



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

East Anglia TWO Offshore Wind Farm

**Appendix E3 to the Natural England Deadline 3 Submission**

**Natural England's Comments to Effects with Regard to SCHAONB and  
Accordance with NPS Policy [REP2-008]**

For:

The construction and operation of East Anglia TWO Offshore Windfarm, a 900MW windfarm which could consist of up to 75 turbines, generators and associated infrastructure, located 37km from Lowestoft and 32km from Southwold.

Planning Inspectorate Reference: EN010078

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15<sup>th</sup> December 2020



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## Natural England's Comments to Effects with Regard to SCHAONB and Accordance with NPS Policy [REP2-008]

### 1 Summary

1. This document is applicable to the **East Anglia TWO (EA2)** application, and therefore is endorsed with the blue icon used to identify documentation **solely** applicable to EA2 in accordance with the Examining Authority's (ExA) procedural decisions on document management of 23rd December 2019.
2. Please be advised that the comments within this document are directed to the Examining Authority (ExA) and not the Applicant hence some of the phrasing used.

### 2 Introduction

3. This document is provided in response to:
  - Effects with Regard to the Statutory Purposes of the Suffolk Coast and Heaths AONB (SCHAONB) and Accordance with NPS Policy (Document Reference: ExA.AS-5.D2.V1) [REP2-008]

This document also takes into consideration:

- Applicants' Responses to Natural England's Deadline 1 Submissions (Document Reference: ExA.AS-10.D2.V1) [REP2 -004]

### 3 Detailed Comments

#### A. The Interpretation of Planning Policy

4. Document ExA.AS-5.D2.V1 [REP02-008] includes interpretations of national planning policy to support a contention that the significant adverse residual effects of EA2 on the statutory purpose of the AONB can be accommodated and aren't prejudicial to the project in terms of the planning balance. Natural England would not expect to advise the Examining Authority (ExA) and the Secretary of State on how planning



policy, as set out in the relevant National Policy Statements, should be interpreted and applied in the determination of schemes. As the Government's Statutory Advisor for landscape matters in England, and the designating authority for National Parks and Areas of Outstanding Natural Beauty, we are focused on reviewing the evidence presented by the Applicant in those sections of the Environment Statement (ES) which address the likely landscape, seascape and visual effects on the Suffolk Coast and Heath AONB (SCHAONB) and Suffolk Heritage Coast (SHC). We operate on the basis that it is for the ExA to interpret and apply national planning policy and to weigh all of the evidence presented, guided by national planning policy, to reach a balanced planning decision and recommendation to the Secretary of State.

5. Consequently, Natural England does not think it appropriate to comment on the Applicant's interpretation of national planning policy as this could be perceived as a policy steer to the ExA; something we don't seek to do. Nonetheless, and as would be expected, we have reviewed the Applicant's interpretation of policy and have provided advice and signposting to the ExA on relevant legislation and previous NSIP SLVIA decisions in Annex 1 of this document.

## **B. Landscape, Seascape and Visual Evidence Relevant to the SCHAONB and SHC**

6. The Applicant and Natural England have corresponded extensively over the last eighteen months about the evidence contained in the Seascape, Landscape and Visual Impact Assessment (SLVIA) chapter of the ES. Although some issues have been resolved, and agreement reached, the remaining differences have prevented agreement of a Statement of Common Ground on these outstanding matters.

## **C. Additional Evidence**

7. Having reviewed the additional evidence and commentary set out in these two documents we conclude that it is highly unlikely that agreement will be reached unless the Applicant offers a significant redesign of the scheme. This is not something we expect to happen. Therefore, none of the additional evidence, further commentary on the SLVIA conclusions or interpretations of national planning policy put forward in either of these documents serves to alter the advice already provided by Natural England. Nor do we consider that the further detailed commentary, re-brigading or further representation of evidence in these documents to be helpful in the determination of the scheme. Rather it simply makes the adverse significant



effects of the scheme on the statutory purposes of SCHAONB more difficult to grasp, when in practice they are relatively straightforward to comprehend. We are therefore reticent to provide a detailed point by point commentary on the points raised by the Applicant in these documents because that risks further complicating matters to an unhelpful and unnecessary degree. Any matters of relevance have already been addressed in our previous correspondence and statutory advice.

