that I have concluded the appeal should be dismissed.

Andrew Pykett

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Miss Tina Douglass	of Counsel, instructed by Ms Margaret Ingham, Solicitor, Vale Royal Borough Council
She called:	
Ms Sarah Reynolds	The Landscape Partnership, Greenwood House, 15a St Cuthberts Street, Bedford MK40 3JB
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FOR THE APPELLANT:

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He called:	
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Dr Andrew McKenzie	Hayes McKenzie Partnership Limited
PhD BSc MIOA	
Mr David Stewart	David Stewart Associates
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FOR STOP ASTON WINDFARM (SAW):

Mr Geoff Sinclair	Environment Information Services, Glebe House, Martletwy, Narberth, Pembrokeshire SA67 8AS
He called himself and:	
Ms Sue Beecroft	
Ms Sheila Cox	
Mr Mike Robinson	
Mr Derek Batchelor	
Mr Shaun Rutledge	
Mr John Dawson	
Ms Helen Connolly	British Horse Society
Ms Jennifer Sloane	Mid-Cheshire Bridleway Association
Mr Derek Carter	
Mr Mike Cooksley	
Mr William Palin	SAVE Briton's Heritage
Mr Howard & Ms Sophie Talbot	
Mr John Morgan	for Aston Parish Meeting
Mr Steve Pardoe	for Acton Bridge Parish Council
Mr Tony Hinkins	for Frodsham Town Council
Mr David Callaway	for Sutton Parish Council

INTERESTED PERSONS:

Mr Mike Hall MP	House of Commons, London SW1A 0AA
Mr Alan Gent	Hunters Lodge, Lodge Lane, Dutton WA4 4HR
Mr Michael Robinson	Aston Lea, Aston Lane, Aston, Runcorn WA7 3DG
Cllr Ralph Oultram	Vale Royal Borough Council, Wyvern House, The Drummer, Winsford, Cheshire CW7 1AH
Dr Neville Thompson	54 Grasmere Road, Frodsham, Cheshire WA6 7LQ
Mr Howard Norris	Pickerings Bridge Cottage, Crowton CW8 2TX
Cllr Lyn Riley	Vale Royal Borough Council, Wyvern House, The Drummer, Winsford, Cheshire CW7 1AH
Ms Helen Dunne	Dutton Lodge, Lodge Lane, Dutton WA4 4HW
Mr Robert Shepherd	Willow House, Acton Land, Sutton Weaver WA7 3EP

DOCUMENTS SUBMITTED AT THE INQUIRY

Documents submitted by the local planning authority

- 1 Council's notice of inquiry and circulation list
- 2 Corrections to Ms Reynold's Proof
- 3 Email and enclosures dated 18 August 2008 concerning field systems and enclosure, and the Historic Landscape Character
- 4 Drawing No: 08029.09 showing Green Belt and non-Green Belt land
- 5 Drawing No: 08029/08: Cross-section
- 6 Miss Douglass's Closing Submissions

Documents submitted by the appellant

- 7 Extract: Aston – Landscape Character CE6
- 8 Letter dated 13 August 2008 concerning the wind regime and energy potential
- 9 Secretary of State's (DBERR) decision letter dated 7 August 2008 and Inspector's Report (Conclusions) – Middlemoor, Alnwick
- 10 Wireframe drawing of proposals – additional viewpoint
- 11 Ms Guthrie's Rebuttal Proof, July 2008
- 12 Corrections to TCC/LG evidence in respect of residential properties
- 13 Mr Stewart's Rebuttal Proof
- 14 Letter of support dated 21 August 2008
- 15 Circular 11/2005 – The Town and Country Planning (Green Belt) Direction 2005
- 16 Statement of Common Ground
- 17 *Mechanical Operation and Maintenance Manual, Vestas Wind Systems A/S*
- 18 Draft Conditions for Aston Grange Wind Farm
- 19 Letter dated 18 August 2008 from Liverpool John Lennon Airport
- 20 Mr Trinick's Closing Submissions

Documents submitted by SAW

- 21 Extract: The proposal in context
- 22 Appendix B – Wind Power Stations Constructed in the UK
- 23 Appeal Decision dated 9 May 1990
- 24 Impact or harm to walking groups
- 25 Statement by Mr Cooksley
- 26 Appeal Decision dated 28 September 2006
- 27 Tip speed calculation and Counter to Rebuttal of Evidence of Helen Connolly
- 28 Statement on behalf of Frodsham Town Council
- 29 Statement on behalf of Sutton Parish Council
- 30 Letter dated 27 August 2008 from the Clerk to Aston Parish Meeting
- 31 Official Statement of Frodsham Town Council
- 32 Mr Sinclair's Closing Submissions

Documents submitted by interested persons

- 33 Extract: *Safety Regulations for Operators and Technicians*, Vestas Wind Systems A/S
- 34 Statement by Mr Norris
- 35 Statement by Mike Hall MP
- 36 Statement and enclosures by Mr Gent
- 37 Request for a condition by Mr Robinson
- 38 Statement by Dr Thompson
- 39 Statement by Ms Dunne
- 40 Statement by Mr Shepherd

Core Documents

- 41 List