

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 14/05/14
Ymweliad â safle a wnaed ar 15/05/14

gan **Kay Sheffield BA(Hons) DipTP MRTPI**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 01/07/14

Appeal Decision

Hearing held on 14/05/14
Site visit made on 15/05/14

by **Kay Sheffield BA(Hons) DipTP MRTPI**

an Inspector appointed by the Welsh Ministers
Date: 01/07/14

Appeal Ref: APP/T6850/A/13/2200418

Site address: Bowdler Farm, Presteigne Road, Knighton, Powys, LD7 1LN

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr C Bevan against Powys County Council.
- The application Ref P/2013/0411, is dated 5 April 2013.
- The development proposed is the erection of a single wind turbine with a maximum hub height of up to 50 metres, rotor diameter of up to 58 metres and maximum upright vertical tip height of up to 79 metres, together with the erection of an electrical cabinet and provision of improved existing access track and new access track.

Decision

1. The appeal is dismissed.

Preliminary matters

2. Whilst the Council had failed to reach a decision on the planning application, it stated that had no appeal against non-determination been lodged, it would have refused permission. The reasons for taking such a decision would have been that insufficient information had been submitted to assess the landscape and visual impact associated with the proposed development; the use of the existing access to Bowdler Farm and the proposed improved agricultural access in association with the development would be detrimental to highway safety due to both being considered substandard; and insufficient information had been provided to demonstrate that the abnormal indivisible loads would be able to access the site without having an adverse effect on highway safety.
3. The planning application was accompanied by an Environmental Statement (ES) and various supporting technical assessments and statements. However, subsequent to the appeal being lodged an Inspector charged with assessing the ES for compliance with the Regulations¹ found that although the document was comprehensive in most respects, it did not contain all of the required information. The outstanding matters

¹ Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999

which required addressing included an outline of the main alternatives and reasons for the choice of site together with the cumulative effects of the proposal on the settings of specified Scheduled Ancient Monuments (SAM) in the area and in association with similar developments either existing or proposed. Following the submission of additional information to address these shortcomings the ES was found to be complete for the purposes of the Regulations. However a judgement as to the adequacy of the ES can only be made by the Inspector after considering all the evidence in respect of the appeal. I have taken the ES and the supporting technical and other information into account in arriving at my decision.

Main Issues

4. The main issues in this appeal concern the effect of the proposed development on the character of the landscape; visual amenity; the potential cumulative effect with regard to similar proposals and other forms of developments in the area; and highway safety.

Reasons

Summary of the proposal and site location

5. The appeal site forms part of Bowdler Farm which lies in open countryside to the south of Knighton and east of the B4355 from which the farm gains vehicular access. The site of the proposed turbine is located within a field to the south east of the farm buildings. The south eastern boundary of the field adjoins a green lane, Llan-wen Hill, which provides a link into the wider network of public paths and bridleways in the vicinity of the site which include Offa's Dyke National Trail, parts of which are Scheduled Ancient Monuments (SAMs). Although the site and its immediate surroundings comprise predominantly agricultural land there are areas of trees planted primarily as windbreaks, the nearest being to the east of the site on the opposite side of Llan-wen Hill. There are also residential properties scattered across the landscape.
6. The development comprises a single three-bladed 500kW turbine with a proposed maximum hub height of up to 50 metres, rotor diameter of up to 58 metres and upright vertical tip height of up to 79 metres. An electrical cabinet measuring approximately 5m by 3m by 3m high would be sited close to the base of the turbine. It is not proposed to fence the turbine or the cabinet off from the remainder of the field which would remain in agricultural use.
7. The proposal also includes a substation which would be sited some distance from the turbine but adjacent to the access track. Its maximum dimensions would be 3.6m by 2.5m by 2.6m high. Connection into the grid has been confirmed and would be via an underground cable to the existing underground infrastructure. It is anticipated that the lifetime of the turbine would be 25 years at the end of which it would be decommissioned and the site returned to agricultural use.
8. The submitted scheme proposes use of the existing access to the farm for standard size vehicles and an existing agricultural access from the B4355 would be improved to take the abnormal loads and cranes. Between the B4355 and the site of the turbine the existing farm tracks would be used as far as possible. However, these tracks would require improvement and new tracks would be needed.

