

#### Section 4: **Heritage Assets**

There should be an indication of the area in which individual assessments must be made:

All Grade I and II\* listed buildings, registered parks and gardens, conservation areas, scheduled ancient monuments and registered battlefields (if there are any in ECDC) within 5km

All Grade II listed buildings within 2km.

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, the council has a statutory duty to have regard to the desirability of preserving listed buildings or their settings, and the desirability of preserving or enhancing the character of appearance of Conservation Areas. What constitutes the 'setting' is not universally defined and may vary on a case by case basis (English Heritage has produced guidance on 'The Setting of Heritage Assets')

English Heritage has also issued guidance on 'Wind Energy and the Historic Environment'. This includes guidance on how to assess the impact of wind turbines on the setting and visual amenity of historic sites. It suggests six factors to be considered when assessing the acceptability of wind turbines: visual dominance, scale, intervisibility, vistas and sight lines, movement, sound or light effects, and the existence of previously unaltered settings.

#### Section 5: **Biodiversity and Geology**

Include the NPPF requirements:

The National planning policy Framework (paragraph 118) makes it clear that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity.

It should be stated that a net gain in biodiversity should be achieved through mitigation and enhancement.

Ecological surveys should be carried under the relevant national guidance:

Natural England - Assessing the Effects of Onshore Wind Farms on Birds  
SNH Survey methods for Use in Assessing the Impact of Onshore Windfarms on Bird Communities

Bat Surveys: Good Practice Guidelines 2<sup>nd</sup> Edition: Bat Conservation Trust (2012)  
Natural England Technical Information Note TIN051

#### Section 6: **Residential Amenity**

Developers should include a detailed assessment of all residential properties (or groups of properties) within 1km of the nearest turbine to determine whether there are significant visual effects and if these significant effects are serious enough to fail the Lavender test. There have been a number of appeal decisions related to wind farms which have ruled that turbines would be unacceptable if they are so overwhelming and unavoidable that the property concerned would come to be widely regarded as an unattractive and thus unsatisfactory place to live. The Lavender Test was named after an Inspector who stated that "it is not in the public interest to create such living conditions where they did not exist before." This assessment should include a detailed description of the property, its orientation towards the turbines with respect to the main rooms and the garden, the amount of shielding, the arc of view subtended by the outer turbines and wireframes of the view towards the turbines. If there are properties at a greater distance which have exceptional views then these should also be included in the assessment.

With regard to noise then the developer should follow the Institute of Acoustics latest

