

Wind turbines and the setting of cultural heritage features.

1.

Introduction

1.1

Since 2001 I have been asked to advise on numerous applications and appeals for wind energy development. In most of these cases the effect of these peculiarly tall and mobile structures on the setting of cultural heritage features has taken up a significant amount of inquiry time and has frequently featured as a reason for dismissal.

1.2

However the balancing exercise required in these cases, reconciling the need to provide renewable energy for security of supply and to combat climate change whilst seeking to protect heritage, has sometimes required sacrifices to be made.

1.3

A Welsh call-in, decided this summer, at Mynydd y Bettws in Carmarthenshire, determined for energy over heritage, despite lying outside a strategic search area. The mountain top was literally covered in a series of burial cairns, described by CADW as an important and extensive ritual burial landscape, and lay close to Penlle'r Castell, a castle on the boundary between the potentially warring factions, overlooking open upland landscape which would be totally dominated by turbines. The application was for 16 110m high turbines with an installed capacity of 2.3MW – giving a 36.8MW contribution to targets.

1.4

Noting there was little and difficult public access the Inspector concluded that *“The turbines might be a distraction in the view, but they would not prevent a person perceiving the nature of the view from the castle across the open hillside prior to the erection of the turbines.”* He concluded, having examined the supportive development plan policies and the shortfall against TAN 8 targets, that *“I consider that the benefits of the contribution that this proposal would make to the provision of renewable energy*

outweighs the sum total of all the harm which would result.” He heartily endorsed the view of one of the Committee members of my instructing LPA *“nobody will thank us when the lights go out”*. The Welsh Assembly Government accepted his recommendation for approval. It is not for me to say they were wrong.

1.5

The significant amounts of power intended to be generated at the Middlemoor (S.36 Electricity Act 1989) Public Inquiry last year convinced the Inspector to recommend approval. 75MW, in an area identified in the RSS as a strategic search area, outweighed the significant, but 8km distant, impact on a Grade 1 listed tower within a Registered Park, a 4km distant hillfort and a locally valued hill view. I was representing a group of local residents who were convinced that the impact would be not only on these elements but on such places as Holy Island, some 20 km distant. Deaf to suggestions that I had needed binoculars on my site visit to discern their flying blimp they enthusiastically claimed significant impact on setting. You may imagine that those suggested additional impacts were not accepted as significant.

1.6

However Inspectors have found, where the cultural heritage asset was of particular quality, that impact can arise at surprisingly long range. In Lincolnshire at Thackson’s Well at the end of the Vale of Belvoir, the impact of turbine tips appearing on a skyline viewed from a Grade 1 listed 17thC country house, with a distance between it and the turbines of 11 km, and upon a Grade II* viewing tower within the grounds at 9km, was judged unacceptable.

1.7

It seems therefore that how we judge impact on setting of cultural heritage features arising from these enormous structures is a topic worthy of discussion.

2.

Legally what is setting and how can it be affected?

2.1

Although “setting” is a concept enshrined in statute, in respect of listed buildings, and impact upon it is made a material consideration by policy for other heritage features, there is little guidance on how its extent may be defined. It seems to be accepted that the meaning of “setting” is the same, although the elements suffering affect differ, whether one is considering Conservation areas, listed buildings, scheduled ancient monuments, world heritage sites, or registered parks and gardens.

2.2

S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the decision maker, whether LPA or Secretary of State, when *“considering whether to grant planning permission for development which affects a listed building or its setting”*, to have *“special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses.”* That duty in regard to setting is reinforced by S.67 which requires the authority to give publicity to any planning application which would in their opinion affect the setting of a listed building.

2.3

Note that the word “affects” is in no way qualified which implies that there is no lower level which can be safely disregarded. This was noted by the Judge during a judicial review in 1996 when it was argued before him that “affect” must mean “materially affect”. He said *“That may well be so, but in my judgment what is striking is that the words are not “substantially affect the setting of a listed building””*

2.4

This duty was held not to be overridden by the pre-eminence given to the development plan by S.54A¹ and there appears to be no reason to suppose that has changed since S.38(6) exchanged “shall be made in accordance with the development plan” for “must be made in accordance”. The duty under S.66 cannot be ignored because the approach within it does not accord with a policy in the development plan. It is not a new duty for S.66 replicates the provisions of S.56(3) of the 1971 Planning Act. Yet very few instances cases have considered how “setting”, and affect upon it, is to be judged.