Planning Policy Context

9. The Welsh Government is committed to delivering renewable energy as part of its objective of combating climate change and wind energy is recognised as offering the greatest potential in the short to medium term for delivering it. National policy in relation to renewable energy developments is contained within Planning Policy Wales Edition 6 (PPW 6) and Technical Advice Note 8: Renewable Energy (TAN 8). These policy documents reflect a UK target of 15% of energy from renewables by 2020² and a Welsh Government target of 2GW of installed onshore wind generation capacity by 2015/17³. However in paragraph 12.8.12 of PPW 6 the Welsh Government “*accepts that the introduction of new, often very large structures for onshore wind needs careful consideration to avoid and where possible minimise their impact*”. Whilst some of the evidence submitted by the parties referred to earlier editions of Planning Policy Wales, I am satisfied that the main aims of the Welsh Government with regard to renewable energy and the requirements of PPW 6 set out above remain essentially unchanged.
10. Whilst the site does not fall within a Strategic Search Area (SSA) as set out in TAN 8, the guidance recognises the contribution smaller schemes outside of SSAs could make to delivering renewable energy. However, it recognises in paragraph 2.13 that outside the SSAs “*there is a balance to be struck between the desirability of renewable energy and landscape protection*”. Also in paragraph 8.4 of Annex D the guidance points to an implicit objective in areas outside SSAs to “*maintain the landscape character i.e. no significant change in landscape character from wind turbine development*”.
11. The development plan for the area is the Powys County Council Unitary Development Plan, 2010 (UDP). The Council has stated it considers Policies GP1, GP4, ENV2 and E3 to be most relevant to the appeal. In addition to these the appellant considered Strategic Policy UDP SP12 to be relevant and local residents raised Policy TR2.
12. Policies GP1, GP4 and ENV2 respectively set out the general, highway and landscape safeguarding requirements developments need to meet and Policy TR2 opposes schemes which would have an unacceptable adverse effect upon the environmental setting of established tourist attractions. Whereas Policy UDP SP12 supports proposals for energy generation from renewable sources subject to the landscape, environmental, amenity and other requirements set out in the plan, it is Policy E3 which relates specifically to wind farms and individual wind turbines. The policy supports such proposals provided eight criteria are satisfied. These criteria cover a variety of issues but those considered most relevant to the appeal are the need to ensure that the development would not unacceptably adversely affect: the environmental and landscape quality of Powys, either on an individual basis or in combination with other proposed or similar developments; the occupants or users of sensitive properties or their amenities by reason of noise, vibration, shadow flicker or reflected light; and the enjoyment and safe use of the highway. In addition the policy requires that the development would be capable of being served by an acceptable means of highway access with any works required to achieve this not having unacceptable environmental impacts.
13. Whilst the appellant referred to the emerging Powys Local Development Plan (LDP), the Council did not rely on it in opposing the development as it is still in relatively early stages and little weight could be attributed to it. Reference was also made to

² Directive 2009/28/EC

³ “Energy Wales: A Low Carbon Transition –Welsh Government 2012

the Council's Small Turbine Planning Guidance Note. However, it was confirmed at the hearing that this is not adopted supplementary planning guidance and the parties were agreed that it is not relevant to the appeal before me. I have therefore given no weight to either document in reaching my decision.

