



Appeal Decisions

Inquiry held between 9 February and 5 March 2010

Site visits made on 8, 15 and 22 February and 1, 3 and 4 March 2010

by **Ruth V MacKenzie BA(Hons) MRTPI**

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

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Decision date:
22 April 2010

APPEAL A: Appeal Ref: APP/R1038/A/09/2107667

Land belonging to Rushley Lodge Farm, off Wirestone Lane, Middle Moor/Matlock Moor, Derbyshire DE4

- 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 Derbyshire Wind Energy Ltd against North East Derbyshire District Council (NEDDC).
- The application Ref No 09/00070/FL is dated 12 February 2009.
- The development proposed is a wind farm comprising of a total of 5 wind turbines with associated crane hardstandings (3 turbines within NEDDC and 2 within Derbyshire Dales District Council), the formation of a new vehicular entrance junction off Wirestone Lane (within NEDDC), and access tracks, underground cabling, temporary construction compound (within NEDDC) and substation building (within Derbyshire Dales District Council).

APPEAL B: Appeal Ref: APP/P1045/A/09/2108037

Land belonging to Rushley Lodge Farm, off Wirestone Lane, Middle Moor/Matlock Moor, Derbyshire DE4

- 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 Derbyshire Wind Energy Ltd against Derbyshire Dales District Council (DDDC).
- The application Ref No 09/00060/FUL is dated 12 February 2009.
- The development proposed is a wind farm comprising of a total of 5 wind turbines with associated crane hardstandings (3 turbines within NEDDC and 2 within DDDC), the formation of a new vehicular entrance junction off Wirestone Lane (within NEDDC), and access tracks, underground cabling, temporary construction compound (within NEDDC) and substation building (within DDDC).

DECISIONS

1. I dismiss Appeal A and Appeal B, and refuse planning permission for a wind farm comprising a total of 5 wind turbines with associated crane hardstandings (3 turbines within NEDDC and 2 within DDDC), the formation of a new vehicular entrance junction off Wirestone Lane (within NEDDC), and access tracks, underground cabling, temporary construction compound (within NEDDC) and substation building (within DDDC).
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BACKGROUND INFORMATION

2. The appeals relate to a single wind farm with 5 turbines, each with a hub height of up to 80m and a maximum tip height of 126m. The appeal site straddles the boundary between NEDDC and DDDC. A planning application was made to both Councils, and both Councils failed to make a decision within the prescribed time. As a result, there are appeals against the non-determination of both planning applications.
3. The Inquiry sat for 16 days between 9 February and 5 March 2010. The third day of the Inquiry (11 February 2010) was set aside for members of the public to make representations. The day was well attended.
4. I made accompanied and unaccompanied visits to most of the viewpoints suggested by the main parties. Weather conditions varied but, on 1, 3 and 4 March when a blimp was being flown from the appeal site, the visibility was excellent.
5. At the Inquiry, NEDCC and DDDC acted as a single party. I will refer to them as "the Councils". Two groups were granted Rule 6 status: Action Against Matlock Moor Windfarm Proposal (AMP); and Matlock Moor Wind Farm Support Group (the Support Group).
6. The planning applications were accompanied by an Environmental Statement (ES) dated January 2009. This was followed, in December 2009, by a volume of Further Environmental Information (FEI). The FEI includes updated and additional visualisations, a bat survey, and additional information about noise, grid connection and heritage assets.
7. The year-round wind data from the site's anemometer was not provided by the appellant. At the start of the Inquiry, the Councils and AMP asked me to direct that it be released. After careful consideration of the arguments put to me from both sides, I decided that the data was unnecessary for my determination of these appeals, and I made a ruling accordingly.
8. In addition to the absence of wind data, the Councils and AMP found fault with many other aspects of the ES and the FEI. I make further reference to the quality of these documents under the heading "Other Matters", towards the end of this decision.

MAIN ISSUES

9. If NEDDC and DDDC had been able to determine the applications within the prescribed time, they would have refused them. Taking into account their "deemed" reasons for refusal, I consider that the 5 main issues in these appeals are the effect of the proposed wind farm on:
 - the character and appearance of the landscape, including the setting of the Peak District National Park (NP)
 - the setting of nearby heritage assets
 - the local economy

- wildlife
 - the living conditions of nearby residents.
10. Before assessing the evidence on the five issues listed above, I describe the policy context of these appeals. I also assess the contribution that the proposed wind farm would make to regional and national renewable energy targets.

THE POLICY CONTEXT

11. The development plan includes the *East Midlands Regional Plan* (RP) published in March 2009, the *North East Derbyshire Local Plan* (NEDLP) adopted in 2005, and the *Derbyshire Dales Local Plan* (DDLDP) adopted in 2005.
12. A Partial Review of the RP is now underway, and an Options Consultation document (June 2009) has been published. However, because it is at an early stage, I give the Partial Review only limited weight.
13. In determining the appeals I have also taken into account national policy guidance, including Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1) and its Supplement; Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7); and Planning Policy Statement 22: *Renewable Energy* and its Companion Guide (PPS22).
14. PPG15: *Planning and the Historic Environment* and PPG16: *Archaeology and Planning* were both extant during the Inquiry. However, soon after the Inquiry had closed, the Government published PPS5: *Planning for the Historic Environment*, and PPGs 15 and 16 were immediately cancelled.
15. In November 2009, the Government published draft National Policy Statements for energy (EN-1) and renewable energy infrastructure (EN-3). These give an indication of the direction of travel of national policy, but I give them only limited weight because they are still in draft form.

RENEWABLE ENERGY TARGETS

16. The East Midlands renewable energy targets are set out in Appendix 5 of the RP. The target for 2010 (to the year ending March 2011) is 324 MW, of which 122 MW is allocated to onshore wind. The target for 2020 (to the year ending March 2021) is 3,671 MW, of which 175 MW is allocated to onshore wind.
17. For onshore wind farms, the main parties agree that, as of January 2010, there was:
- 105.4 MW of installed capacity
 - 86 MW of potential capacity in schemes that have been granted planning permission but are not yet built
 - 85.2 MW of potential capacity in schemes which are the subject of current planning applications
 - 58 MW of potential capacity in schemes that are the subject of current planning appeals.

18. It is impossible to say how many of the schemes that are currently in the planning process will be granted planning permission and be operational by 2020. It is also impossible to say how many of the schemes that already have planning permission will be built and operational by 2020. There are many uncertainties. However, I am in no doubt that some of the schemes currently in the planning process will be granted planning permission and be built, and some of the schemes that have already been granted planning permission will not be built.
19. Bearing in mind the good progress made so far, on the balance of probabilities I anticipate that the 2010 target of 122 MW of onshore wind energy will be met, and the 2020 target of 175 MW of onshore wind energy is likely to be met. However, I am mindful of the advice in PPS22 that renewable energy schemes should not be refused permission just because a target has been met. The progress being made towards the 2010 and 2020 regional targets for onshore wind energy has not therefore been a critical factor in my determination of these appeals.
20. If built, the proposed wind farm could provide 12.5 MW of installed capacity. This is a fraction of the regional target for all forms of renewable energy, but its contribution should not be underplayed. The regional target will be met only by the accumulation of many schemes, large and small. Each one is important.
21. The proposed wind farm's 12.5 MW would also make a contribution, albeit a small one, to the national renewable energy target. The objective of reducing CO₂ emissions is being urgently pursued by the Government, and its targets are becoming increasingly demanding. For example, the recent *UK Renewable Energy Strategy* (July 2009) has revised upwards the previous target of 20% of electricity coming from renewable sources by 2020. The current target for 2020 is for 15% of **all** energy consumed (not just electricity) to be from renewable sources by 2020.
22. The contribution that the proposed wind farm would make towards the regional and national targets for renewable energy, and towards the Government's objectives of tackling climate change by reducing CO₂ emissions, are material considerations to which I give significant weight.