2.5

In 1988 a Mr Felton purchased an 18th Grade II* farmhouse together with a Grade 1 18thC barn and farmyard constructed as a gothic sham castle. Also forming part of his purchase were 3 Grade II buildings: a dovecot, a barn and another agricultural building. He was somewhat disgruntled when, a month later, his neighbour was granted planning permission for a massive insulated potato store just over the lane a mere 77metres away. Mr Felton and his neighbour appear to have been most reasonable people. They agreed that if the neighbour, who needed his store, could obtain permission to locate it elsewhere Mr Felton would pay for the relocation. The LPA refused permission for an alternative site and in due course a judicial review of the decision to permit the potato store worked its way through the High Court and the Court of Appeal.

2.6

McCowan J. commented that *“it does seem to me that [the planning officer] appears to think that what he has got to have regard to is whether you can see the potato store from the house. He certainly there does not appear to be appreciating that that is not*

the whole answer when one considers whether the setting of the listed buildings will be affected. There is, of course, to be taken into consideration the view of the listed buildings in relation to the new building seen from other positions.”

2.7

The Court of Appeal gave short shrift to the suggestion that the Judge at first instance had been wrong to hold the LPA *Wednesbury* unreasonable. Dillon L.J. said “..it was impossible to say that the erection of this building did not affect the setting of the listed buildings. Even if it was not visible from within the main house, except from an attic window, it was visible from the approaches and around and it dominated the situation; it was the largest building there, overpowering the listed buildings round the sham castle from just across the lane.”

2.8

In 1995 three supermarket developers had competing sites in Richmond, Yorkshire. The LPA refused all their applications. On appeal the Secretary of State allowed one and dismissed the other two. Needless to say one of the competitors was heartily aggrieved and applied to quash the decisions. Mr Malcolm Spence, sitting as a Deputy Judge, having dealt with various considerations regarding whether development had to enhance and not merely preserve a conservation area, moved on to the question of setting of listed buildings and ancient monuments. When considering setting, he said, it is proper to have regard to the view from the listed building or ancient monument towards the proposed development, or from the proposed development towards the listed building or ancient monument, or from any other relevant side view².

¹ *Heatherington U.K.Ltd v Secretary of State for the Environment* [1994] EGCS 118

² *Revival Properties Limited v. Secretary of State for the Environment, Deerpark Securities Limited and Richmond District Council* [1996] JPL B87

2.9

The question of views from a listed building arose again in 2001. The case concerned a Grade II* listed building within a conservation area. The Conservation Area and the house enjoyed views of the River Thames and both could be appreciated from the tow path. The proposed development would fill a gap and obscure those views. The Inspector set out his duty both *“to pay special attention to the desirability of preserving or enhancing the character or appearance of the area”* and, with regard to the listed building, his duty under S.66 to have special regard to the desirability of preserving setting. He did consider the effect on character and appearance of the Conservation Area arising from this occlusion of view. However, when he came to assess the setting of the listed building, despite having his duty in mind, he considered the views from the house in terms of impact on amenity, as a potential affect on outlook. That is he treated the house as a dwelling rather than a listed building and failed to have regard to the impact on the setting. H.H.Judge Rich Q.C. quashed the Inspector’s decision and observed that *“if the view was properly regarded, as in law it could be, as part of the setting.....,[it] should have been so considered.”*³

2.10

Care has to be taken to distinguish between adverse impact on landscape and impact on setting although it may be that there is an overlap which makes discussing them separately difficult . This was demonstrated by the challenge to the Inspector’s decision in the Enertrag case⁴. This concerned 6 wind turbines, 125 m high in at a place called Guestwick in Norfolk. The landscape was attractive and an integral part of it was the historic church towers arising over the hedgerows and trees.

2.11

It was argued that the Inspector had misunderstood the meaning of s 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 or, alternatively, failed to set out adequate reasons as to why there was a serious effect on the setting of the listed buildings. The Claimant submitted that the Inspector

³ Ryan v Secretary of State for Environment, Transport and the Regions [2002] JPL 711

misunderstood the statutory test and was confused about the setting of a listed building and the visual impact of the development. The Claimant accepted that visual impact is one part of the setting but it is not all. Here, it was submitted that the Inspector had considered only 1 aspect, namely visual impact, of what was essentially a 3 pronged approach to the issue. It was of note that the decision letter only recorded that one aspect of the assessment process. It had to be recognised that an assessment of the landscape impact and the evaluation of the setting of a listed building were different. In particular, it was submitted that the Inspector had a duty to determine what the setting was in relation to each listed building and record what that was in the decision letter.