Effect on the character of the landscape

14. The Council expressed concern that the Landscape and Visual Impact Assessment (LVIA) which accompanied the planning application contained insufficient information to fully assess the potential visual and landscape impact of the development. The grounds for its concern were that whereas the Zone of Theoretical Visibility (ZTV) indicated that the turbine hub and blade tips would be visible beyond a 10km radius of the appeal site, the radius of the study area in the LVIA was 5km extending to 10km in the cumulative assessment. Although additional details relating to landscape and visual impact submitted as part of the appeal extended the study area to 10km, the Council indicated that its concerns had not been addressed.
15. Whilst the Council stated that LANDMAP guidance indicates a radius of 15km would be an appropriate study area for a turbine of this scale, it is my understanding that a radius of between 5 and 15km is suggested. Moreover, in outlining the assessment of effects as required by the European Union Directive, the published Guidelines for Landscape and Visual Impact Assessment⁴ states in paragraph 1.17 that the "*emphasis is on the identification of **likely significant** environmental effects*".
16. The LVIA identifies the range of significant visual effects up to 2.5km from the site and significant landscape effects up to 1.5km. However I am aware that the LVIA submitted by interested parties considers the distance from the site beyond which there would be no significant effect to be 3.5km. Whilst I acknowledge that the ZTV indicates that the turbine may be visible from areas in excess of 10km from the site, the ZTV is based on bare terrain topographical data and does not take into account the screening effects of minor topographical features, vegetation such as trees and built structures. In reality surface features reduce the amount of the turbine which would be visible from any one location. In view of the conclusions reached in the LVIAs with regard to the range of significant visual effects and the lack of evidence from the Council to substantiate its claim that a larger study area was required, I am satisfied that I have sufficient information to reach a conclusion on the landscape and visual impact of the scheme.
17. The appeal site does not lie within any national or local landscape designations, although the Shropshire AONB lies approximately 2.8km to the north beyond Knighton. The Landscape Character Assessment for Wales identifies the site as being within Landscape Character Area 20: Radnorshire Hills which is an "*extensive gentle upland landscape of hills and valleys*". The Powys Landscape Character Assessment, 2008 provides a greater level of detail. It identifies the site as being in the Teme Hillside Landscape Character Area (LCA R7) which is an area of "*rolling hills and valleys with strong pastoral field patterns, wooded watercourses and scattered trees and small woodlands with scattered farms*".
18. In terms of the visual and sensory characteristics, LANDMAP evaluates the area in which the site is located as being moderate, an intrinsically attractive landscape which

⁴ Guidelines for Landscape and Visual Impact Assessment third edition, 2013, Landscape Institute and Institute of Environmental Management & Assessment

has been degraded to some extent by intensive farming with conversion of rough grassland/moorland areas to improved grassland resulting in a disturbed unattractive landscape reinforced by shelter belts. However, the LVIA assesses the sensitivity of the surrounding landscape to wind turbine development as being high or medium.

19. The most significant component of the development in landscape impact terms is the proposed turbine. At approximately 50m to hub height and with a rotor diameter of 58m, the turbine would be viewed as a new vertical, moving and man-made element within the landscape. Although there are various built and natural features in the area which already give an element of height to the landscape, the proposed turbine would be significantly taller than these and because of this the existing features would have little effect in assimilating the turbine into the landscape. The turbine would undoubtedly constitute a substantial feature on the local skyline and introduce a significant change in the appearance of the landscape. The introduction of a man-made, highly engineered structure of the type proposed would add to the degradation of the landscape caused by intensive farming as identified in LANDMAP and would thus be harmful to its intrinsically attractive character.
20. I have noted that the proposed turbine was selected as the appellant considered it to be more efficient in terms of environmental impact and the potential energy which would be generated in comparison with a smaller turbine, albeit it would be about 30m taller. I also accept that to generate the same power as the proposed turbine several smaller turbines would be required and this would have consequential effects on the landscape. Nevertheless I have concerns regarding the height of the proposed turbine and the significant change it would render to the landscape.
21. The proposed electrical cabinet and sub-station would both be located within relatively open settings. However the former would be sited at the base of the turbine in the context of which I consider it would be relatively unobtrusive. The sub-station would be set adjacent to an existing access track which hugs the boundary of the field. Although the sub-station would be more easily assimilated into the landscape if it was located between the track and the field boundary, with careful use of materials and finishes I do not consider that the structure would appear unacceptable in this setting.
22. As part of the development an existing field access from the B4355 would be improved. This would necessitate the removal of approximately 20m of hedgerow and its replacement by a fence. I acknowledge that the removal of the hedge would alter the appearance of this section of the B4355 which is characterised by hedgerows. However I do not consider that the loss of the hedge would unduly harm the character of the road provided it is replaced with an agricultural type fence.
23. From the improved access a new track would be created which would link into the existing farm track which already serves the farm. In order to allow for the size of vehicles generated by the development the existing track would need to be widened. The existing track is hardcore with a grass sward and the proposed track would be of a similar construction. Whilst it was contended by interested parties that the grass sward would not be successfully established, I noted on site that although there were some sections of the existing track where the grass was less well established, the cover was generally acceptable. In any event tracks across agricultural land are a feature of the landscape and I do not consider that the additional sections of track would be detrimental to the character and appearance of the locality.
24. Whilst I consider that the electrical cabinet, sub-station, improved access and tracks would not necessarily appear incongruous in the landscape, I am concerned that the

turbine, primarily due to its height, would appear unduly dominant and unacceptably adversely affect the landscape quality of the area, contrary to Policies GP1, ENV2 and E3 of the UDP.

