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Section 78 Town & Country Planning Act 1990 **BEL/DB/2**

Ref: APP/Z2830/A/11/2165035

Proof of Evidence of

David C Bell BSc (Hons) Dip UD MRTPI MCIHT

In respect of an Application under Section 78 of the Town & Country Planning Act 1990 for the erection of and 25 year operation of 5, 125m wind turbines and associated infrastructure and services, at Spring Farm Ridge, land to the north of Welsh Lane between Greatworth and Helmdon, South Northamptonshire

in relation to:

Planning Policy

prepared for

Broadview Energy Developments Limited

August 2013

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1 Introduction

1.1 Qualifications and Experience

1.1.1 My name is David Campbell Bell. I hold a First Class Bachelor of Science (Honours) degree in Town and Country Planning from Heriot-Watt University and a Diploma in Urban Design from the University of Strathclyde. I am a corporate member of the Royal Town Planning Institute and the Chartered Institute of Highways and Transportation.

1.1.2 I have over 23 years of experience in planning and development. I am a Regional Director with Jones Lang LaSalle. I joined the company in 2000. I have responsibility for the firm's renewable and clean energy development services throughout the UK. Prior to employment with Jones Lang LaSalle, I was a Development Planner and then Associate with Halcrow Fox in Edinburgh for 8 years. Prior to this, I worked for 2 years with Gillespies in Glasgow and 1 year with Shankland Cox Limited in London.

1.1.3 My experience has involved a wide range of planning and development consultancy for retail, business, industrial, residential, mixed use and infrastructure developments and I have given advice to public and private sector clients throughout the UK and on various commissions overseas. My involvement in the energy sector has ranged from providing planning advice to British Nuclear Fuels Limited on the change of the Magnox to Pressurised Water Reactor at Chapelcross Nuclear Power Station, to advising on development aspects of coal fired, gas power and clean coal and carbon capture and storage power station developments.

1.1.4 I have advised a number of private companies on wind farm, hydro, pump storage and biomass renewable energy developments throughout the UK in recent years, ranging from initial scoping and feasibility studies, managing community consultation initiatives, to the provision of detailed planning advice.

1.1.5 I have acted as a witness on planning issues at Local Plan and Appeal Inquiries, including Inquiries in relation to wind farms with regard to both planning applications and section 36 and 37 applications under the Electricity Act 1989. I am advising on various wind farm developments throughout the UK, including medium scale projects in Sussex, Northumberland, Yorkshire, the West and East Midlands, to large scale projects in Wales and on developments at the scale of the 103 turbine 'Viking' scheme on the Shetland Islands.

1.1.6 I have considerable experience of managing Environmental Impact Assessments (EIAs) for various types of developments, such as roads, railways, major urban and rural developments, including overhead transmission lines and wind farms. I advised Scottish Hydro Electric Transmission Limited on planning matters in relation to the Beauly Denny overhead transmission line section 37[1] applications, and presented planning evidence on their behalf at the Beauly Denny Inquiry in 2007. I have advised both Scottish Power Transmission and Scottish and Southern Energy on transmission and grid connection projects in Wales, including nationally significant infrastructure applications under the terms of the 2008 Planning Act.

1.1.7 I have undertaken and directed various research projects and have provided advice to central Government on policy and environmental planning matters. I played a major role in preparing Planning Advice Note 44 in relation to new development and landscape planning and in the research study *Fitting Roads*, both undertaken for the then Scottish Executive.

1.2 Background to Involvement

1.2.1 Jones Lang LaSalle was instructed by Broadview Energy Developments Limited ("The Appellant") in November 2011 to provide planning and development advice with regard to the proposed Spring Farm Ridge wind farm development. My direct involvement in the project therefore started at that time. Following a review of all the documentation that was available to me relating to the application for the proposed development, I decided to accept instructions to act on behalf of the Appellant. In undertaking this instruction I have visited the site and surrounding area.