8. However, the Applicant has introduced some new material and a different approach to advance their case and it would be remiss of Natural England not to offer some observations and challenges where the information offered needs contextualised. We therefore offer the following commentary and observations on the four main points which form the nub of the matter. In doing so, where relevant, we make reference to the Navitus Bay Wind Park Recommendation Report (file ref. EN010024) and Rampion Offshore Wind Farm Order 2014 as some of the issues raised by the Applicant in documents ExA.AS-5.D2.V1 [REP2-008] and ExA.AS-10.D2.V1 [REP2-004] were also encountered in the examination of those schemes. Natural England's advice for EA2 (and EA1N) has been informed by the reasoning provided by the ExAs for the Navitus Bay and Rampion schemes. Please see Annex 1 for more information.

#### C.1 SLVIA Significance of Effect vis Magnitude of Change

9. Natural England is concerned that the Applicant is not paying heed to their own SLVIA conclusion. Throughout the documents frequent reference is made to the magnitude of residual effects being moderate. The extent of this repetition serves to overshadow or distract from the assessed significance of effect judgment. For the ES it is the latter which is the key consideration not the former. The significance of effect is the concluding judgement of the assessment whilst the magnitude of effect is, but one of the components which informs that conclusion.
10. Issues relating to '*frequency*', '*temporary*', '*weather*' and '*visibility*' are useful for understanding the character of the scheme, the coast and associated views out to sea. Together they feed into the magnitude of effect judgement and they need to be understood as parts of that more complete assessment. Factors such as 'weather' and 'visibility' also inform the worst-case scenario for the assessment, which from the Applicant's perspective is when clear uninterrupted views to the far off-shore horizon



are available. These typically occur in the summer months when both residents and visitors to the SCHAONB most value the visual amenity afforded by these views.

11. The Applicant has concluded, as documented in the ES, that significant adverse effects will occur on multiple landscape and visual receptors located within the SCHAONB. Through an assessment of the likely effects of the scheme on the special qualities of the SCHONB, which draws upon the seascape, landscape and visual assessments, further multiple significant adverse effects have been identified on these aspects. Whilst there is disagreement between us on the extent of these significant adverse effects, and the implication of these significant adverse effects for the statutory purpose of the SCHAONB, fundamentally this is a matter that the Applicant and NE agree upon.

#### C.2 Geographical Extent of the Significant Adverse Effects on the Special Qualities of the SCHAONB

12. The Applicant uses the phrase '*overall terms*' when describing the significant adverse effects on the special qualities of the SCHAONB (paragraph 340, 7<sup>th</sup> bullet point ES Chapter 28 (p.144). This paragraph also refers to the geographic extent of these significant adverse effects as being '*relatively contained*' (2<sup>nd</sup> bullet point p.143). Natural England and the Applicant agree that the extent of the significant adverse effects on some special qualities is geographically limited to the coastal edge of the SCHAONB. Consequently the AONB as a whole is not directly and adversely effected in '*overall terms*'. See also Applicant's document 'Applicant's Comments on Relevant Representations' point NE-2.2 p.394 where they state '*....this [the section of coastline for which significant adverse effects are predicted to occur] does not represent the majority AONB as a whole, with areas of the AONB away from the coast, and to the south of Orfordness, unlikely to be subject to significant effects*'. NE agrees that this section of coastline does not represent the AONB as a whole.
13. But we note that the significantly adversely effected special qualities are just as present on the coast as they are for inland areas of the SCHAONB and as the Applicant acknowledges, at para. 149 of ExA.AS-5.D2.V1 (p.40) [REP2-008], for some aspects of the special quality 'Landscape Quality' these are only available at the coast i.e. '*the seascape setting of the ANOB e.g. the simplicity of the landscape*'.



This phenomenon also applies to the other adversely effected special qualities.