Effect on visual amenity

25. Whilst the ZTV map indicates that the turbine would be visible over a wide area, the local topography and landscape features reduce the amount of the turbine which would be visible from any one location. Nevertheless the submitted evidence confirms that the turbine would be visible from a number of viewpoints (VP), although in many of these views it would be only part of the development which would be seen. I acknowledge that in some instances views of the turbine would be tempered by plantation trees which are outside of the appellant's control. Although it was contended by interested parties that some of these trees would be intentionally felled within the lifetime of the development, I have no substantive evidence that this is due to take place. I have therefore had appropriate regard to the role of the trees in providing screening from some VPs.
26. Whilst from the submitted viewpoints in Knighton (VP's 2 & 7) views of the turbine would be filtered by trees, there is the potential that it would be seen more clearly from other parts of the town and its surroundings, including from residential properties. The upper part of the turbine would also be visible on the skyline from Norton (VP 6) and Presteigne (VPs 11 & 14). As well as the submitted viewpoints I also visited The Old Vicarage Country House at Norton during my accompanied site visit. This is a Grade II Listed Building which offers bed and breakfast accommodation as well as having self catering units. The rear of the main house, its terrace and one of the self-catering units look out over a tranquil valley and it is in this outlook that the upper part of the turbine would be visible. Whilst I consider that in views from Knighton and Presteigne and various scattered properties referred to in the LVIA the effect of the turbine on visual amenity would be moderate, I consider its effect on receptors would be greater from Norton.
27. The turbine would be visible from various roads within the local area. However, due to roadside vegetation and intervening topography in many instances there would be little or no view of the development. Although the evidence does not identify the sections of road from which the turbine would be visible or provide visualisations to illustrate the potential views, I am satisfied that it would only be on short stretches of the B4355 and other minor roads within the vicinity of the site that the turbine would have significant effects on the visual amenity of road users.
28. There is a network of public rights of way in the locality which include the bridleway that follows the access to Bowdler Farm, crosses through to The Mount Farm and continues in a north easterly direction. In using this route receptors travelling towards the south would have views (VP 1) towards the turbine. Although the overhead power lines, woodland and field boundary trees and hedgerows are seen on the skyline the height of the turbine combined with the diameter of the rotors would create a dominant feature which would have a significant effect on visual amenity.
29. At the request of interested parties I also visited The Mount Farm and The Mount Flirt Barn, adjoining properties which are approximately 780m from the site and lie to the north east of the house and buildings at Bowdler Farm. The turbine would be set above the level of these properties and would be a dominant feature on the skyline. However, in viewing the site from the garden to both properties and from the inside of The Mount Flirt Barn I found that the topography and tree planting in relatively close

proximity to the properties would screen views of a large proportion of the turbine. I also found that the restricted height of the first floor bedroom windows at The Mount Flirt Barn limited views towards the turbine and from the kitchen window the view would be oblique. Nevertheless the upper part of the turbine would be visible and the movement of the rotor could be a distraction and given its relatively close proximity to the dwellings it has the potential to harm the visual amenity of the occupiers.