2.12

The Claimant expressly accepted that was the case and accepted that there is no clear determination of what is the setting of a listed building. The Claimant accepted in argument also that what constituted the setting would in each case be a matter of fact and degree. The Judge proceeded to set out the relevant part of the decision letter and then to consider whether it had properly distinguished the two concepts. He said⁵:

The Inspector dealt with the impact on the listed buildings as follows,

“11. As part of my landscape impact assessment, I have also considered the effects of the proposal on a number of listed buildings, and the churches within 5km of the site in particular. In this case the visual importance of many of these buildings in the wider landscape, and especially those church towers which stand out above the tree lines of the hedgerows and the woods, indicates that any considerations of the effects of the turbines on the listed churches’ settings should not be drawn too narrowly. Clearly, in some instances topography and vegetation limit the visual influence of the proposed structures in the landscape. I note that the incidence of listed buildings around the site is roughly the same as for other parts of the Broadland District. But nevertheless the churches are such an integral part of the landscape in this part of Norfolk that it would be impossible not to consider the likely impact on both the setting of the churches and landscape together. Although the landscape setting of the

⁴ Enertrag (UK) Ltd v. Secretary of State for Communities and Local Government and Broadland District Council and Guestwick Parish Meeting [2009] EWHC 679 (Admin)

churches need not remain exactly the same, section 66(1) of the T & CP (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving any listed building and its setting.”

In the following paragraph the Inspector concluded that the wind turbines as a group would have a “very significant impact on the landscape.”

In my judgment it is abundantly clear from those paragraphs that the Inspector was fully conscious of the broader landscape impact and recognised the overlap between that and the setting of the listed buildings. He then considered the individual viewpoints recognising where he had to the distinction between the wider landscape impact and setting. The end of paragraph 15 gives a clear example of that where he says, “As a result, the intrusion of these alien features into the attractive rural backdrop of the modest country church of St Peter’s, a view of quintessential Norfolk countryside which in essence would not have changed for many years, would have an adverse effect on the setting of the church.

In his overall conclusions also the Inspector clearly distinguishes between the issues of visual impact of the development which he dealt with in paragraph 53 and the setting of the listed buildings which he dealt with separately in paragraph 54. The Judge added “ The role of the Inspector was to demonstrate that he had understood what was before him and to grapple with it. He did so, and set out his findings applying that approach and his reason for so doing. His findings were essentially ones of degrees of impact on both the landscape and the settings of the listed buildings. Those are very much matters of planning judgment with which it is not for the court to interfere.”

2.13

These cases make it clear:

- that the affect on the setting of the listed building need not be significant to give rise to the duty under S.66;

⁵ At par.23 forward

- that it is a visual impact which has a material affect;
- That in judging that affect on setting one must look to the development from the listed building and from the development to the listed building and also from any other relevant side view;
- That views from the approaches and around should be considered
- That care must be taken to distinguish between impact on residential amenity or other visual impact or impact on landscape character and impact on setting.

2.14

What is not suggested by any of them is that there can be identified an entity called setting in the absence of the proposed development. I note that Charles Mynors, probably the Counsel with the greatest expertise on listed buildings currently in practice, takes the view that *“any relevant side view means “any point from which it is possible to see both the building or monument and the proposed development”*⁶. He also takes the view that *“The extent of the setting of a listed building...may mean something wider than just its curtilage or just the land that can be seen from it. In practice, the question is not – as it is with curtilage – what is the boundary of the setting, but rather does a particular proposed development affect the setting of a listed building in the vicinity. The answer to this is likely to depend on the nature of the proposal as much as on that of the listed building. Thus the erection of a tall radio mast may affect the setting of a number of listed buildings, some at a considerable distance from it; whereas the erection of a small shed in the garden of a listed house is likely to affect its setting only if it is reasonably close.”*⁷

⁶ Listed Buildings, Conservation Areas and Monuments 4th edition, p.411

⁷ Ibid p.485

3.

Policy guidance on setting

3.1

PPG15, having told us about the duty under S.66 sets out that *“The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.”*

3.2

It goes on to deal with the need to serve a notice if an application for planning permission in their opinion affects the setting of a listed building. Clearly when so doing it is better to err on the side of caution and it advises that *“This provision should not be interpreted too narrowly”*. It is frequently argued at inquiry by those supporting development that what follows must be influenced by that phrase and is therefore drawn widely. That, in my view is not the case, what follows is simply a description of the very different extent which settings of a range of building types may have.