THE FIRST ISSUE – IMPACT ON THE LANDSCAPE

23. The southern part of the 84ha appeal site lies within an area known as Matlock Moor, and the northern part lies within an area known as Middle Moor. Both moors are part of the south-facing slopes of a ridge that forms an outlier of the Dark Peak, part of National Character Area 51 (NCA51). The Peak District National Park (NP) lies to the north, west and south west of the site, the nearest part being about 2.5km away. The built-up areas of Matlock, Darley Dale and Two Dales, alongside the River Derwent, are all about 2km from the southern and western boundaries of the site.
24. The site is within an Enclosed Moorland Landscape Character Type (LCT) described in DDDC's *The Landscape Character of the Derbyshire Dales* as "an open, upland-farming landscape on broad rolling hill summits with patches of remnant moorland. Dry stone walls enclose regular fields, and straight roads

join occasional isolated farmsteads". I consider this to be an accurate summary as far as it goes, but I noted that there are also sporadic woodlands and plantations which are not mentioned in the description.

25. The site is principally used as rough grazing. Plantations adjoin its eastern and western boundaries. Wirestone Lane runs along the site's north eastern boundary with more rough grassland beyond. The buildings at Rushley Lodge Farm and Matlock Farm Park lie close to the site's northern boundary. A public footpath crosses the site.
26. The many photomontages, wireframes, transparencies and Zones of Theoretical Visibility maps, some of which were the subject of criticism by opposing parties, are useful tools but they cannot replace the human eye and personal judgement. My site visits were therefore of crucial importance.
27. As a result of my site visits, I have reached the view that from many viewpoints, the landscape impact of the proposed wind farm would not be materially harmful. This is largely because the turbines would be too distant, or they would be largely screened by trees or hills.
28. However, from certain viewpoints, I consider that the five turbines would create a major adverse change in a highly sensitive landscape. These viewpoints include:
 - Wirestone Lane alongside the site, and the public footpath that crosses the site
 - the Amber Valley
 - Stanton Moor and Beeley Moor, both of which are within the NP.

Taking each of these in turn:

29. **Wirestone Lane and the public footpath that crosses the site.** The 2009 *Peak Sub-Region Climate Change Study* (CCS) concludes, amongst other things, that this Enclosed Moorland landscape has a high sensitivity to large-scale wind turbines between 65m and 125m high. I share that view, largely because of the landscape's expansive vistas in some quarters, the almost complete absence of development and its sense of tranquility. The site itself makes an important contribution to this attractive rural landscape, largely because of its openness. The 5 turbines would be 126m high, and clearly visible from the open stretches of Wirestone Lane, and from the public footpath that crosses the site. The nearby plantations would do little to screen the turbines and their blades; the trees would be a fraction of their height. Three of the turbines would be within about 500m of Wirestone Lane, and three would be within 200m of the public footpath. In my view, the magnitude of change would be major, and the resulting significant adverse impact would be unacceptably harmful to the landscape.
30. **The Amber Valley.** The Amber Valley runs north east/southwest, parallel with Wirestone Lane, and about 3km to the north east of the appeal site. The base of the valley lies within a Wooded Slopes and Valleys LCT, and the valley sides are within an Enclosed Moors and Heaths LCT. It is a complex and attractive landscape of woodlands, small fields, low-lying farmsteads, isolated houses and

small hamlets. When viewed from elevated footpaths and lanes on the slopes of the valley, all 5 turbines would be seen as prominent features, projecting above the unbroken skyline. To my mind, the height of the turbines and the movement of their rotating blades would be incongruous and distracting features in this complex and sensitive landscape. The magnitude of change would be major, and the resulting significant adverse impact would be unacceptably harmful.

31. **Stanton Moor** lies within the NP, about 6km to the west of the appeal site. National Parks have the highest status of protection in relation to landscape and scenic beauty (paragraph 21, PPS7). One of the valued characteristics of the NP, according to *The Peak District National Park Management Plan 2006-2011*, is its sense of wildness and remoteness. To my mind, despite being easily accessible, Stanton Moor still retains a sense of wildness and remoteness.
32. From stretches of the well-used public footpaths that cross the moor and run along its eastern edge, the array of 5 turbines would be clearly visible on the skyline about 6km away. The intervening built-up areas of Matlock and its adjoining settlements are also visible in the Derwent valley below, but it is the largely undisturbed skyline that, in my opinion, draws the eye and gives Stanton Moor its expansive and remote character. Indeed, the *Stanton Moor Conservation Plan* recognises that the long views from the moor are fundamental to its aesthetic appeal.
33. In my opinion, the presence of the 5 turbines and their rotating blades projecting above the eastern horizon would diminish the moor's unique sense of openness and remoteness that visitors come to enjoy. I accept that Riber Castle and Crich Tower also project above the horizon, but they are further away, and in a different arc of view. The NP's website describes Stanton Moor as "one of the jewels of the Peak District"; a description that I support. In my view, the valued characteristics of the NP, and its special qualities and purposes for designation, would be unacceptably compromised by the presence of the proposed turbines. There would be a significant adverse impact which would cause unacceptable harm to the landscape.
34. **Beeley Moor** also lies within the NP and enjoys the same high level of protection as Stanton Moor. It has Open Access land, with a network of minor roads at its southern end, the nearest of which is about 4km to the north of the appeal site. In common with Stanton Moor, it has a sense of wildness and remoteness. From elevated viewpoints, all 5 turbines would be clearly visible above the wooded skyline. They would be eye-catching and incongruous features. The landscape does not change at the boundary of the NP; it makes a smooth transition towards the Enclosed Moorland LCT of the appeal site. Indeed, when looking towards the turbines from Beeley Moor, it would be hard to tell that they were not in the NP.
35. I consider that Beeley Moor's sense of wildness and remoteness would be diminished by the presence of the turbines, and the NP's special qualities and purposes for designation would be unacceptably compromised. A significant adverse impact would occur which would be unacceptably harmful to the landscape.

36. In this respect, I note that paragraph 3.3.91 of the RP states that large-scale renewable generation will always be difficult to accommodate within the Peak Sub-area because of its proximity to the Peak District National Park; a view that I share. I also note that the 2009 *Peak Sub-Region Climate Change Study* (CCS) stresses that turbines should be located away from the most prominent rural skylines, and that care should be taken in terms of their visibility in views to and from the NP.
37. **Cumulative effects.** In accordance with the guidance in paragraph 21 of PPS22, I have also considered the possibility of cumulative landscape effects. The only wind farm close enough to warrant joint consideration with the proposed wind farm is the Carsington Pastures scheme. This was allowed on appeal in 2008 (Ref APP/P1045/A/07/2054080) although the four 102m turbines have not yet been erected. From several elevated viewpoints, including Stanton Moor, it would be possible to see the turbines on Carsington Pastures *and* the turbines on Matlock Moor, either in combination or in succession. However, in my view, the 11.5km separation between the 2 sites, and the distant location of the elevated viewpoints from which both could be seen, has led me to the view that the cumulative landscape effects would not be significantly harmful.

Interim conclusion on the first issue.

38. I have found that the landscape in this part of Derbyshire is highly sensitive in terms of skylines and settings. Long uninterrupted views, a key characteristic, heighten the landscape's sensitivity.
39. Opinions about the wind farm's impact on the landscape are polarised. Many of those who consider turbines to be aesthetically pleasing, or symbols of a brighter future, take the view that the landscape would not be materially harmed. Others who consider the turbines to be over-sized eyesores take the view that they would be harmful to the landscape.
40. In reaching my own view, I am mindful of NEDLP policy GS4 and DDLP policy SF3 which seek to prevent developments that would adversely affect the purposes of the NP, or be harmful to its valued characteristics; and NEDLP policy CSU7 and DDLP policy CS6 which seek to prevent unacceptable adverse impact on the landscape by renewable energy installations. I am also mindful of the CCS's conclusion that this Enclosed Moorland LCT, together with the Enclosed Moors and Heaths LCT that adjoins it, has limited potential for some wind turbines, but only if the turbines are under 65m high. The turbines that the appellant is proposing to build would be nearly twice as high.
41. Taking account of the objectives of the development plan policies above, the conclusions of the CCS, the written and verbal evidence put to me, and my own site visits, I have reached the overall view that the proposed wind farm at Matlock Moor would cause unacceptable harm to the landscape and the setting of the NP.