30. Offa's Dyke National Trail and Glyndŵr Way attract a significant number of walkers and in association with less prestigious ways are promoted as part of circular routes around Knighton. At its nearest point Offa's Dyke lies less than 2km to the west of the site and runs in a generally north to south direction. The section of Offa's Dyke relevant to the appeal takes walkers through an attractive landscape and includes wooded sections as well as places where the form of the dyke is quite well preserved. Whilst the wooded sections of Offa's Dyke and the intervening topography would limit views towards the turbine, from near Panponton Hill (VP 8) to the north and Hawthorne Hill (VP 3) to the south it would be clearly seen against the skyline. Similarly from the section north east of Rhos-y-Meirch (VP 4) the turbine would be clearly visible, although in this instance it would be partly seen against the tree plantation on the skyline.
31. I accept that on these sections of Offa's Dyke the views of the turbine would be intermittent and the attention of the visual receptors could be distracted by the Dyke itself and by the landscape in directions other than towards the turbine. I also accept that the development would not have an adverse effect on the form of the Dyke or its setting. Nevertheless I consider the effect of the turbine on the amenity of visual receptors using these sections of the Dyke would be significant.
32. The turbine would also be visible from more distant viewpoints on Offa's Dyke such as west of Presteigne (VP 13) and north of Garbett Hall (VP 15) as well as from Glyndŵr Way (VP's 12 & 16) and Harley's Mountain on the Herefordshire Way (VP10), all of which are in excess of 5km from the site. From these locations only the upper section of the turbine would be visible on the skyline and although the scale of the turbine would still be evident, it would form a minor part of a wider panoramic view. I therefore consider its effect on visual amenity on receptors would not be as significant as from the sections of Offa's Dyke referred to above.
33. The Shropshire AONB covers a large area to the north of Knighton and some of the viewpoints already referred to in respect of Offa's Dyke (VP's 8 & 15) lie within its boundaries. From within the AONB the turbine would also be seen from a public right of way to the west of Stowe (VP 9). Although the turbine would be visible on the skyline, the view is contained to a degree by the intervening topography and landscape features, including the townscape of Knighton. In this situation I do not consider that the turbine would harm the amenity of visual receptors within the AONB or have a significant effect on its setting. Various sections of Offa's Dyke are SAM's and there are several Listed Buildings and Historic Parks and Gardens in the surrounding area. However, on the evidence before me, I consider the sites to be sufficient distance from the turbine to ensure it would not unduly affect their setting.
34. The minor road from Presteigne which serves Reeves Hill is also part of the National Cycle Route (NCR 825). Reeves Hill (VP 5) is an elevated section of road which gives extensive views to the west. From this location the upper part of the turbine would be visible above the plantation on the skyline. Interested parties referred to the use of this route by local people for recreational purposes as well as by tourists. Whilst the effect of the turbine on motorists may not be significant, I consider it would have a

more significant effect on the amenity of visual receptors using this route for recreational and social purposes.

35. Although it is clear from the evidence and my observations on site that Llan-wen Hill is well used by walkers and riders, it is not included as a public right of way on the Definitive Map. It was confirmed at the hearing that a decision on an application for a Definitive Map Modification Order to have the lane added as a bridleway has not yet been reached by the responsible authority. Nevertheless Llan-wen Hill is referred to in local publications promoting the circular walks around Knighton, which take in Offa's Dyke National Trail and other public footpaths in the area.
36. Llan-wen Hill passes within approximately 65m of the proposed site of the turbine and although the scheme allows for the adjustment of the siting within tolerances of 20m the maximum distance the turbine would be from the lane is around 85m. In approaching the site the existing trees on the boundary of Llan-wen Hill with the adjoining agricultural land would help break up views of the development. In addition the hedge the appellant indicated would be planted on the boundary would further increase this effect, although it would take time to become established. Although the trees and new hedge would break up views of the lower part of the turbine, its upper section and the rotor would tower above walkers and riders travelling along the lane, creating a visually dominant feature in the landscape which would have a significant effect on their visual amenity.
37. There is no dispute that the turbine would be visible within the landscape but the issue to be determined is whether the development would be likely to have a significant adverse effect. Whilst I have concluded in respect of the majority of the viewpoints that the turbine would have a moderate effect on visual amenity this is primarily a consequence of the distance from the site and due to the scale of the development being less dominant in the context of the wider landscape. In respect of closer viewpoints on Offa's Dyke, public rights of way and other routes, some of which are used extensively for recreational purposes, I have found the effect on visual amenity to be significant. Moreover, I find that this significant effect is not outweighed by the moderate effect found elsewhere.
38. On balance I conclude that proposed development would cause the degradation of rural views enjoyed by local residents and visitors to the area resulting in a significant level of harm to visual amenity over a wide area, contrary to Policies ENV2 and E3 of the UDP.

Cumulative effect with regard to similar proposals and other forms of developments

39. It was confirmed at the hearing that planning permission had been granted by a neighbouring authority for four turbines at Reeves Hill. Although I understand permission had not been granted for access to the site and the development might therefore not go ahead, it is still relevant to my consideration of the cumulative effect of the appeal proposal.
40. Other turbines relevant to the cumulative effect include Llandrindod, Handregenny and Bramble Ridge Farm. However, due to the separation distance between the appeal proposal and these developments I am satisfied that there would be no significant cumulative effect.
41. The local topography and the extent of the tree cover within the surrounding area would limit the potential for combined visibility of the appeal proposal and the Reeves Hill development although they would be seen from localised parts of Norton, parts of

the B4355 and from sections of Offa's Dyke National Trail, Glyndŵr Way, The Herefordshire Trail and NCR 825. The appeal proposal would add to the effects the Reeves Hill development would have on the character of the area and visual amenity and given that in some views the appeal turbine would be the closer of the two developments, its effect could be significant. The development therefore has the potential to add significantly to the cumulative impact of similar proposals on the character and visual amenity of the landscape, contrary to Policy E3 of the UDP.