**Natural England reiterates that the constitute parts of the AONB are as important as the AONB as a whole and it is immaterial therefore that the AONB is not affected in ‘overall terms’.**

14. To understand how previous examinations have considered this point we would refer the ExA to the recommendation report for the Navitus Bay Wind Park scheme where the issue of the geographical extent of significant adverse effects on special qualities of designated landscapes was considered. The relevant paragraphs (which relate to the Dorset AONB) are as follows:

7.3.134

*‘The Panel disagrees with the Applicant’s approach for these reasons. Firstly, judgements of whether a project would compromise the special qualities of the designation cannot be bound by the sort of quantitative exercise deployed. Second, the Dorset AONB Management Plan confirmed that the AONB is a collection of fine landscapes “each with its own characteristics and sense of place.”; in other words recognising that individual parts can as much reflect the qualities meriting the designation, as the Dorset AONB as a whole’.*

And 7.3.135

*‘Finally, the approach fails to recognise that the special and outstanding landscape qualities of this AONB are particularly well expressed on its coastal edge, and in some instances can only be experienced on the coast’.*

15. Whilst the Applicant hasn’t quantified the extent of the significant adverse effect on special qualities of the SCHAONB with a percentage figure for the geographical area affected, they repeatedly refer to there being no significant adverse effects in ‘overall terms’. As the ExA expressed it in the Navitus Bay Report the key consideration is whether or not the special quality is adversely affected within a part of the designation and not whether or not that special quality is affected in in all parts of the designation. The implication of this reasoning is that the individual parts of the designation are important in their own right as the AONB is as a whole and references to effects not resulting harm in ‘overall terms’ is immaterial.



### C.3 The Future Character of the SCHAONB.

16. The Applicant has commented on the possible future character of the SCHAONB and SHC. This is based upon the assumption that other energy schemes currently in preparation or in examination will be built. The SCHAONB Management Plan makes reference to the ambition of local authorities for the creation of an 'Energy Coast' for Suffolk and notes that such developments will impact on the character and special qualities of the AONB. It also states the need to avoid, and if this is not possible to minimise, adverse and residual impacts of such changes. Whilst the presence of the Sizewell A and B nuclear power stations provide a unique counterpoint to the natural beauty of the SCHAONB, the Galloper and Greater Gabbard offshore arrays do not have a significant adverse effect on this. In essence the presence of this infrastructure does not provide a carte blanche justification for the introduction of further energy schemes, as acknowledged in national planning policy.
17. It is possible that the in-combination, cumulative effect of the EA2 and EA1N with other projects already built, approved or going through the planning approval process, could be transformative to the special qualities of the SCHAONB and hence statutory purpose of the designation. However, speculation about future projects is simply not relevant to determining these schemes. The baseline for SLVIA is the current nationally valued landscape of the SCHAONB and not what it may be in 5, 10, 15 or 20 years' hence.

### C.4 The Proximity of the Array to the Coast and Comparisons with other OWFs.

18. At para. 93 to 97 of ExA.AS-5.D2.V1 [REP2-008] the Applicant provides extensive commentary on the determination of the Rampion offshore windfarm. At its closest point to the South Downs National Park (near Rottingdean) the Rampion array is 14.4km away. The coastline here is not defined as a Heritage Coast. The purpose of the Rampion Exclusion Zone (see Rampion Offshore Wind Farm Order 2014, Schedule 13 Part 2 section 11 (3) page 106) was to have regard to a number of design criteria, the purpose of which was to minimise the significant adverse effects on the South Downs National Park and Sussex Heritage Coast. The intention was to move the array further westwards and therefore away from key locations at Beachy





Head, Birling Gap and Cuckmere Haven; a stretch of coastline often referred to as the 'Severn Sisters'. The very short section of SDNP coastline at Rottingdean (less than 3km in length) was not intended to benefit from this mitigation measure. The entirety of the Suffolk coastline within the SCHAONB is defined as a Heritage Coast. The predicted significant adverse effects of the EA2 turbines extends to length of approximately 35km along this coastline.

19. Further information is also provided in Appendix 2 of ExA.AS-5.D2.V1 [REP2-008] for other offshore windfarms some of which are in the setting of or have a relationship with designated landscapes. NPS policy states (EN-1 5.9.19) that *'It may be helpful Applicants to draw attention...to any examples of existing permitted infrastructure'*. In considering this matter NE advises that reference can also be made to offshore wind farms which were not granted approval. To this end we refer the ExA to paragraphs 7.3.9., 7.3.10 and 7.3.11 (p.125 -126) of the Navitus Bay Recommendation Report. For completeness these are reproduced here:

#### 7.3.9

*'During the course of the examination, the Applicant claimed that anything over 20 km could be classed as 'remote'. The threshold for defining 'remote' was used by the Applicant on a number of occasions [REP-3018, 3226, 3313, for instance] to expound the proposition that significant impacts on receptors would not result from 'remote' distances of 20 km or more. The 20 km figure was said to have derived from NE's evidence to the recent examination into the Rampion offshore wind farm project, and accepted by the ExA in its report on the Rampion project to the Secretary of State'*

#### 7.9.10

*'Be that as it may, the Panel does not agree that either: 1) the concept of 20 km regarded as 'remote' at another wind farm project would inevitably apply to this case; or 2) that any distance beyond the 20 km threshold would render an offshore project incapable of having significant impacts.'*



### 7.3.11

*‘On the first point we agree with NE when it stated that: "bespoke judgements have to be made in relation to each designated landscape and its particular context, qualities and sensitivities and according to the specific details of the offshore development proposed." [REP-3357] The context and circumstances of the Navitus Bay project are very different to the Rampion wind farm. Applying a blanket approach is inappropriate, and does not allow for local, specific considerations. On the second point, as our examination of the Project below shows, a 20 km limit cannot necessarily be applied to a development of the size and scale of this offshore wind farm’.*

20. The Applicant recognises *‘that assessing visual effects is not a quantitative process’* and there is a need for assessments to *‘reply on qualitative judgements about the significance of change’*. See ‘Applicant’s Comments on Relevant Representations’ at point NE-2.5 to 2.8 p.398 1<sup>st</sup> paragraph. NE advises that bespoke judgements based upon assessments guided by GLIVA3 will always be required for schemes such as EA2 and that the application of blanket approaches is inappropriate.

## **D. Concluding Comments**

21. Natural England has assumed that the evidence and conclusions presented in the EA2 SLVIA are the basis upon which the Applicant has concluded that there will be residual significance adverse effects on the certain landscape and visual receptors as well as some of the special qualities of the SCHAONB. These two new documents seek to present an interpretation of this evidence and link this to an interpretation of national planning policy in order to contend that these predicted effects are not significant enough to harm or ‘compromise’ the statutory purpose of the AONB.
22. The simple issue is that whilst significant adverse effects of the scheme have been lessened through a reduction in the lateral spread of the array and clarification on the height of the machines to be used, they are nevertheless still predicted to occur. Should the EA2 scheme be approved as designed i.e. without further mitigation measures being enacted, significant adverse effects on the special qualities of the Suffolk Coast and Heath Area of Outstanding Natural Beauty will occur. These effects will therefore, if previous inspector’s recommendations are followed, have a significant adverse effect on the statutory purpose of the AONB.



## Annex 1: Natural England's Advice on Relevant Legislation and Policy

Natural England provides the following legislative and planning policy advice in relation to the report (the “**Report**”) submitted by Scottish Power Renewables (“**SPR**”) in relation to East Anglia One North (“**EA1**”) and East Anglia Two (“**EA2**”).

### 1. Regarding the statutory purposes:

- a. The Report reiterates that EA2 “*would not result in harm to the statutory purposes of the AONB, because it is not the overall character or the physical features of the AONB that will be changed, but the specific aesthetic/perceptual aspects of its character*” (p.7 para 23). Natural England reiterates that:
  - i. The statutory purposes of an AONB do not refer to “*overall character*” or “*physical features*”. Instead, the principal provision focuses on an AONB’s *natural beauty*” (s.82(1) of the Countryside and Rights of Way Act (“**CROW**”)).
  - ii. Further provisions of CROW also prioritise natural beauty: LPAs may act to conserve/enhance their “*natural beauty*” (s.84(4)) and public bodies must have regard to this (s.85(1)).
- b. In setting out the further statutory duties, the Report also notes s.87 CROW (p.10 para 32) in relation to conservation boards. Natural England’s advice is that :
  - i. S.87 of CROW doesn’t apply in this instance, because the SCHAONB is a ‘Partnership’, not a ‘Conservation Board’

But, if the same premise was to be applied here then, Natural England highlights the following:

- ii. A board must have regard to: (i) conserving and enhancing an AONB’s “*natural beauty*” (s.87(1)(a)); and (ii) “*increasing the understanding and enjoyment by the public of the special qualities of the area*” (s.87(1)(b)). Please see NE comments above in relation to sensitive receptors and views out to sea.