THE SECOND ISSUE – THE IMPACT ON THE SETTING OF HERITAGE ASSETS

42. Policy HE8 of the new PPS5, in common with the advice in the recently cancelled PPGs 15 and 16, makes it clear that the effect of a proposed

development on the setting of a heritage asset should be a material consideration for decision-makers. Heritage assets include Registered Parks and Gardens, Listed Buildings and conservation areas. There are examples of all of these within sight of Matlock Moor.

43. There are many definitions of the term "setting". For the purposes of these appeals, I have been guided by English Heritage's *Conservation Principles Policies and Guidance*. This advises that "setting" relates to "the surroundings in which a place is experienced, its local context, embracing present and past relationships to the adjacent landscape". I note that the definition of "setting" in the new PPS5 incorporates much the same wording: "the surroundings in which a heritage asset is experienced". The English Heritage guidance also makes it clear that the evidential value, historical value, aesthetic value and communal value of a heritage asset has to be taken into account as well; and this I have done.

Registered Parks and Gardens (RPGs)

44. Sydnoppe Hall, a Grade II RPG, comprises the formal gardens around Sydnoppe Hall itself, and the parkland beyond. The parkland is enclosed on 2 sides by a wooded hillside which forms part of the RPG. The proposed wind farm would be only about 0.7km from it.
45. From the information provided, the parkland was laid out with the intention of giving Sydnoppe Hall a scenic and enclosed setting. From various places within the RPG, some or all of the turbines' blades would be visible above the trees on the skyline of the wooded hillside. The turbines themselves would be largely obscured but, to my mind, the appearance of the rotating blades, seemingly unsupported, would be an unsettling and distracting feature, abruptly bringing the outside world into this scenic and enclosed parkland. For this reason, I consider that the proposed wind farm would have an adverse impact on the setting of this RPG, resulting in moderate harm.
46. High Tor, a Grade II* RPG, has been a popular visitor destination since Victorian times when it was laid out with the intention of providing dramatic rural views from its cliff-top location. The same experience can still be enjoyed today. After ascending footpaths through a wooded hillside, visitors emerge at the summit where extensive views are revealed across the Derwent valley to the skyline of, amongst other places, Matlock Moor about 4.5km away. Using English Heritage's definition of setting, I consider that the setting of the RPG includes Matlock Moor. If built, all 5 turbines would be conspicuous and distracting projections on an otherwise unbroken skyline of woods and moorland. This, to my mind, would have an adverse impact on the setting of the RPG, resulting in moderate harm.
47. I was not able to visit the nearby Heights of Abraham Grade II* RPG on the cliffs above Matlock Bath, but I consider it reasonable to assume that the impact of the turbines on its setting would be much the same as that which I have predicted for High Tor. It is roughly the same height as High Tor, and it shares the same outlook over the Derwent valley and the skyline beyond.

Stanton Moor Scheduled Ancient Monument (SAM)

48. Stanton Moor SAM includes Bronze Age burial, ceremonial and settlement remains scattered throughout the moor. Most of these are now scarcely visible and, in my view, their settings do not extend beyond their immediate surroundings. The same is true for The Nine Ladies Stone Circle which, although prominent at close quarters, is not visible beyond its secluded setting in a hollow surrounded by trees.
49. In my opinion, the proposed turbines, on the skyline about 6km away, would have only a minor adverse impact on the setting of the heritage assets of Stanton Moor SAM, resulting in only negligible harm.

Listed buildings

50. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 establishes the need to have special regard to the desirability of preserving the settings of listed buildings. With this in mind, I have considered the effect of the proposed turbines on the settings of Sydnoppe Hall and Riber Castle, the 2 listed buildings that are generally agreed to be the ones most likely to be affected by the proposed wind farm.
51. Sydnoppe Hall (Grade II listed) is a 19th century house, which has been extended in the 20th century and converted into flats. The turbines would not be visible from the flats, or from the formal gardens that immediately surround them. However, the setting of this listed building includes the parkland which has RPG status. I have already decided that the RPG would suffer moderate harm from the proposed wind farm because the rotating blades would appear above the trees in an unsettling and distracting way. The same moderate harm would therefore be caused to the setting of the listed building of Sydnoppe Hall.
52. Riber Castle (Grade II listed) is a 19th century former mansion. It is currently a ruined shell that is being converted into flats. The building looks down over Matlock from its hilltop location and, for some people, it is an iconic symbol of the town. Its grounds do not extend far beyond its footprint but, applying English Heritage's definition of "setting", I consider that the setting of Riber Castle extends far beyond its grounds. It is clearly visible from Matlock and many other more distant locations, largely because of its size and the fact that, from many places, it can be seen dramatically silhouetted against the sky.
53. The proposed wind farm would be about 4km away. The number of locations where clear views of the castle and the wind turbines could be seen in the same arc of view is limited. However, in view of the building's prominence and iconic status, I have reached the view that the proposed wind farm would have an adverse impact on its setting which would cause moderate harm.

Conservation Areas

54. I share the view of the main parties that there are 5 conservation areas whose settings have the potential to be materially affected by the proposed wind farm. I will consider each of them in turn.

55. Ashover is an inward-looking village, nestled in a landscape of wooded hills. Its conservation area comprises the heart of its built-up area. Views out towards the surrounding hills are not a characteristic feature. From within the village, the conservation area's setting appears to be the fields that immediately surround it. However, from viewpoints above the village, such as Ashover Rock, the conservation area's setting appears to be more extensive, and it includes the hills surrounding the village. The wind turbines would protrude above the skyline of one of these hills, about 4.2km away. However, in my opinion, they would have only a minor adverse impact on the conservation area's setting, and the resulting harm would be negligible.
56. Winsters Conservation Area is another inward-looking village within which the proposed turbines could not be clearly seen. However, from the village's eastern edge and the high ground to the south (including stretches of the Limestone Way), they would be visible about 7km away. Because of the intervening distance, I consider that the proposed wind farm would have only a minor adverse impact on the setting of this conservation area, and the resulting harm would be negligible.
57. Wensley Conservation Area is located on a steep hillside and is surrounded by fields. Within the built-up part of the village, the buildings are inward-looking and views further afield are limited. The proposed wind farm would be about 5km away and, from the eastern outskirts of the village, only the blades of the turbines would be visible on the distant skyline. For these reasons I consider that the proposed wind farm would have only a minor adverse impact on the conservation area's setting, and the resulting harm would be negligible.
58. Stanton Lees Conservation Area is a linear hamlet about 7km from the proposed wind farm. Its setting is dominated by a large quarry to the south. From a limited number of locations, the proposed turbines would be visible on the eastern horizon but, because of the inward-looking character of the village and the intervening distance, I consider that there would be only a minor adverse impact on the conservation area's setting, and the resulting harm would be negligible.
59. Riber Conservation Area includes Riber Castle, Riber Hall and about 30 other buildings. To my mind, the elevated views from the north eastern edge of the conservation area, down into Matlock and across to Matlock Moor, are an important part of Riber's setting. All 5 turbines would be clearly visible on the skyline about 4km away and, in my view, they would have an adverse impact on the conservation area's setting, resulting in moderate harm.

Interim conclusion on the second issue

60. NEDLP policy CSU7 has a presumption in favour of renewable energy schemes provided that, amongst other things there would be no unacceptable impact on the character and amenity of conservation areas, LBs, SAMs, and RPGs. DDLP policies NBE23 and NBE24 have much the same objectives. In my view the objectives of these policies would be only partially satisfied because, although in some cases there would be negligible harm to the settings of heritage assets, in other cases the harm would be moderate.

THE THIRD ISSUE – EFFECT ON THE LOCAL ECONOMY

61. This part of Derbyshire, both within the NP and outside it, is justifiably renowned for its tranquil location, its beautiful scenery, the opportunities for outdoor sport and recreation, and its many other cultural and commercial attractions. As a result, the tourism industry plays a major part in the local economy.
62. I have treated with caution the results of research carried out several years ago on the effect of wind farms on tourism. The growing awareness of climate change may have caused a recent shift in public attitudes towards wind farms. I put more weight on *The Economic Impacts of Wind Farms on Scottish Tourism* which was published in 2008. This suggests that, when wind farms are built, some visitors would not want to visit the area again, others would continue to re-visit regardless, and some would be actively attracted to the area because of the wind farms' presence. The study concludes that, even on a worse case scenario, adverse economic impact would be very small.