3.3

We are told *“the setting of a building may be limited to obviously ancillary land, but may often include land some distance from it. Even where a building has no ancillary land - for example in a crowded urban street - the setting may encompass a number of other properties.”* Ancillary land would be land which served the building in some useful way. That could be restricted to garden ground, in the case of a dwelling, or associated park land in the case of a mansion, the pond and leats of a watermill. However the guidance is clear that it can include land which is not ancillary to its function but may include land at distance and in other ownership.

3.4

The PPG considers the affect of development of a large scale *“A proposed high or bulky building might also affect the setting of a listed building some distance away, or alter*

views of a historic skyline.” That sentence is interestingly phrased. As written it is unclear whether it is the building or the setting which can be some distance away and still be affected. Whichever interpretation you give it Inspectors have drawn support from it when considering the setting of listed buildings at significant distances. What is also interesting is the reference to the potential affect on “a historic skyline”. Please note the “or” between it and the part dealing with setting. Historic skylines are not part of the duty under S.66. It would appear that those skylines which are not part of “setting” enjoy only policy protection. That is not to say that a historic skyline can never be part of setting, clearly it can, most obviously in the case of a designed view, but it implies that even where there is a rather restricted setting a more distant affect on a historic skyline is highly material.

3.5

Recently there have been strenuous attempts by supporters of schemes to seek to restrict setting to some limited area closely associated with the primary asset, perhaps particularly designed or chosen to be important by the constructor of the building. That ignores the guidance from English Heritage in *Conservation Principles* to take account of the past and present setting⁸. A building’s setting evolves with time and may have assumed greater importance at a later date. Clearly the PPG does not support the view that a historic assessment is always necessary. It says “*In some cases, setting can only be defined by a historical assessment of a building's surroundings.*”

3.6

That is a salutary reminder that there are several reasons for designating a listed building. English Heritage sets out 4 reasons including architectural interest from design and craftsmanship; association with nationally important buildings and events; group value, which could be an architectural or historic group or a fine example of planning; as well as historic value. Not all of these would necessitate a historical assessment of the building’s surroundings.

⁸ Par 76 ‘Setting’ is an established concept that relates to the surroundings in which a place is experienced, its local context, embracing present and past relationships to the adjacent landscape. Definition of the setting of a significant place will normally be guided by the extent to which material change within it could affect (enhance or diminish) the place’s significance.

3.8 The consultative draft on *Planning for the Historic Environment* is as helpful as shoes to an octopus. It is concerned to avoid harm from development within setting (HE9.7) but distinctly coy in giving any guidance on its meaning. The English Heritage living draft is, fortunately, more helpful:

(Par 33) *"Effects on setting may be limited to heritage assets within the boundary of the proposed development and its immediate surroundings, but can extend to a far wider area. In the case of large or particularly prominent development, such as a high rise building, affected assets may be a considerable distance away. There are a number of visual assessment tools that might be of assistance in ensuring transparent and consistent decision-making...."*

3.7

That again seems to relate impact on setting to the scale of the proposal rather than the implying that setting has a pre-determined boundary. It is unclear whether the idea is that setting is infinitely expandable or whether the visual intrusion of large development travels to where it can be seen in conjunction with the asset, that is the harm is done by the arrival of the image rather than the physical presence of the development within a particular boundary.

3.8

It is interesting that it picks up the current as well as the historic, designed, aspect of setting, saying *"The contribution made by setting to the significance of a heritage asset does not depend on whether it was designed specifically to complement the heritage asset (such as formal parkland around an historic house) or whether it has developed fortuitously (such as a multi-period townscape around a medieval church)⁹".* And reinforces the point by saying *"The setting of a heritage asset includes any parts of the asset's surroundings that have a relationship with it capable of affecting either its significance or people's ability to appreciate its significance. The extent of setting is not, therefore, fixed and will change as a heritage asset and its surroundings evolve."* That acceptance that settings can evolve necessarily implies that it may increase or decrease in extent through time.

3.9

“Setting includes, but is not restricted to, visual relationships and will normally be more extensive than curtilage. For example, buildings that are close by but not visible from each other may have a historic or aesthetic connection that amplifies the significance of each. This can apply to buildings or sites that currently share or used to share a function or purpose as well as those that were designed or built together.” The guidance is silent on whether if there are two such linked buildings, one of which is visible from or in conjunction with the development and the other not, there can be an impact on the setting of both. I submit that may be the case.