- iii. Similarly, a board must “*seek to foster the economic and social well-being of local communities within the [AONB]*” (s.87(2)) – things which, again, would be affected by the changed views.
- c. The Report notes that the ExA/SoS must “*have regard*” to “*conserving and enhancing the natural beauty of the area*” (p.11, para 33). Natural England’s advice is that:
  - i. Even with the proposed mitigation measures, it is not possible to conclude that that EA1/EA2 will conserve the natural beauty of the AONB. Furthermore, there is no evidence that the proposals will actively enhance the AONB.

2. Regarding **NPS policy considerations**:<sup>1</sup>

NPS EN-1:

- a. The Report cites 5.9.9: “*The conservation of the natural beauty of the landscape...should be given substantial weight by the [SoS]*” (p.12 para 41): We advise that the following is also taken into account:
  - i. The term “*substantial*” is significant here. It suggests that whilst competing factors should be balanced the conservation of the AONB’s beauty takes priority. This undermines the Report’s argument that a “balance” should be struck between factors (for instance p.25 para 100).
  - ii. The Report fails to cite the following provision - 5.9.10 - which states that development consent in these areas shall only be granted in “*exceptional circumstances*”.
- b. The Report cites 5.9.12 regarding developments outside designated areas: “*...The aim should be to avoid compromising the purposes of designation and such projects should be designed sensitively given the various siting,*

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<sup>1</sup> Note, however, that the SoS does not need to make a decision in accordance with an NPS, where he is “*satisfied that the adverse impact of the proposed development would outweigh its benefits*” (s.104(7) [Planning Act 2008](#)).



*operational, and other relevant constraints...*” (p.8 para 26). Natural England’s advice is that:

- i. Whereas the Report interprets this provision as imposing a test as to *“whether the purposes of designation...as a whole would be compromised, such that, for example, it might no longer, as a result of the development, be designated as an AONB”* (p.8 para 27), it is our advice that the plain meaning of the policy does not go this far. Specifically, it asks us to consider whether the development compromises the underlying *“purposes”* (rather than the act) of designation.
- c. It also cites 5.9.22: *“Within a defined site, adverse landscape and visual effects may be minimised through appropriate siting of infrastructure...”* (p.13 para 49). Natural England advises that:
  - i. Whereas the Report interprets this to mean that the need to minimise visual harm can be met through appropriate siting etc, the word *“may”* could indicate that it may not always be possible to offset adverse effects.
- d. It also cites 5.9.16 to argue that projects’ temporariness/reversibility should be taken into account (p.14 para 53). However, please see the Navitus Bay determination discussion below on ‘temporary’
- e. It also cites 5.9.17: *“The [SoS] should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other constraints, to minimise harm to the landscape, including by reasonable mitigation”* (p.25 para 99)., Natural England advice is as follows:
  - i. Although the Report argues that *“Minimising the effects does not mean to make them minimal”*, this interpretation goes against the plain meaning of the word “minimise”.



- ii. In any event, rejecting the idea that harm should be made minimal (in other words, accepting harms) suggests that the beauty of the AONB will not be conserved – let alone enhanced.
  
- f. Finally, the Report omits to mention the crucial, second half of 5.9.18 (underlined below): “*All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. The IPC will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project. Coastal areas are particularly vulnerable to visual intrusion because of the potential high visibility of development on the foreshore, on the skyline and affecting views along stretches of undeveloped coast*”.

### NPS EN-3

- a. Although the Report presents 2.6.208 as helpful to its case, this provision – which concerns offshore wind farms within sight of the coast – still mandates a weighing up of projects’ “*harmful effects*” vs “*benefits*” (pp.14-15, para 54).

### **3. Regarding other policy considerations:**

- a. The Report cites p.46 of the AONB Management Plan, stating “*the AONB Partnership will work constructively with developers to reduce and mitigate adverse impacts, on a range of natural beauty indicators*”. However, Natural England advice is:
  - i. the AONB Partnership will only do so “*Once national or local decisions on major developments have been made*”. This is therefore an irrelevant consideration (and inadequate form of mitigation) at present (p.15 para 58).
  
- b. It also considers/imports Scottish planning policy – especially as a tool for interpreting NPS EN-1 (p.30 onwards). Natural England’s advice is:
  - i. Scottish planning policy is irrelevant in England.