Interim conclusion on the third issue

63. I accept that even a small reduction in visitor numbers could have serious consequences for local businesses which directly or indirectly benefit from tourism. However, based on the available evidence, I have concluded that the proposed wind farm would be unlikely to have a significant adverse effect on the local economy. I note that the same conclusion has been reached by other Planning Inspectors, including the Inspector who granted planning permission for the Carsington Pastures scheme.

THE FOURTH ISSUE – THE EFFECT ON WILDLIFE

Vegetation

64. A majority of the appeal site has been placed on the Derbyshire Local Wildlife Sites Register. This is largely because of the site's purple moor-grass, rush-pasture mire and areas of wet heath and acid grassland which is known to support a population of invertebrates, including butterflies and moths on which nightjar forage. However, only about 1.29% of the total 84ha appeal site would suffer permanent vegetation loss. Moreover, if the wind turbines were to be built, I am satisfied that planning conditions relating to site drainage and hydrology could minimise damage to the remaining vegetation during the construction and decommissioning phases.
65. I therefore consider that the effect of the proposed wind farm on the site's vegetation would be minor and the harm caused would be negligible.

Bats, badgers, reptiles and invertebrates

66. The available evidence shows that the impact on bats, badgers, reptiles (including the common lizard and slow worms) and invertebrates (including the Small Heath butterfly and Cinnabar moth) would not be significant. However, as an added precaution, planning conditions could ensure that disturbance was kept to a minimum during the construction and decommissioning of the wind farm. I therefore consider that the risk to bats, badgers, reptiles and invertebrates would be minor and the harm caused would be negligible.

Birds

67. The appellant's ornithological surveys followed the thrust of the guidance in Scottish Natural Heritage's (SNH's) *Survey Methods for Use in Assessing the Impacts of Onshore Windfarms on Bird Communities* (November 2005). Nevertheless, to my mind, some of the survey work fell short of best practice. For example, no surveys were carried out in April, the month that is generally considered to be the most important for recording species. In addition, only 8.5 hours of nightjar surveys were carried out, instead of the recommended 25 hours. Furthermore, contrary to the SNH guidance, it appears that the appellant did not take full advantage of the records and first-hand local knowledge of the Derbyshire Ornithological Society (DOS), the Derbyshire Wildlife Trust (DWT), and the South Peak Raptor Study Group. This concerns me.
68. The appeal site is rich in bird species; nearly 80 species were initially recorded by the appellant. Many of the birds have some form of conservation status. However, I have focussed on 5 species: merlin, peregrine falcon and nightjar (all listed in Annex 1 of the EU "Birds Directive"); goshawk (listed in Schedule 1 of the Wildlife and Countryside Act 1981); and lapwing (on the Birds of Conservation Concern Red List). This does not mean to say that the many other species of birds on and around the site are of lesser interest but, in my view, a consideration of the 5 species that I have listed above is sufficient for reaching a conclusion about the impact of the proposed wind farm on birds.
69. *Merlin*. The South Pennine Moors Special Protection Area (SPA), 3km to the north of the site, is designated for merlin, and supports 77 pairs, representing at least 6% of the breeding population of Great Britain. According to the unchallenged evidence of AMP's ornithology witness, Matlock Moor and Middle Moor provide excellent hunting opportunities for raptors such as merlin. Nevertheless, the appellant recorded only 3 sightings within the site boundary; an underestimate, in the opinion of AMP. Furthermore, the appellant did not survey the location of nests within 2km of the site boundary, contrary to SNH guidance. Nor did it make any assessment of collision risk; something that I find unhelpful, not least because I consider it reasonable to suppose that raptors could be at additional risk of being hit by a rotating blade when in pursuit of prey.
70. *Peregrine Falcon*. The South Pennine Moors SPA is also designated for peregrine falcon and supports 6 pairs, representing 1.4% of the breeding population of Great Britain. According to AMP's ornithology witness, Matlock Moor is particularly attractive to peregrine falcon because of the presence of prey such as gull, lapwing and pigeon. The appellant recorded only 2 flights within the site boundary, and came to the conclusion that such a small number did not warrant a collision risk assessment. I find this unhelpful, bearing in mind my comment in the preceding paragraph about the additional risk of raptors being hit by a rotating blade when in pursuit of prey.
71. *Nightjar*. In order to halt the decline in numbers, nightjar is one of the priority species within the UK Biodiversity Action Plan (BAP). Furthermore, in addition to being listed in Annex 1 of the EU "Birds Directive", it is also on the Birds of Conservation Concern Red List. It is a rare species. According to the Councils'

witness (the Senior Wildlife Sites Officer for Derbyshire Wildlife Trust), the sole territory for nightjar in Derbyshire is the open ground and forestry plantations of Matlock Moor, and there are only between 1 and 3 pairs. The death of one adult bird would represent a loss of about 16% of Derbyshire's breeding population. This could seriously affect Derbyshire's ability to meet the UK BAP target.

72. In view of the limited number of hours that nightjar surveys took place (8.5 instead of the recommended 25), I share the Councils' and AMP's view that the appellant's survey results could be inaccurate. Moreover, the appellant appeared to base its collision risk assessment on the experience of a wind farm site at Tween Bridge on Humberstone, where the topography, vegetation and foraging opportunities are very different to those of Matlock Moor. This concerns me, not least because of the rarity of nightjar and the fragility of the surviving population.
73. *Goshawk*. Goshawk is a rare bird, with only about 10 breeding pairs in the whole of Britain. According to the South Peak Raptor Study Group there are at least 2 pairs of goshawk breeding within 3km of the site. In order to establish a successful breeding territory, goshawk require a mixture of woodland and open country, such as can be found on Matlock Moor. The SNH guidance advises that data about goshawk should be sought from local ornithological groups because vantage point surveys are unlikely to give any useful information. The appellant appears to have disregarded this advice. This concerns me, not least because of the rarity of goshawk and the fragility of the surviving population.
74. *Lapwing*. Lapwing numbers have reduced severely, and they are now listed as a priority species within the UK BAP. They are also on the Birds of Conservation Concern Red List. The evidence of the DWT and DOS indicates that flocks of lapwing are frequently seen at the site during the winter and in the breeding season. Furthermore, the RSPB has identified lapwing as being sensitive to wind turbines. I therefore find the appellant's failure to assess the impact of the proposed wind farm on the lapwing population to be unhelpful.

Interim conclusion on the fourth issue

75. NEDLP policies NE3 and NE5, and DDLP policies NBE3 and NBE4, seek to prevent adverse impacts on flora and fauna, including those on the Derbyshire Local Wildlife Sites Register. For all flora and fauna, apart from birds, I have concluded that the proposed wind farm would cause only negligible harm, and there would therefore be a significant degree of compliance with these LP policies.
76. However, in respect of birds, my conclusion is not the same. Three risks have to be considered: habitat loss, displacement and collision risk. In order to quantify the risks, a clear understanding of bird distribution and activity is necessary. The shortcomings of the appellant's surveys make it difficult to quantify the risks with any confidence. In view of the rarity of some species, and the fragility of their populations, I consider that a precautionary approach is necessary. I have therefore concluded that, so far as merlin, peregrine

falcon, nightjar, goshawk and lapwing are concerned, the likelihood of the proposed wind farm having a significant adverse effect cannot be ruled out.

THE FIFTH ISSUE- THE EFFECT ON LIVING CONDITIONS

Airborne Noise

Background noise.

77. As a result of criticisms about the appellant's 2008 background noise surveys, another set of data was collected in 2009 from the gardens of 5 dwellings: Grouse Cottage Farm, Cuckoostone House Farm, Cuckoostone Grange, Moor House and Sydnope Stand. They are all within 1km of the nearest proposed turbine. The Councils and AMP do not dispute the methodology that the appellant used in 2009 to collect background noise data, nor do they dispute the results obtained. I have no reason to take an opposite view.

Noise predictions and noise limits.