3.10

The guidance picks up on the importance of the relevant “side views”: *“Some buildings, townscapes and landscapes were designed to give a particular impression from certain viewpoints and loss or impairment of these can diminish that value.”* This is an issue which has arisen frequently at inquiry in respect of tall church towers¹⁰ at Lanlivery in Cornwall; churches linked with major estates as at an inquiry in the Vale of Belvoir¹¹; hillforts, such as Y Bwlwarcaw, Mynydd y Castell and Caer Cwm Philip at Margam¹², and Twyn y Gwaer at Llethercynon¹³, and on top of Brent Knoll in Somerset¹⁴; as well as innumerable great houses. Some assets originally designed to have a view or to be viewed and to make a statement of spiritual or temporal dominion.

3.11

The new “living draft”, and these decisions, are entirely consistent with the earlier advice from English Heritage *“Wind Energy and the Historic Environment”* which sets

⁹ Par 50

¹⁰ Lanlivery Church at the Penpell Inquiry, a day mark for shipping and major parish church APP/Q0830/A/05/118928 Inspector Hiscox 17/01/2007

¹¹ Thackson’s Well. Church of St Mary, containing tombs of the Earl’s of Rutland, visible from Belvoir Castle, Inspector Lavender APP/E2530/A/08/2073384 17/1/08

¹² Margam, Inspector Nixon, App/Y6930/A/02/1103415, 05/09/03

¹³ Llethercynon Inspector John Davies APP/T6850/A/03/1122720, 07/12/04

out a series of pointers to the impacts which wind turbines can have on historic assets and their settings. Amongst those visual dominance is noted :*“Wind turbines are far greater in vertical scale than most historic features. Where an historic feature (such as a hilltop monument or fortification, a church spire, or a plantation belonging to a designed landscape) is the most visually dominant feature in the surrounding landscape, adjacent construction of turbines may be inappropriate.”* Intervisibility is also noted: *“certain archaeological or historic landscape features were intended to be seen from other historic sites. Construction of wind turbines should respect this intervisibility”*. The importance of vistas and sight lines view which extend beyond designated areas is also highlighted: *designed landscapes invariably involve key vistas, prospects, panoramas and sight-lines, or the use of topography to add drama. Location of turbines within key views, which may often extend beyond any designated area, should be avoided”*

3.12

How far such affects can found a dismissal is notable in several Inspectors decisions. In South Cambridgeshire, at Boxworth and Conington¹⁵, there was a Grade I church set in a conservation area, surrounded by trees. All that emerged above the trees were the tower and the odd roof line. The 15 turbines were proposed to be set on a 30m high ridge some 4 kilometres from the church. From a viewpoint on a B road, some 2 kilometres on the other side of the village, the turbines would have appeared dancing over the head of the village and more particularly its church.

3.13

Inspector Andrew Pykett considered that:

¹⁴ Inner Farm Inspector Robin Brooks APP/V3310/A/06/2031158 17/01/08

¹⁵ Boxworth & Conington, Inspector Pykett, APP/W0530/A/05/1190473,08/12/06

There are many more listed buildings and a conservation area at Elsworth. It is further from the appeal site however, and my concern is confined to the possible effect of the proposed development on the setting of Holy Trinity Church (Grade I). In respect of this building, I agree with the council that, approached from the south-west along the Cambourne/Elsworth minor road, the tower is clearly visible amongst the larger trees of the village and its surroundings. In my opinion, and although the appeal site is outside the area of the Parish of Elsworth, the agricultural landscape to the north-east of the village – including the higher land on which the turbines would be sited – effectively forms part of the setting of the building. Indeed, the parish church is not only the tallest building in Elsworth, but it is also a physical manifestation of the ecclesiastical predecessor to the current civil parish. It is therefore a physical and historical expression of the synergy between a traditional village and its agricultural hinterland.

3.14

At

Thackson's Well Inspector Lavender went out to 11km for a particularly fine designed view and at East Langdon near Dover, found significant impact at 3.7km on the rear defences of Dover castle. At Middlemoor, Inspector Novitski, found significant impact at 8km on a listed viewing tower. The guidance that one should not interpret setting too narrowly when considering whether it may be affected should be taken seriously. I note that Simon Collutt, in his 1999 paper *"The setting of cultural heritage features"* accepted that *"scale alone, however, should not be taken as a de facto constraint upon setting, and that there is no authority to suggest that the extreme limits of visibility should never be taken as the boundary of material setting"*¹⁶. He notes that decision makers tend to give more weight to near setting than to far setting. However, I would suggest that statute, precedent and guidance indicate that the effect of distance is not to reduce the extent of setting but to reduce the affect so that it becomes, potentially, immaterial. It is, as our landscape colleagues would put it, a function of magnitude.

