

# Appendix 1

## Assessment of Effects on Individual Properties

## Introduction

- 4.19 There is currently no published guidance available on the assessment of residential visual amenity. This assessment has therefore been developed based on experience and current practice, which to a large extent is driven by the decisions made following public inquiries into wind energy proposals.

### Scope of this Study

- 4.20 This appendix provides a description of the existing views from local residential properties, and the potential changes to views that are likely to result from the introduction of the proposed development into the landscape.
- 4.21 For properties experiencing a high magnitude of change only, the assessment concludes with a judgement as to the effect of the change to residential visual amenity 'in the round'.
- 4.22 The term 'in the round' implies forming a judgement considering all available views and other factors. The assessment of effects on views and visual amenity from residential properties takes account of the range of views that may be available from a residential property including views from the property itself (from inside and outside), its garden, driveway and or approach road. For example this may include:
- A framed view from a living room window which might be changed to a substantial degree by the proposal (which would be significant in the context of the EIA Regulations);
  - A clearly used terrace from where no views are available of the proposal;
  - Possible glimpsed views in winter from the access drive but which are screened during summer months.

This range of available views would be considered in making the overall judgement.

## Context of the Assessment

- 4.23 Potential adverse impacts on residential amenity, also referred to as 'living conditions', have been a consideration in the determination of applications for wind farm developments.
- 4.24 There is no formal or statutory guidance available as to how to assess the visual component of living conditions. This clearly requires an objective approach but is ultimately a matter of judgement, and as was stated by the Reporter in the **Baillie Wind Farm**<sup>13</sup> decision (Highland Council) *"Any assessment of acceptability in these circumstances relies on judgement rather than measurement."* This judgement should not take account of the range of potential personal attitudes towards wind farms.
- 4.25 The matter of judgement of potential impacts on living conditions has been considered at several public inquiries to determine whether the potential impacts upon the visual amenity of residential properties is so unsatisfactory that the development in question should be refused planning permission in the public interest. Decisions have been reviewed as part of this study, with a selection being summarised below.
- 4.26 At **Enifer Downs**<sup>14</sup> (Kent), Inspector Lavender noted that *"when turbines are present in such number, size and proximity that they represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as an unattractive and thus unsatisfactory (but not necessarily uninhabitable) place in which to live"*.

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<sup>13</sup> Paragraph 8.22 Construction and operation of the Baillie Wind Powered Electricity Generating Station in in Caithness in The Highland Council area. David Russell. 17 August 2009

<sup>14</sup> Paragraph 66 Land west of Enifer Downs Farm and east of Archers Court Road and Little Pineham Farm, Langdon, Appeal decision APP/X2220/A/08/2071880. 28<sup>th</sup> April 2009.

- 4.27 At the **Harelaw Renewable Energy Park**<sup>15</sup> Inquiry (East Ayrshire and East Renfrewshire), the Reporter stated that *“Any consideration of proximity to houses effectively becomes an assessment of the effects of a wind farm on the amenity of a property: its pleasantness of place and its impact on living conditions. It is necessary to consider whether any of the effects on views or visual amenity have the potential to affect living conditions such that living at that property would become unpleasant or undesirable. This requires an objective approach, as far as possible, but is ultimately a matter of judgement.”*
- 4.28 At **Fauch Hill and Harburnhead**<sup>16</sup> Reporters Dent and Jackman stated that they considered *“a significant change to a local resident’s outlook from their property does not mean a wind farm proposal is necessarily unacceptable. Significant changes are likely to be inevitable for the closest properties. We agree that a ‘higher’ test is relevant. We agree with the conclusions from previous decisions that this means a wind farm would have to be overbearing or dominant”* (paragraph 10.53).
- 4.29 Furthermore, when explaining visual impacts, Reporters Dent and Jackman state that *“there is no right to a private view. Although all properties would have a theoretical view of the wind farm, many would benefit from screening through vegetation or other buildings. The generally agreed guidance on the level of visual impact is known as the “Lavender test” which assesses whether a property would become an unacceptable place to live because of the development”* (paragraph 17.42).
- 4.30 In considering these and other appeal decisions, the visual impact of the wind farm has to be commonly described as ‘unacceptably overbearing’, ‘overpowering’, ‘oppressive’ or ‘unpleasantly overwhelming and unavoidably present in main views’ for there to be a potential unacceptable adverse impact on living conditions.
- 4.31 It is generally the consensus that, if the wind farm is unavoidably present in main or other views, then this in itself does not demonstrate material harm to living conditions. A judgement needs to be made considering all available views and other factors. These factors include:
- distance from the turbines;
  - orientation and layout of the dwelling;
  - the focus and context of the existing view and if there are other directions residents can look in which are not affected;
  - the degree to which overall available views will be affected;
  - the extent of turbines which will be seen (i.e. upper parts of turbines or their whole, visibility of associated structures such as tracks and the substation); and
  - availability of screening.
- 4.32 Consideration of these factors allow a judgement to be made relative to each property as to whether (as summed up in the words and judgements made by LUC, but based upon relevant appeal decisions), the presence of turbines or other visual components of the development will be visually dominant, overbearing or oppressive and, in the terms of the appeal decisions stated above, that they will render the property an unattractive place to live.

## Methodology

- 4.33 The assessment process can be summarised as follows:
- identification of properties to be considered;
  - preparation of wireframe visualisations, and collation of baseline information from maps and aerial photographs for use in fieldwork;
  - field survey;

<sup>15</sup> Paragraph 4.115 Harelaw Renewable Energy Park. Karen Heywood. 17th June 2013

<sup>16</sup> Fauch Hill Wind Farm and Harburnhead Wind Farm; Report to the Scottish Ministers. 21 January 2014

- assessment of the magnitude of change in visual amenity likely to be experienced at the property; and
- for properties experiencing a high magnitude of change, coming to a judgement of whether the predicted change in visual amenity has the potential to adversely affect 'living conditions'.