Effect of the existing access on highway safety

42. The existing access to Bowdler Farm from the B4355 also serves Bowdler Farm Cottage sited to the north of the junction. The Council was of the opinion that, due to its width, gradient, construction and visibility, the existing access was substandard and its increased use as a result of the development would be detrimental to highway safety. However, the appellant indicated at the hearing that he would be content for all traffic associated with the development to use the existing field access once it had been improved. The Council did not raise any significant objection to this proposal and confirmed that it considered the matter could be addressed by way of a condition.
43. I am satisfied that the use the existing access by traffic associated with the development could be limited to the initial weeks of the construction phase of the project and subsequently on an occasional basis for the routine servicing of the turbine. Based on this level of use I conclude that the increased use of this access would not be sufficient to cause detriment to highway safety and the movement of traffic on the highway, in accord with Policies GP1, GP4 and E3 of the UDP, Technical Advice Note 18: Transport and PPW 6 which promote the free and safe flow of traffic.

Effect of the proposed improved access on highway safety

44. Visibility from the existing agricultural access onto the B4355 is severely restricted in both directions by the roadside hedge and would require significant improvement in order to facilitate entry into the site by all vehicles associated with the development. The proposed access has been designed to allow traffic to enter the site from the north and leave the site in the same direction with egress onto the B4355 being controlled by traffic lights. This would require the widening of the access by removing approximately 20m of hedgerow, the loss of which would be compensated for by new hedge planting elsewhere on the farm. Following the end of the construction period the access would be fenced off from the road and would be used intermittently if large pieces of equipment were required for maintenance purposes.
45. Although the appellant indicated that drivers would contractually be required to turn towards Knighton and follow a specified route, the Council was of the opinion that this would be difficult to enforce. Moreover, in view of the restricted visibility and the need for egress from the access onto the B4355 to be managed by traffic lights, the Council considered that this would harm highway safety and be detrimental to the flow of traffic on this busy road. The Council confirmed that in order to allow vehicles to egress from the site in either direction visibility of 120m to the north and a minimum of 160m to the south would be required. However, the Council agreed that to achieve these distances the reduction in the height of the hedge during the construction period rather than its complete removal would be acceptable.
46. The main use of the access would be during the construction period as following its commission the turbine would only need routine maintenance approximately twice a year. The appellant predicts a total of 546 deliveries, with 368 taking place during

weeks 3 to 14 and the most intense period being in weeks 3 and 4 with an estimated 52 HGV movements per working day which equates to approximately two HGV deliveries per hour. The next most intensive period would be in week 13 during the erection of the turbine which would give rise to one delivery approximately every 2 hours and outside of peak travel times.

47. Whilst I share the concerns of the Council regarding the enforcement of the route to be taken by the drivers of the construction vehicles, this is a management issue which is successfully employed in other similar situations and I have no evidence to suggest that it would not be successful in this instance. Moreover, given the time between vehicles exiting the site even during the busiest part of the construction programme and the time the manoeuvre would take, I do not consider that the use of traffic lights to allow vehicles to exit the site would have a significant effect on the flow of traffic along the B4355. However, the provision of improved visibility at the access would provide drivers on the highway greater advanced sight of vehicles entering and exiting the site. Given that the appellant indicated that the roadside hedge required laying in the foreseeable future I do not consider that the reduction in its height for the duration of the construction period would be an unreasonable requirement.
48. I therefore conclude that, subject to the implementation of a management plan regarding the route the vehicles should take together with reduction in the height of the roadside hedge, the use of the improved field access would not cause an unacceptable level of disruption to the flow of traffic on the local highway network and as a consequence would not be detrimental to highway safety but would accord with Policy GP4 and E3 of the UDP.