3.15

PPG16 notes that *"The desirability of preserving an ancient monument and its setting is a material consideration in determining planning applications whether that monument is scheduled or unscheduled.. ...where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there should be a presumption in favour of their physical preservation in situ ie, a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains.* However it is silent regarding how impact or extent of setting are to be determined.

3.16

PPG15 deals Conservation Areas and their settings: *“Section 72 of the Act requires that special attention shall be paid ... to the desirability of preserving or enhancing the character or appearance of a conservation area..... The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals which are outside the conservation area but would affect its setting, or views into or out of the area.”* Again it is interesting to note the separation of settings from views in or out by the word “or”.

3.17

That appears to imply that there may be views in or out which are important and need protection but are not part of the setting, or alternatively, that setting has additional elements which are not visual. I would suggest that the distinction may be this: conservation areas are *“areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance’*. If the impact is on the architectural or historic interest of the area then that is an impact on setting. However, dominant development in a view in or out which does not happen to impact on those elements of historic or architectural interest, but could affect spaces between them, may yet be harmful to the character or appearance of the conservation area.

4.

Who should assess impact on setting?

4.1

In

“Setting Standards” a call for action 2008 the IFA Working Group regret the absence of clear guidance on the meaning of setting. They complain that *“The idea of setting is a subtle blend of physical, perceptual and historic characteristics of places that lacks a generally agreed, clear definition and coherent guidance on its application, uses and purpose. Although there is a significant degree of underlying professional agreement on what the core idea of setting entails, it is not explicit and guidance is becoming*

¹⁶ JPL 1999 489 at 502

more piecemeal and increasingly partial in applicability.” I do not dissent from that view. However, the focus of their call is on historic significance of assets, which, given the group’s archaeological background is perhaps understandable. However, both listed buildings and conservation areas may be designated for *architectural* merit and the relevance of setting to the appreciation of such assets is largely ignored.

4.2

In

“Setting Standards: A review” carried out by George Lambrick on behalf of IFA, published in April 2008, again it is solely the historic aspect which is considered. No longer do architectural masterpieces have to be even 30 years old. The Wills Corroon building in Ipswich, designed by Norman Foster in 1974 was listed Grade I in 1991. Described as “the finest building in the world, designed by a British architect within the last 25 years” when receiving the Trustees Medal of RIBA, it was spot listed in the face of proposed alterations. Whilst I doubt that wind turbines are likely to turn up in Ipswich there will, no doubt, be other developments proposed which will have the capacity to affect the setting of such a building.

4.3

However, Lambrick does enter into the debate of who should carry out the relevant assessments. He says *“Views differ on how far the sensitivity of setting should be considered mainly in terms of the visible prominence or designed or historical relationships, and the extent to which more subjective and conferred values can realistically and objectively be assessed. Some take the view that this is simply not the business of professional heritage consultants and should be left to visual and landscape specialists who are perceived as having more expertise in this area. This may partly reflect professional or academic standpoints with archaeologists being less interested in the aesthetics of design than architectural historians.*

4.4

The building may have strong historic functional links with the landscape within which it sits. Its function may have changed through time as a castle, originally sited for defensive purposes, metamorphoses into a country seat of a great family, controlling vast tracts of lands and lives. Originally needing to look out now it serves as a symbol of power to those looking in. Gone may be the defensive earthworks to be replaced by a designed landscape. As the estate lands are improved and centre upon it the wider

landscape may reflect that through coppices planted for sport and aesthetic purposes, drives to viewpoints for entertainment, designed wildernesses, and ancillary features such as viewing towers or model farms.

4.5

My interest in who carries out the assessment is that of a barrister with a devout belief that my client's pay me to win. My job is to convince the Inspector that there is something special about this locale which makes it inappropriate for the deployment of wind turbines – or of course if somebody else is writing the cheque that it is highly suitable and will be a most sensitive deployment of necessary energy development. If he is to be properly informed in the instance I have given it would seem to me ideal to have the assessment carried out by a closely co-operating pair: one with the relevant historic expertise, the other founded in landscape architecture. If, however, the primary asset, the feature which is set, requires appreciation of its architectural merit coupled with how the design relates to the landscape I may be seeking a different pairing. I shall be listening carefully....

Tina Douglass

Portal Chambers