- ii. The Report consequently states “*The test in NPS EN-1 is whether or not such effects would constitute ‘compromising the purposes of designation’ or to phrase it another way, whether the overall integrity of the designation is compromised*” (p.31 para 119). This is misleading – an AONB’s “overall integrity” is irrelevant here. As set out in more detail in Natural England technical advice above.

#### **4. Natural England highlights to the ExA the following SoS determinations where similar impacts are noted**

##### **a. Navitus Bay**

DECC’s [Decision Letter](#) (dated 11 September 2015) rejected development consent for an offshore wind farm in the English Channel off the Dorset coast by Eneco/EDF Energy – one of the largest wind farm applications to be refused.

The Decision Letter sets out the issues weighing against granting development consent, including the project’s seascape, landscape and visual impact (see from paragraph 16 onwards). Note in particular:

- The ExA considered the project would produce “*relatively long term (25 years) impacts*” (para 16) on the AONBs. Depending on the projected lifespan of EA1/EA2, it may therefore be possible to characterise these as long-term projects (despite the Report’s characterisation of these as “*temporary*”).
- The SoS was mindful that “*the wind turbines would be visible when looking out to sea from large stretches of the coast...where AONB and Heritage Coast designations are prevalent*” (para 17).
- Whereas the Applicant argued that this project was analogous with *Rampion* (discussed below), the SoS ruled that the two wind farms “*were not comparable as Rampion’s location was set against a section of the coast which, while under a national landscape designation, ran parallel to the wind farm and not, as at Navitus, at the apex of a sector*”



*which had as its circumference the Dorset and Isle of Wight coastlines”*  
(para 18).

b. Rampion

DECC’s [Decision Letter](#) (dated 16 July 2014) granted development consent for an offshore wind farm in the English Channel off the Sussex coast by E.ON./Renewables UK Rampion Offshore Wind Limited. The application had been contested by the South Downs National Park Authority on multiple grounds - including the impact of the wind turbines on the Sussex Heritage Coast and National Park (para 12). However, it was granted on the condition that the applicant would undertake the mitigation measures secured in a unilateral undertaking (para 17).

The Examining Authority’s [Report](#) to the SoS describes the extensive mitigation proposals in relation to the offshore development’s visual effects on the South Downs National Park/Heritage Coast (para 4.348 onwards) – including for a “*Structures Exclusion Zone*”. I note this in case it is helpful to compare these with the mitigation measures being proposed by SPR, given the Report asserts that the development impacts have been “*appropriately mitigated and minimised*” (p.26 para 102).

c. [Girling v East Suffolk Council](#) [2020] EWHC 2579 (Admin)

A Claimant (a local resident and member of “Together Against Sizewell C”) brought this recent case against East Suffolk Council in relation to its decision to approve development works for an existing power station: Sizewell B. This lies inside the Suffolk Coast and Heaths AONB and Suffolk Heritage Coast. Although the judge dismissed this application for judicial review, and although there are some key factual differences between this and EA1/EA2, it may nevertheless prove helpful as the NPPF test is the same as that used in EN-1:

- It discusses paragraph 172 of the National Planning Policy Framework (“**NPPF**”) (paragraph 10). Although this only governs developments





within AONBs, it nevertheless provides a powerful reminder that developments affecting AONBs should be treated with utmost caution. For instance, it states (underlining added):

*“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and [AONBs], which have the highest status of protection in relation to these issues.”*

*“The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.”*

- d. [RWE Innogy UK Ltd vs SoS for Communities and Local Government](#) [2014] EWHC 4136 (Admin)

This concerned a decision by the SoS to refuse planning permission for ten wind turbines close to a designated landscape. The Claimant unsuccessfully challenged (inter alia) the SoS' conclusions in relation to landscape impacts on the nearby North York Moors National Park ("NYMNP"). The following may be helpful:

- The SoS refused the wind development near the designated site having focussed on the “*public enjoyment*” and “*visual qualities*” of that site (although the SoS' analysis here was based on the statutory purpose of National Parks, rather than AONBs) (para 55).
- The case presents a strong example of a wind project being dismissed where it would be sited near a designated site (albeit a National Park) owing to its visual impact: “*Mr France’s view on behalf of a body with responsibility for the NYMNP was a legitimate response to the issues in relation to the impact of the proposals from a visual perspective on the NYMNP and the Secretary of State’s adoption of those matters was an equally legitimate response in reaching his decision*” (para 56).