78. The appellant has not yet decided on the model of turbine. However, for the purposes of noise prediction, the noise characteristics of a Nordex N90 2.5MW turbine have been applied to the 2009 predictions (instead of the slightly noisier RePower MM92 turbine whose noise characteristics were applied to the 2008 predictions). Furthermore, a "mixed" ground factor of $G=0.5$ (instead of the "hard" ground factor of $G=0$ used in 2008) has been applied to the 2009 predictions. These changes have had the effect of reducing the 2008 predicted noise levels by about 2dB.
79. *The Assessment & Rating of Noise from Wind Farms (ETSU-R-97)* is generally agreed to be the appropriate standard against which noise from turbines should be assessed. Despite the fact that the document is over 10 years old, I consider its methodologies to be sufficiently robust. They have been endorsed in the *Companion Guide* to PPS22 and they continue to be used by decision-makers.
80. ETSU-R-97 establishes that, during night time periods, noise levels from wind farms should be limited to 43dB(A), or 5dB(A) above the prevailing background noise level, whichever is the greater. For daytime periods, noise levels should be limited to between 35dB(A) and 40dB(A), or 5dB(A) above the prevailing background noise level, whichever is the greater. The actual value within the 35-40dB(A) range depends on various factors, including the number of dwellings in the neighbourhood of the wind farm, the effect of noise limits on the number of kWh generated, and the duration and level of exposure to noise. The appellant and the other main parties have taken the lower daytime limit of 35dB(A) as being the most appropriate for this appeal. I take the same view, not least because of the quiet rural location of the appeal site.
81. The appellant's noise predictions take wind shear into account, and they show that the ETSU-R-97 daytime and night-time limits would be met. But at Grouse Cottage Farm (about 650m to the north east of the nearest turbine), when the wind is blowing at 5 or 6 metres per second (m/s), the predicted daytime noise would be equal to the ETSU-R-97 limit, with no safety margin. Indeed, the appellant accepts that there is a theoretical possibility that the

noise limit could be breached. At Cuckoostone House Farm (about 750m to the south of the nearest turbine), when the wind is blowing at 5m/s, the predicted daytime noise would be within 2dB of the ETSU-R-97 limit and, when the wind is blowing at 6m/s, it would be within only 1dB of the limit.

82. To my mind, these situations are uncomfortably tight. A slightly noisier model of turbine, or a minor difference between a turbine's warranted sound power level and its actual sound power level, or unexpected atmospheric or ground conditions, could make all the difference between the noise limits being met or not met at Grouse Cottage Farm and Cuckoostone House Farm.
83. Whilst the residents of Grouse Cottage Farm and Cuckoostone House Farm would be the most vulnerable, I am also concerned that the methodology for noise predictions might be too "broad brush" for the dwellings in the Amber Valley about 1km to the north of the site. The valley has a complex topography and microclimate for which the standard methods of noise prediction are not specifically designed. To my mind, there is therefore an element of uncertainty about the levels of noise that the residents of the Amber Valley would experience, and this concerns me.
84. I am also mindful of the fact that the noise of the turbines could, from time to time, exceed the background noise level by around 10dB at Grouse Cottage Farm and by about 8dB at Cuckoostone House Farm. I anticipate that the tranquility currently enjoyed by the residents and visitors at these properties would be spoiled as a result. A 10db increase in noise would double the noise experienced and, according to BS 4142:1997 *Method for rating industrial noise affecting mixed residential and industrial areas*, noise complaints are likely under such circumstances.

Aerodynamic modulation (AM) or "blade swish"

85. The appellant has relied on the fact that the ETSU-R-97 recommendations take AM into account without requiring any further correction to be applied. I consider this to be the correct approach, not least because the 2007 Salford report *Research into Aerodynamic Modulation of Wind Turbine Noise* found that AM was not generally a factor in noise complaints.

Could planning conditions control noise effectively?

86. Whilst there is nothing intrinsically wrong with long and complex planning conditions, such as those discussed at the Inquiry, it is essential that they do the job that they are intended to do without undue difficulty or delay. The low background noise levels, together with the lack of a "safety cushion" between the predicted noise and the noise limits at certain locations, have led me to the view that, if planning permission was granted, the suggested noise conditions might be brought into play with some frequency. At the Inquiry, the Councils were confident that they have the resources to deal effectively with any breaches of condition. However, the necessary investigations would take many weeks to resolve and, during that time, complainants might have to live with a noise problem. If this situation were to arise, it could have a serious impact on their living conditions.

Visual impact

87. It is not in the public interest to create living conditions that are overwhelmed by the unavoidable presence of large structures such as wind turbines. I therefore consider visual impact to be an important material consideration in my assessment of living conditions. According to AMP, there are 20 dwellings from where the turbines could be seen. At some of these, I anticipate that the visual impact would be minor; at others, the impact could be more serious.
88. For example, at Cuckoostone House Farm and Cuckoostone Grange (both of which have adjacent holiday accommodation), the turbines would be clearly visible from principal views from the dwellings and gardens. The turning blades, prominent above the trees, would be about 750m away. To my mind, their proximity would mean that they would be visually intrusive features that could not be ignored. The fact that they might also be audible would compound the problem. In my view, living conditions would be unacceptably harmed.
89. At Charlestown and Moor House, 2 neighbouring dwellings about 950m from the proposed wind farm, I anticipate that the sight of the turning blades could be distracting, particularly from first floor windows. However, I do not anticipate that the harm to living conditions would be unacceptable.
90. Darwin Lakes is an expanding development of terraced holiday cottages about 1.3km to the north west of the nearest turbine. At present, the cottages are largely surrounded by self-set trees, but some of these will be felled when additional cottages and a hotel are built. The turbines would then become increasingly dominant on the skyline. As a result, I consider that there would be a visual impact which could spoil some visitors' experience. However, I do not anticipate that the harm to living conditions would be unacceptable.

Other potential harms to living conditions

91. Shadow flicker can be experienced within a room when the moving shadow of a turbine's blade passes over a narrow opening such as a window. Using a recognised computer programme, the appellant has ascertained that Grouse Cottage Farm is the only dwelling where there is potential for this to occur, albeit for only 20 hours a year. My site visit suggested that the orientation of Grouse Cottage Farm would make shadow flicker unlikely. However, if necessary, the turbines' computers could be programmed so that the blades are halted during the hours when shadow flicker is likely to occur.
92. "Blade glint" is another concern of nearby residents. This could be avoided by treating the blades' surface with a semi-matt finish; something that could be controlled by a planning condition.
93. Some third parties are concerned about the possibility of ground-transmitted low frequency noise and vibration. However, paragraph 45 of Section 8 in the Technical Annex to the *Companion Guide* to PPS22 makes it clear that there is no evidence that low frequency noise from wind turbines is at a sufficient level to be harmful to human health. Furthermore, research shows that vibration from wind turbines is well below the criteria recommended for human exposure, even when measured within the wind farm itself.

94. I have therefore put negligible weight on these other potential harms in my assessment of the impact of the proposed wind farm on living conditions.

Interim conclusion on the fifth issue

95. NEDLP policy CSU7 has a presumption in favour of renewable energy schemes provided that, amongst other things, sufficient measures can be undertaken to reduce noise disturbance. DDLP policy CS6 has the same presumption, provided that, amongst other things, the relationship between the proposed scheme and its neighbouring uses would not create unacceptable problems.
96. In my opinion, the requirements of these policies could not be met at Cuckoostone House Farm, Cuckoostone Grange and Grouse Cottage Farm. Living conditions would be unacceptably harmed, to varying degrees, by noise and visual impact. The ease and speed with which any breaches of the noise limits could be addressed, and the uncertainties about noise levels in the Amber Valley, are also matters that concern me.

OTHER MATTERS

Carsington Pastures appeal decision

97. There are many differences between the Carsington Pastures scheme and the current scheme for Matlock Moor. For example, Carsington Pastures has a more despoiled landscape than Matlock Moor, and the views from the NP are materially different. Moreover, 4 turbines with a maximum tip height of 102m high are proposed for Carsington Pastures, as opposed to 5 turbines with a maximum tip height of 126m currently proposed for Matlock Moor. For these reasons I do not feel constrained by the fact that planning permission has recently been granted on appeal for a wind farm at Carsington Pastures.