1.2.2 The proposed development was considered at a local Public Inquiry in May 2012. I prepared a proof of evidence on planning policy and gave evidence at that Inquiry on behalf of the Appellant. The Appeal was allowed by the

[1] Section 37 of the Electricity Act 1989.

Inspector, however the decision was subsequently quashed[2]. Consequently I have accepted further instructions from the Appellant and I have produced this Proof to support the redetermination. More detailed procedural background information is contained in the Statement of Common Ground (section 2).

1.3 The Site

1.3.1 The Appeal site is as defined within the location plan that accompanied the planning application for the proposed development. The documentation supporting the application included an Environmental Statement (ES) dated October 2010 and Further Environmental Information (FEI) dated February 2012 (**CD 12.2**).

1.3.2 The Appeal site is located between the villages of Sulgrave, Greatworth and Helmdon in Northamptonshire. The site falls within the administrative boundary of South Northamptonshire Council. The nearest large settlements are Brackley, approximately 4.5km to the south, and Banbury, approximately 9km to the west.

1.3.3 The A43 dual carriageway is located some 4km to the south east of the site, with the A5 approximately 12km to the east and the M1 motorway beyond this, approximately 20km from the site. The B4525 road runs in an east-west direction to the south of the site forming its southern boundary. The site comprises an area of relatively flat agricultural land predominantly in arable use with hedgerows or trees forming field boundaries. Access to the proposed development would be from the B4525.

1.4 Summary Description of Proposed Development

1.4.1 The wind farm would comprise five turbines, each having a maximum installed capacity of between 2 - 3 Mega Watts (MW). Each turbine would have a total height to blade tip of up to 125m and a maximum hub height of 80m.

1.4.2 In addition to the five wind turbines, the wind farm will require the following associated infrastructure:

- A foundation and crane pad for each turbine;
- Approximately 1.5 ha of new site turning heads and access tracks;
- An 80m high permanent meteorological mast;
- A control building;
- A temporary site compound for the duration of the construction period; and
- Underground electrical and communications cables.

1.4.3 Based on a 2-3 MW machine, and a maximum installed capacity of 15 MW, the electricity generated annually from five turbines is predicted to be equivalent to the approximate annual domestic needs of approximately 8,300 to 8,600 average UK households. In producing an estimate of the quantities of carbon dioxide (CO_2) saved, this would see a reduction in emissions of CO_2 of between 143,200 and 148,900 tonnes over the lifetime of the proposed development[3].

1.5 Approach & Scope of Evidence

1.5.1 The scope of my evidence relates specifically to the policy context within which the proposed development should be assessed. The approach I have taken is to base my evidence on the proof of evidence which I submitted to the previous Inquiry in 2012. I have updated my evidence with regard to relevant changed circumstances and the evolving policy position in terms of matters such as the revocation of the Regional Spatial Strategy (RSS), the emerging Development Plan and new Supplementary Planning Document (SPD), new national planning policy and guidance and in terms of new renewable energy policy developments.

1.5.2 In Section 2, I provide a brief overview of the application process. I refer to consultation responses to the planning application and describe the reasons for refusal.

[2] Section 2.5 below explains the legal challenge to the 2012 Inquiry decision.

[3] Details on these benefit 'metrics' are set out in my Appendix 10, 'Report on Energy Potential'.

1.5.3 In Section 3, I provide a planning policy assessment which has been undertaken having regard to Section 38 (6) of the Planning & Compulsory Purchase Act 2004, which states that "*if regard is to be had to the Development Plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise*". Accordingly, I have assessed the proposed development in the context of the statutory Development Plan.

1.5.4 In Section 4, I turn to material considerations and provide an overview of relevant national planning policy and guidance.

1.5.5 In Section 5, I address relevant renewable energy policy and refer to the need for the proposed development.

1.5.6 Section 6 contains my overall conclusions on the planning and energy policy assessment and considers the balance between all factors with reference to relevant planning policies and other material considerations.