Effect of the transportation of abnormal indivisible loads on highway safety

49. Whilst the Council's main concerns regarding abnormal indivisible loads centred on the adequacy of the proposed access, it also referred to the delivery route, particularly the adequacy of the information regarding some junctions. The submitted Traffic Management Plan and the Abnormal Load Route Access Report indicate a number of locations on the identified route from the motorway system to the site at which temporary works would be required in order to allow the passage of the abnormal loads. Although the appellant indicated at the hearing that practical solutions could be found to overcome any problems and that effective traffic management would ensure deliveries to site would take place with minimum temporary street works and inconvenience to users of the highway network, I am concerned that the submitted reports do not satisfactorily address these issues. My main concern is that the Abnormal Load Route Access Report is based on the rotor blades of 25.8m being transported on a vehicle with a total length of 29.4m whereas the proposed blades would be 29m.
50. However, I have no substantive evidence that the estimated seven abnormal indivisible loads could not be delivered to site using the identified route or that the improved agricultural access from the B4355 and the proposed access tracks would not be fit for purpose. Although I do have concerns regarding the delivery of the abnormal loads to the site, I consider that the control required to ensure that the route is acceptable and any necessary works are carried out could be addressed by condition. On balance I therefore consider that the transportation of abnormal indivisible loads to the site could be achieved without undue disruption of the highway network or harm to highway safety, in accordance with Policy GP4 and E3 of the UDP.

Other material considerations

51. Concern was expressed with regard to the effect of the turbine on the local tourist industry particularly in relation to Offa's Dyke National Trail and other well known routes and the demand this generates in the area for accommodation and other facilities. However, a recent report published by the Welsh Government⁵ states that "*while individuals vary widely in their reaction to wind farms, a clear majority do not react negatively to them in the landscape and will not change their destination choice on account of the presence of wind farms*". The report recognises that there are certain locations which are, on balance, more sensitive to wind farm development and this is particularly the case where people are visiting for the tranquillity, remoteness and natural scenery offered in some parts of Wales and the remoter parts of Powys are cited as examples of where this might be the case. However, in these locations the study has concluded that potential negative effect on visitor numbers may still be low overall, but in some circumstances could be moderate.
52. Nevertheless there is clearly a great deal of uncertainty around the potential impact which might arise in practice and on the evidence before me I do not consider that the single turbine proposed would have a significant effect on the local tourism. On this basis and having regard to the conclusions I reached earlier regarding the effect of the development on the setting of Offa's Dyke and other recognised tourist attractions, I consider the development would comply with Policy TR2 of the UDP.
53. Wind turbines have the potential to create noise from the mechanics of the turbine itself and the movement of the rotor blades through the air. Apart from the house associated with Bowdler Farm which is approximately 740m from the proposed site of the turbine, the nearest residential properties are The Mount Farm and The Mount Flirt Barn which are approximately 759m from the site and Hill House Farm located approximately 814m away. These distances are well in excess of the 500m separation generally used as a guide to avoid unacceptable noise impacts. Paragraphs 2.14 to 2.16 of Annex C to TAN 8 offer guidance on the assessment of the actual effects of noise on residential amenity and recognises the recommendations made by ETSU-R-97⁶ as relevant guidance on good practice. The submitted noise assessment states that the noise at all sensitive receptors would be below the limits set out in ETSU-R-97 and conditions can be used to ensure that recommendations on noise levels would not be exceeded in practice. On this basis I am satisfied that the living conditions of the occupiers of these properties would not be unacceptably affected by noise.
54. With regard to shadow flicker it is generally accepted that significant shadow effects will not occur beyond a distance of 10 times rotor diameter which would be 580m in this instance. Given that the nearest properties lie beyond this distance and the submitted shadow flicker map indicates no property would be affected, I am satisfied that local residents would not be affected by shadow flicker.
55. Concerns were expressed by interested parties regarding the effect of the turbine on those using this Llan-wen Hill, particularly to riders and their horses with regard to noise, movement of the blades or movement of shadows cast by the blades. The British Horse Society recommends turbines are sited a minimum of 200m or three

⁵ Study into the Potential Economic Impact of Wind Farms and Associated Grid Infrastructure on the Welsh Tourism Sector, February 2014.