Public opinion

98. The Support Group has drawn my attention to the fact that, according to the Councils' calculations, 91% of the written representations were from people who are in favour of the proposed wind farm. In the Support Group's view, this should be an important material consideration
99. By their very nature, wind farms generate a lot of third party interest, not only from local residents, but from those who live some distance away and whose lives would not be directly affected by the sight or sound of the turbines. I am also mindful of the fact that there are many factors which can affect the number of written representations submitted. Therefore, for the avoidance of doubt I can confirm that, whilst I have taken account of all the third party representations for and against the proposed wind farm, the precise number of these representations has not been a critical factor in my decision-making.

Reversibility

100. The appellant is seeking planning permission for a period of 25 years. The turbines would then be removed, unless another planning permission had previously been granted for them. The reversibility of the proposed development was used as an argument in favour of the scheme.

101. However, to my mind, 25 years is an unreasonable length of time to wait for a respite from harms. It is about a third of a person's lifetime; the span of a generation. In my view, none of the harms that I have identified would be diminished by the long-term prospect of the turbines' removal. In any case, the removal of the turbines after 25 years cannot be guaranteed. In years to come, the wind farm might receive another planning permission which allows it to remain. I therefore give little weight to the reversibility of the scheme.

The permanent meteorological mast

102. The original planning applications included a permanent meteorological mast in the south west portion of the site. This was later deleted from the application. According to the appellant, a mast is no longer necessary because weather data can be collected from monitoring equipment within the turbines themselves. Nevertheless, AMP takes the view that there can be no certainty that an application for a meteorological mast would not follow the grant of planning permission.

103. Whilst I acknowledge AMP's concerns, I have assessed the landscape implications of the wind farm as currently proposed, without a mast. If and when a planning application is made for a mast, or for any other structure within the site, it would be up to the decision-makers at that time to assess the landscape implications.

Planning conditions

104. I have considered whether the planning conditions, discussed at length at the Inquiry, could overcome my concerns. They would not. Conditions could not change the height and number of the turbines, nor could they increase the distance between the turbines and the nearest residential properties.

Alternative sites

105. According to paragraph 2.2.15 of Volume 1 of the ES, the appellant gave detailed consideration to 4 possible sites: the appeal site, the Carsington Pastures site, a site south of Bolsover, and a site south east of Buxton. The Carsington site has now been granted planning permission. The Bolsover site was excluded because of lack of landowner interest, access problems and potential landscape issues. The Buxton site was rejected because of technical objections, and restrictions due to active quarry workings.

106. Applicants and appellants do not have to prove that there is an alternative site that would cause lesser environmental effects than the scheme being put forward. Nor is there any form of sequential test which they are expected to undertake. Clarification is provided in paragraph 2 of Part I of Schedule 4 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. This establishes that an outline of the main alternatives studied by an applicant or appellant should be set out, with an indication of the main reasons for choosing the proposed site, taking into account the environmental effects. To my mind, the appellant has done this.

107. In any event, I take the view that the purpose of considering alternatives is not to whittle them down to a single "winner". Indeed, the appellant confirmed at

the Inquiry that if more than one viable alternative sites had emerged, more than one site would have been pursued.

The quality of the ES and the FEI

108. I share the view of the Councils and AMP that the appellant's ES and FEI have various shortcomings. However, the 1999 Regulations (referred to above) make no mention of the *quality* of an ES, only the matters that should be covered. Moreover, paragraph 57 of the *Companion Guide* to PPS22 establishes that it is the identification of key issues that is most important, rather than the provision of information for its own sake.

109. In my opinion, the shortcomings have not disadvantaged the public to an unacceptable extent; nor have they hampered my decision-making. I do not therefore share the Councils' and AMP's view that the shortcomings of the ES and FEI are, in themselves, a reason to dismiss the appeals.

THE PLANNING BALANCE

110. My conclusions on the material considerations and issues of these appeals do not all pull in the same directions. I have therefore had to carry out a balancing exercise.

111. My findings in favour of the proposed wind farm include:

- the fact that the development plan has a presumption in favour of renewable energy developments (for example, NEDLP policy CSU7 and DDLP policies CS5)
- the fact that the 12.5 MW produced by the 5 turbines would contribute towards regional and national renewable energy targets, and would help to tackle climate change by reducing CO₂ emissions
- the absence of any significantly harmful cumulative landscape effect if the proposed wind farm and the wind farm at Carsington Pastures were both built
- the negligible harm that would be caused to the Stanton Moor SAM and the settings of the Ashover, Winster, Wensley and Stanton Lees Conservation Areas
- the likelihood that there would be no significant adverse effect on the local economy
- the negligible harm that would be caused to the site's vegetation, bats, badgers, reptiles and invertebrates.

112. Weighing against these favourable findings are:

- the unacceptable harm to the landscape when viewed from Wirestone Lane, the public footpath across the site, the Amber Valley, Stanton Moor and Beeley Moor

- the unacceptable harm to the National Park's special qualities, and the purposes for its designation
- the moderate harm that would be caused to the settings of the Registered Parks and Gardens at Sydnop Hall, High Tor and the Heights of Abraham
- the moderate harm that would be caused to the settings of the listed buildings at Sydnop Hall and Riber Castle
- the moderate harm that would be caused to the setting of Riber Conservation Area
- the possibility of a significant adverse effect on rare birds
- the unacceptable harm to living conditions at Cuckoostone House Farm, Cuckoostone Grange and Grouse Cottage Farm caused by noise and visual impact
- the possibility of harm to living conditions in the Amber Valley caused by noise.

CONCLUSION

113. I have been guided by PPS22's Key Principle (iv) which establishes that the wider environmental and economic benefits of renewable energy proposals should be given significant weight. I have done this; but I have nevertheless concluded that the benefits of renewable energy would be outweighed by the harms that I have identified. There is not one single factor that makes the wind farm unacceptably harmful; it is the accumulation of several factors.

114. PPS22's Key Principle (i) requires renewable energy developments to be located where environmental, economic and social impacts can be addressed satisfactorily. In my view, this cannot be done at Matlock Moor with the number and size of turbines proposed. I have therefore concluded that, on balance, the proposed wind farm is unacceptable.

115. In reaching this decision, I have taken into account all other matters raised, but none is sufficient to outweigh the considerations that have led me to my conclusion that both appeals should be dismissed and planning permission refused.

Ruth V MacKenzie

INSPECTOR

APPEARANCES

For the local planning authorities of North East Derbyshire District Council (NEDDC) and Derbyshire Dales District Council (DDDC):

Timothy Jones, of Counsel Instructed by NEDDC and DDDC

He called:

Charlotte Stainton Area Planning Officer
DipTP BA(Hons) MRTPI NEDDC

Jonathan Bradbury Development Control Manager
MA BSc MRTPI DDDC

Anthony Northcote Anthony Northcote Planning Ltd on behalf of the
MA MRTPI ACMI MIPSM Peak District National Park Authority

Michelle Bolger Senior Associate of LiZLaKe Chartered Landscape
BA(Eng) BA(LArch) DipLA CMLI Architects and Urban Designers

Kieron Huston Senior Wildlife Sites Officer
BSc(Hons) MSc Derbyshire Wildlife Trust

Timothy Braund Head of Environmental Health
BSc MCIEH DDDC

For the appellant, Derbyshire Wind Energy Ltd:

Jeremy Pike, of Counsel Instructed by Stephen Salt of West Coast
Energy, agents for the appellant

He called:

David Stewart David Stewart Associates
MA(Cantab) DipTP MRTPI

Phillip Roden Director of AXIS P.E.D Ltd
BA(Hons) MLI

John Barber Chief Executive Officer
BA MA FSA(Lond) FSA (Scot) AOC Archaeology Group
MICOMOS MIFA

Stewart Lowther Director of Atmos Consulting Ltd
BA(Hons) MSc CEnv
MIEEM:Ecology

Andrew McKenzie Director
PhD BSc MIOA Hayes McKenzie Partnership Ltd

For Action Against Matlock Moor Windfarm Proposal (AMP):

Timothy Sheppard, of Counsel Instructed by AMP

He called:

Paul Freeman BSc MSc PhD	Independent consultant to the manufacturing industry
David Holmes MA(Cantab) DipTP DipEM MRTPI	Adams Holmes Associates
Peter Miller	Retired mechanical engineer
Robert Davis BSc(Eng) MIOA	Robert Davis Associates Consultants in acoustics and noise control