4.34 The following section sets out the methodology and the factors considered in describing the existing views from a property, the potential changes in views as a result of the presence of the proposal in the landscape and the judgement into the effect of the change in view on 'living conditions', or residential visual amenity.

### Baseline Visual Amenity

4.35 For the purposes of this assessment, the visual amenity experienced at a property is made up of a combination of the type, nature, extent and quality of views that may be available from the property and its domestic curtilage (e.g. gardens and access drives).

4.36 In considering baseline visual amenity, the following has been examined:

- the nature and extent of the available existing views (including main/principal views) from the property and its garden, including the proximity and relationship of the property to surrounding landform, landcover and visual foci; and
- views experienced when approaching or departing from the property via its driveway and / or access roads, if applicable.

### Field Surveys

4.37 Permission was requested to visit a selection of ten properties within 2 km of the nearest turbine, in order to confirm:

- the orientation and likely views from each property (including main aspects and direction of windows);
- layout and orientation of the external spaces and gardens associated with the property curtilage;
- access location, and likely views from private or shared driveways or access tracks as appropriate; and
- composition, type and experience of existing views from each property.

4.38 Permission was granted at five of the properties, and site visits were undertaken in November 2015. For the remaining properties, the assessment was carried out from the closest public road.

4.39 A further purpose of visiting the properties was to photograph views experienced in the direction of the site, in order to develop photomontages to help inform the assessment and to illustrate the likely role of topographical variations, tree cover and buildings in screening.

### Visualisations

4.40 Five viewpoints were selected as being representative of views from the local communities, in addition to the LVIA viewpoints. Photomontages / photowireframes and wirelines have been prepared for each viewpoint (see Figures 4 to 8).

4.41 Wirelines were generated using ReSoft WindFarm (Release 4) using a 2 m viewing height and illustrating a bare ground situation, which does not take into account any vegetation or buildings. Cumulative schemes within 15 km of the viewpoint have been included within the wirelines.

4.42 Photomontages were prepared in accordance with the Highland Council's Visualisation Standards for Wind Energy Developments (2015).

### Components of the proposal

4.43 The assessment limited itself to the likely visual effects during the operational phase of the proposal only. Whilst other components of the wind farm have the potential to affect views, such as tracks and the electrical control building, the assessment focuses mainly on the effects of the turbines themselves.

## Change in view

- 4.44 The change in views that will result from the proposal was considered with reference to computer-generated wirelines. The magnitude of change which will be experienced was judged, and the change in views summarised, with reference, as appropriate, to the following factors which are set out in the Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> edition, page 115:
- *"scale of the change in the view with respect to the loss or addition of features in the view and changes in its composition, including the proportion of the view occupied by the proposed development;*
  - *degree of contrast or integration of any new features or changes in the landscape with the existing or remaining landscape elements and characteristics in terms of form, scale and mass, line, height, colour and texture."*
  - *"angle of view in relation to the main activity of the receptor;*
  - *distance of the viewpoint from the proposed development; and*
  - *extent of the area over which the changes would be visible."*
- 4.45 The following additional factors are specific to the type of development proposed:
- the (relative) size and proximity of turbines;
  - the type and nature of the available view (e.g. panoramic, framed);
  - the direction (including the aspect) of the view affected; and
  - the density and spacing of turbines and their overall composition in the view.
- 4.46 For each property, the evaluation consists of:
- a description of the property and of its location and context;
  - a description of the likely existing available views and visual amenity from the property and its domestic curtilage, including gardens and private or shared access drives; and
  - a description of the likely effect on views and visual amenity resulting from the proposal, as well as other existing and proposed schemes included in the study area and likely to influence the decision making process.
- 4.47 The detailed information for each property or group of properties concludes with making a professional judgement, based on experience in considering the factors listed in paragraphs 4.44 and 4.45, with respect to the visual component of 'living conditions'. It is intended that this judgement may assist the decision maker in coming to the wider planning judgement with respect to residential visual amenity.
- Magnitude of Change in Visual Amenity*
- 4.48 Informed by the preparatory desk work and supported by maps and wireframes, an assessment was undertaken during field surveys of the magnitude of the likely change in visual amenity that may result from the introduction of the proposal into the local landscape and the view(s) from the property.
- 4.49 Magnitude of change is expressed on a relative scale, which highlights the differences between the types of change experienced in views at the residential properties examined as part of this assessment. The existing and proposed view from each property is described, and the likely relative magnitude of change (high, medium, low, imperceptible) arising from the proposal is determined. The nature of existing and predicted views (open, enclosed, panoramic, focused, framed etc.) affects the relative magnitude of change and is taken on board in reaching that judgement. The assessment does not seek to establish one or more 'main views' from each property, but looks at the range of views likely to be available from the house and its curtilage, and considers potential effects on all of these.
- 4.50 For properties experiencing a **high** magnitude of change in visual amenity, this assessment concludes with a judgement as to the effect of the change in view on 'living conditions', or residential visual amenity.

- 4.51 For properties experiencing a **medium** or **low** magnitude of change, it is considered that there is no potential that living conditions will be affected, and this final stage is therefore not considered.

**Table 4-2 Magnitude of change in visual amenity**

Magnitude of change in visual amenity	Description
High	The proposed development will be a key/defining element in the view.
Medium	The proposed development will be clearly discernible but will not be a key/defining element of the view.
Low	The proposed development will be visible and will form a minor element of the view.
Imperceptible	The proposed development may go unnoticed as a minor element of the view, or is not visible.