⁶ The Assessment and Rating of Noise from Wind Farms, ETSU-R-97

times blade tip height (whichever is the greater) between a turbine and any route used by horses. Whilst the separation distance between Llan-wen Hill and the turbine would be less than 100m, I have no substantive evidence with regard to the likelihood of horses being spooked by the turbine. Moreover I understand that some horses quickly become accustomed to them. Whilst refusal of horses to go along Llan-wen Hill would severely curtail local routes available to riders, the evidence before me is not sufficient to convince me that the turbine would have a detrimental effect on those using Llan-wen Hill.

56. Whilst the development would not require external lighting, the Ministry of Defence has requested that, should the appeal be successful, the turbine be fitted with red lighting or infra-red lighting at the highest practical point. Whilst I understand that the fitting of any red light would disrupt the work of The Spaceguard Centre at Knighton, the Council considers that appropriate lighting to satisfy both parties could be achieved and I have no evidence to the contrary.
57. The production of renewable energy is one of the recognised forms of farm diversification listed in paragraph 3.7.2 of Technical Advice Note 6: Planning for Sustainable Rural Communities, 2010. Whilst I have not been furnished with evidence of the financial contribution the income from the electricity generated by the turbine would make I do not dispute that the agricultural use of the land would benefit from an additional income for an anticipated twenty five years. I understand that it would be used to provide an income for the appellant's son, allowing him to return to the farm and help guarantee succession to the fourth generation.
58. The appellant has indicated that a fund of £10,000 would be set up to support local community projects, to be administered by an independent body. Whilst details with regard to the management of the fund have not been finalised the appellant confirmed his commitment to make the donation. Although the principle of securing sustainable community benefits for host communities through voluntary arrangements is supported by the Welsh Government⁷, the contribution volunteered by the appellant is not deemed necessary for the development to proceed.

Conclusions

59. I acknowledge that a 500kW turbine is capable of making a significant contribution to national targets for renewable energy as well as contributing financially to the farm. With regards to access, noise, shadow flicker and tourism I am satisfied that the proposed development would be acceptable. Whilst all these carry weight in support of the appeal, I do not consider them sufficient to outweigh the conclusion I have reached that the development would have an unacceptably adverse effect on the landscape quality of the area, would cause a significant level of harm to visual amenity and has the potential to add significantly to the cumulative impact of similar proposals on the character and visual amenity of the landscape. My concerns regarding the effect of the development on riders using Llan-wen Hill and the delivery of the abnormal loads add some limited weight to my conclusions on these issues, but are not determining factors in themselves.
60. I therefore conclude that the proposed development would have an unacceptably harmful effect on landscape character and visual amenity, contrary to Policy E3 of the UDP which seeks to ensure that the development would not unacceptably adversely

⁷ paragraph 12.10.5 of PPW 6 and Annex B of TAN 8

affect the environmental and landscape quality of Powys, either on an individual basis or in combination with other proposed or similar developments. In relation to the balance to be struck between the desirability of renewable energy and landscape protection, as set out in TAN 8, I conclude that in this case the balance is not in favour of the appeal.

61. For these reasons, and taking into account all other matters raised, the appeal is dismissed and planning permission is refused.

Kay Sheffield

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr C Bevan	The appellant
Mr N Moore	Principal Planning Consultant of TNEI Services Limited, agent for the appellant
Mr R Armour-Chelu	Director of Armour Heritage Limited
Mr C Emmerson	Director of One Landscapes Limited
Mr A Gleeson	Of Airgen Limited
Mr R Henry	Of Airgen Limited

FOR THE LOCAL PLANNING AUTHORITY:

Miss H Hobbs	Planning Officer
Mr M Griffiths MRTPI	Senior Planning Officer
Miss A Brown	Senior Highways Officer

INTERESTED PERSONS:

Mr M Steele BA DipLD CMLI	Of Mark Steele Consultants Limited acting for Stonewall Hill Conservation Group
Dr S Hugh-Jones	Chairman of Stonewall Hill Conservation Group
Mrs P Mills	Local Resident
Mrs C Hugh-Jones	Local Resident
Mr J McCall	Local Resident
Mr C Payne	Powys Branch of Ramblers Cymru
Mr D Andrews MRICS	Knighton Town Council
Mrs J Naughton	Local Resident
Mr I Mills	Local Resident
Mrs S Bond	Local Resident

DOCUMENTS

- 1 Notification documentation of 14 April 2014 regarding the Appeal Hearing.
- 2 Decision letter regarding Appeal Ref: APP/T6850/A/13/2198831.