For Matlock Moor Wind Farm support Group (the Support Group):

John Beardmore MSc MIEMA	Environmental consultant
David Jones	Matlock resident
Laura Stevens	Matlock resident
Mark Cunningham MSc MCIWM	Matlock resident
Sarah Green	Matlock resident

Interested persons:

Dick Glaves	Local resident
David Dennis	Local resident
Nancy Cobb	Local resident
Steve Adelman	Local resident
David Fearn	Local resident
John Spencer	Local resident
Dr V Mason	Local resident
Nicholas Higgett	Local resident
Mr Ellis	Local resident
June Cashford	Local resident
Robin Lumb	Local resident
Keith Moore	Local resident
Alan Finlay	Director of Matlock Farm Park
Joan Travis	Resident of Derby
Jon McLeod	Local resident
John Youatt	Local resident
Bob Ledbury	Local resident
Andrew Turk	Local resident

Philip Munn	Local resident
Marian Blenkinsop	Local resident
Mr Stevenson	Local resident
Michael Webb	Local resident
Mr Gibbons	Local resident
Paul Kelly	Local resident
Jenny Langdon	Student at Highfields School
Rosetta Marsden	Student at Highfields School
Owain Ellis	Student at Highfields School
Jessica Botham	Student at Highfields School
Ella Selbie	Student at Highfields School
Professor Per Bullough	Local resident

PROOFS OF EVIDENCE AND WRITTEN STATEMENTS

For the appellant

- A David Stewart's proof and appendices (planning/energy)
- B Phillip Roden's proof and appendices (landscape)
- C John Barber's proof and appendices (cultural heritage)
- D Stewart Lowther's proof and appendices (wildlife)
- E Andrew McKenzie's proof and appendices (noise)

For the Councils

- F Charlotte Stainton's proof (planning, NEDDC)
- G John Bradbury's proof and appendices (planning, DDDC)
- H Anthony Northcote's proof and appendices (Peak District National Park)
- I Michelle Bolger's proof and appendices (landscape and cultural heritage)
- J Kieron Huston's proof and appendices (wildlife)
- K Timothy Braund's proof (noise)

For AMP

- L Paul Freeman's proof and appendices (environmental benefits)
- M David Holmes proof and appendices (planning, visual impact and residential amenity)
- N Peter Miller's proof and appendices (ornithology)
- O Robert Davis' proof and appendices (noise)

For the Support Group

- P John Beardmore's proof (planning/energy)
- Q David Jones' proof (planning/energy)
- R David Jones' proof (landscape)
- S Laura Stevens' proof (landscape)
- T Mark Cunningham's proof (landscape, industry and technology)
- U Mark Cunningham's proof (wildlife)
- V Sarah Green's proof (noise)

For Third Parties

- a Dick Glaves' statement
- b Dr V Mason's statement
- c David Fearn's statement
- d Paul Gibbon's statement
- e Jon McLeod's statement
- f Keith Moore's statements (one on behalf of Keith Rushby, Director of Darwin Lakes)

- g Robin Lumb's statements
- h J H Spencer's statement
- i John Youatt's statement
- j Peter and Jane Walden's statement
- k Jenny Langdon's statement
- l Rosetta Marsden's statement
- m Owain Ellis's statement
- n Jessica Botham's statement and poem
- o Ella Selbie's statement and poem

APPLICATION PLANS

Plans common to both applications

- Drwg No 1189/ES/123a, 2 October 2008, Site Location and Transportation Route
- Drwg No 1189/ES/124b, 12 February 2009, Site Layout & Application Boundary (Permanent Met Mast Deleted)
- Drwg No 1189/MS/177a, 19 January 2009, Development Footprint and District Council Boundary
- Drwg No 1189/ES/125a, 2 September 2008, Typical Wind Turbine Detail
- Drwg No 1189/ES/126a, 2 September 2008, Typical Anemometry Mast Detail, Cable Trench, Turbine Foundation & Installation Area
- Drwg No 1189/ES/155a, 2 December 2008, Site Entrance & Gas Pipeline Crossing
- Drwg No 1189/ES/127a, 2 September 2008, Typical Substation Building

Plan unique to DDDC

- Drwg No 1189/BP/179c, 12 February 2009, DDDC Planning Application Boundary

Plan unique to NEDDC

- Drwg No 1189/BP/178c, 12 February 2009, NEDDC Planning Application Boundary

DOCUMENTS HANDED IN AT THE INQUIRY

1. Opening statement on behalf of the appellants
2. Opening statement on behalf of the Councils
3. Opening statement on behalf of AMP
4. Opening statement on behalf of the Support Group
5. Council's application for an Article 19 Direction in respect of wind speed data
6. AMP's submissions in relation to the release of the anemometry data
7. Appellants' response to the Councils' and AMP's submissions
8. Inspector's Ruling on noise data
9. Agreed schedule of wind farm developments in the East Midlands Region
10. Agreed schedule of operational and permitted onshore wind schemes
11. Renewing Renewable Energy and Energy Efficiency Targets for the East Midlands, Final Report by Faber Maunsell
12. Peak Sub-Region Climate Change Study brief, workshop programme and attendees
13. Appeal decisions with night time noise limits of less than 45dB
14. Extract from Draft No 3 of Report by Hayes McKenzie, submitted by AMP
15. Third draft of the Hayes McKenzie report, with track changes
16. Internet reviews of High Moor Farm Park, submitted by the appellants

17. Committee report about the East Midlands Regional Plan Partial Review
18. Planning permission for 15m wind turbine at High Lees Farm, Ribber
19. Extract from Scottish Planning Policy relating to wind farms
20. Notes by Phillip Roden in respect of Architech and AMP visualisations
21. Diagram showing viewing distance and size of printed image, with associated wireframes, submitted by the appellant
22. AMP's selection of viewpoints as an alternative to those used by the appellant
23. Notes in respect of Architech and AMP visualisations
24. Phillip Roden's response to the above notes
25. Amended version of Figure 6 of the ES, showing the Peak District National Park boundary and the Special Protection Areas, submitted by the Councils
26. Sections from various viewpoints, submitted by AMP
27. Revised version of Table 9.1 from Michelle Bolger's Appendix 9
28. Appeal decision relating to Bickham Moor, submitted by the Councils
29. Extract from Stanton Moor Conservation Plan, submitted by the Councils
30. Forestry Commission Felling Plan, submitted by the appellant
31. Photograph of High Tor telecoms mast, submitted by the Support Group
32. Derbyshire Local Wildlife Sites Register of Matlock Moor
33. Survey Methods for use in assessing the impacts of onshore wind farms on bird communities, Scottish Natural Heritage November 2005
34. The distribution of breeding birds around upland wind farms, article from Journal of Applied Ecology, submitted by AMP
35. Bird Collisions at Operating wind farms, talk by Dr John Fearnley October 2007, submitted by AMP
36. Extracts from the Non-technical Summaries of the ESs relating to Standingfauld Wind Farm and Barnwell Manor Wind Farm, submitted by AMP
37. Letter from South Peak Raptor Study Group dated 17 March 2009, submitted by AMP
38. Letter from RSPB relating to nightjars dated 5 September 2008, submitted by the appellant
39. Letter from Derbyshire Wildlife Trust dated 23 March 2009, submitted by the Councils
40. Email from Brian Barnacle to Kieron Huston dated 22 March 2009, submitted by the Councils
41. Lists of suggested conditions
42. Closing submissions on behalf of the Support Group
43. Closing submissions on behalf of AMP
44. Closing submissions on behalf of the Councils
45. Closing submissions on behalf of the appellant

CORE DOCUMENTS

General

GEN1	Planning Application and ES Volumes 1-4
GEN2	FEI Volume 1 and NTS December 2009
GEN3	DDDC Committee Report, 21 September 2009
GEN3a	NEDC Committee Report, 22 September 2009
GEN4	Derbyshire County Council Committee Report and covering letter, May 2009
GEN5	Scoping Report dated December 2007 and Scoping Opinions issued by NEDDC and DDDC

Planning policy

PP1	East Midlands Regional Plan
PP2	Report of the examination in public of draft RSS for the East Midlands
PP3	North East Derbyshire Local Plan 2005
PP4	Derbyshire Dales Local Plan
PP5	PPS1 Delivering Sustainable Development
PP6	Not used
PP7	PPS1 Supplement, Planning and Climate Change
PP8	PPS7 Sustainable Development in Rural Areas
PP9	PPS9 Biodiversity and Geological Conservation
PP10	PPG15 Planning and the Historic Environment
PP11	PPG16 Archaeology and Planning
PP12	PPS22 Renewable Energy, including the Companion Guide
PP13	PPS15 Planning for the Historic Environment, Consultation paper
PP14	PPG24 Planning and Noise
PP15	Draft NPS for Renewable Energy Infrastructure (EN-3)
PP16	Sec of State Notices about saved policies in Structure and Local Plans

Ecology

EC1	ODPM Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System
EC2	Derbyshire Wildlife Sites Handbook Volume 1
EC3	Derbyshire Wildlife Sites Handbook Volume 2

Government policy

GP1	Climate Change – the UK Programme 2006
GP2	IPCC Climate Change 2007, Synthesis Report – Summary for policy makers
GP3	The Energy Challenge – May 2007
GP4	Energy Review 2006
GP5	White Paper, Our Energy Future, creating a Low Carbon Economy, 2003
GP6	EU Directive on Renewables, 2009
GP7	The Planning White Paper, May 2007 – Planning for a Sustainable Future
GP8	Renewable Energy Strategy 2009 – Executive Summary
GP9	UK Low Carbon Transition Plan Executive Summary
GP10	Meeting Carbon Budgets – the need for a step change. Progress report to Parliament Committee on Climate Change, October 2009
GP11	The UK Renewable Energy Strategy, 2009

Landscape

LL1	Natural England: Climate Change Policy
LL2	Strategic Locational Guidance For Onshore Wind Farms In Respect Of The Natural Heritage (SNH 2002) – Para 24 only
LL3	Guidelines for Landscape and Visual Impact Assessment 2 nd edition, 2002
LL4	Visual Assessment of Wind Farms: Best Practice, SNH Report, 2002
LL5	Visual Representation of Windfarms, Good Practice Guidance, SNH commissioned report, 2006
LL6	DDDC The Landscape Character of Derbyshire Dales, 2004 or later
LL7	Countryside Commission (1998) Countryside Character Vol 4: East Midlands

LL8	Review of Guidance on the Assessment of Cumulative Impacts of Onshore Windfarms - Phase 1 Report, Entec 2008
LL9	Natural England (2008) All Landscapes Matter, Draft policy for Consultation
LL10	Scottish Natural Heritage, Guidelines on the Environmental Impacts of Windfarms and Small Scale Hydro Electric Schemes, 2001
LL11	Landscape Character Assessment – Guidance for England and Scotland, Countryside Agency/SNH, 2002
LL12	Landscape Character Assessment Series, Topic Paper 9 - Climate Change, SNH/Countryside Agency, 2003
LL13	Siting and Designing Windfarms in the Landscape, SNH December 2009
LL14	Cumulative Effect of Windfarms, SNH 2005
LL15	Peak Sub-Region Climate Change Study, National Energy Foundation and Land Use Consultants, 2009
LL16	Review of Guidance on the Assessment of Cumulative Impacts of Onshore Windfarms – Phase 1 Report, Entec 2008
LL17	Techniques and Criteria for Judging Capacity and Sensitivity, Topic Paper 6, The Countryside Agency/ Scottish Natural Heritage, 2004
LL18	Report by Julie Martin Associates, Review of the Landscape and Visual Issues Assessment
LL19	Review of the Implications of Proposed Wind Turbine Development at Matlock Moor on the Landscape, Visual and Historic Environment by Michelle Bolger, August 2009
LL20	Visualisation Standards for Wind Energy Developments, Highland Council Planning and Development Service

Noise

NO1	ETSU-R-97, The Assessment and Rating of Noise from Wind Farms, 1996
NO2	BS4142, Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas, 1997
NO3	IEC61400-11, Wind Turbine Generator Systems, Part 11: Acoustic noise measurement techniques, 2002
NO4	Prediction and Assessment of Wind Turbine Noise, Institute of Acoustics Bulletin Volume 34 (2), April/May 2009
NO5	ISO9613-2, Acoustics – Attenuation of Sound During Propagation Outdoors
NO6	Bullmore et al, Wind Farm Noise Predictions and Comparison with Measurements, 2009
NO7	Proposed Wind Farm at Rushley Lodge Farm, Matlock – Review of Noise Issues, Robert Davis Associates, March 2009

Cultural Heritage

CH1	The Setting of Cultural Heritage Features by S. Colcutt, Journal of Planning and Environment Law, 1999
CH2	Wind Energy and the Historic Environment, English Heritage
CH3	Conservation Principles – Policies and Guidance for the Sustainable Management of the Historic Environment London, English Heritage 2008
CH4	Letter from English Heritage about appeal proposal, 20 April 2009
CH5	Seeing the History in the View: A method for Assessing Heritage Significance within Views Consultation Draft, English Heritage 2008

CH6	Stanton Moor Conservation Plan 2007, Peak District National Park Authority
CH7	The Burra Charter, ICOMOS 1999
CH8	Xi'an Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas, ICOMOS, 21 October 2005
CH9	Conservation Area maps, designations and appraisals for Ashover, Riber, Stanton Lees, Wensley and Winster villages
CH10	Listing Descriptions for Riber Castle and Sydnope Hall and an assessment of Riber's significance from planning application 04/07/0609
CH11	Scheduled Ancient Monument Listing for Stanton Moor
CH12	Listing descriptions for Sydnope Hall, High Tor and Heights of Abraham RPGs

National Park

NP1	NP Committee Report, August 2009
NP2	Extract from the Hobhouse Report
NP3	Extract from Wales Tourist Board Research
NP4	Extract from Peak District Visitor Survey, 2005
NP5	Extract from Value of Tourism Research
NP6	Extract from University of Sheffield Research on Telecommunications in National Parks
NP7	Extract from Dartmoor Core Strategy, Policy COR10 on Renewable Energy
NP8	Extract of Peak District Landscape Character Assessment for Open Moors LCT within Eastern Moors Dark Peak, Derwent Valley & South West Peak
NP9	Extract from Inspector's Report on Whinash Windfarm Appeal, 3 February 2006

Appeal decisions

APP1	Knabs Ridge, Harrogate
APP2	Bradworthy, Torridge
APP3	Darracott, Torridge
APP4	Middle Moor, Inspectors' report and SoS's decision
APP5	Coronation Power, Crook Hill, Inspector's report and SoS's decision
APP6	Routh, Inspector's report and SoS's decision
APP7	Sixpenny wood, East Riding
APP8	Withenwick
APP9	Carsington Pastures
APP10	Carsington Pastures High Court decision
APP11	Garstang
APP12	Silloth
APP13	North Dover
APP14	Kiln Pit Hill
APP15	Wandylaw
APP16	Swinford
APP17	Wadlow Farm
APP18	Caton Moor repowering
APP19	Wharrel's Hill, Bothel
APP20	Bradwell on Sea
APP21	Shooters Bottom, Chewton Mendip
APP22	Den Brook Decision 1 and 2

APP23	Fullabrook, Inspector's report and SoS's decision
APP24	East of Grove, 5km from Retford
APP25	Ellands Farm
APP26	Keadby and Tween Bridge, South Yorkshire
APP27	Kessingland
APP28	Kessingland High Court Decision
APP29	Inner Farm, Edithmead, Burnham-on-Sea, Somerset
APP30	Cocker Hill, near Barningham
APP31	Guestwick
APP32	Guestwick High Court Decision
APP33	Boxworth, Cambridge
APP34	Thacksons Well, Newark
APP35	Goveton, Kingsbridge, Devon
APP36	Whinash, SoS's decision
APP37	Yelland, south of Okehampton
APP38	Gorsedd Bran, Nantglyn
APP39	Market Drayton
APP40	Baillie, Caithness
APP41	Stonish Hill and former Bilsthorpe Colliery
APP42	Sillfield, Cumbria
APP43	Paul's Moor, West Bullaford
APP44	Bickham Moor, Devon