1.6 The status of the Regional Spatial Strategy in this Appeal

1.6.1 On 6th July 2010 the Secretary of State for Communities and Local Government sought to revoke RSSs with immediate effect.

1.6.2 The Localism Act received Royal Assent on 15th November 2011. Section 109 of the Act gives the Secretary of State the power to make an Order to revoke an RSS under part 5 of the Local Democracy, Economic Development and Construction Act 2009.

1.6.3 The Order revoking the RSS for the East Midlands came into force on the 12th April 2013.

1.6.4 However, the letter dated 6th July 2010 from the Secretary of State to all Chief Planning Officers (**CD 2.9**) contained guidance following the revocation of RSSs. This guidance set out the consequences of this step for the various targets dealing with different topics in the RSSs. One of the key issues was that *"Evidence that informed the preparation of the revoked Regional Strategies may also be a material consideration, depending on the facts of the case"* (page 3) in dealing with planning applications.

1.6.5 The advice on regional policies on 'Renewable and Low Carbon Energy' is also relevant. The letter stated:

> "*Through their local plans, authorities should contribute to the move to a low carbon economy, helping to meet ambitions to cut greenhouse gas emissions and secure more renewable energy, and to adapt to the impacts rising from climate change. In doing so, planning authorities may find it useful to draw on data that was collected by the Regional Local Authority Leaders' Boards (which will be made available) and more recent work, including assessments of the potential for renewable and low carbon energy*." (page 6)

1.6.6 Thus the approach being advocated was that work on producing the targets for a region would still have relevance to applications for planning permission until such time as the new Local Development Frameworks are produced for each Council area.

1.6.7 Therefore I do not consider the RSS further as part of this Appeal. The approach I take, taking all the above into account, is to treat the RSS evidence base in relation to renewable energy targets for the region as a relevant material consideration.

2 Background to the Application

2.1 Introduction

2.1.1 In this Chapter I refer to the history of the application and refer to the Council's Planning Committee Meeting of the 30th June 2011 ("the Committee Meeting") and summarise consultation responses. I also make reference to the Inquiry into the application held in 2012 and to the subsequent High Court case in which the decision to allow the Appeal was quashed.

2.1.2 An application for planning permission for a five turbine scheme ("the planning application") was submitted to the South Northamptonshire Council ("the Council") on 19th October 2010. The proposed development was EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and an ES was submitted with the planning application. The planning application was validated by the Council on 1st November 2010 and registered with reference number S/2010/1437/MAF.

2.2 Summary of Consultee Responses

2.2.1 The Council undertook a range of consultations on the planning application. The consultation responses are summarised in the Report to the Committee Meeting ("the Committee Report") (**CD 12.3**). As a result, it is not necessary to repeat them in detail and a summary of consultation responses is set down in Table 2.1 below.

Table 2.1 Summary of Consultation Responses[4]

Consultee	Summary of Response
South Northamptonshire Council (SNC) Heritage	Proposed development likely to have a significant negative effect on the historic environment and in particular visibility from Stowe Park and effects on the settings of Listed Buildings and Conservation Areas.
SNC Environment Protection	Advised refusal due to concerns in relation to noise.
SNC Enforcement and Trees	Objection due to removal of mature hedgerow. Objection could be removed on submission and approval of a formal landscaping scheme.
Parish Councils Farthinghoe and Radstone	No response
Brackley Town Council	No observations
Aylesbury District Council	No objections
Cherwell District Council	No comment
Parish councils of Greatworth, Helmdon and Sulgrave	Objected
Parish Council Hinton-in-the-Hedges	Objected
Northamptonshire County Council (NCC) Transport Implementation (Local Highway Authority (LHA)	No objection in principle for the first Inquiry. Requested a condition requiring a viewing platform to be provided by the developer. Given the Applicant disagreed with the need for such a condition, the LHA took the position that the application should be refused on highway safety grounds.
NCC Rights of Way	Objected
NCC Archaeology	No objection. Requested standard archaeological conditions be attached to a grant of planning permission.
The Highways Agency	No objection
English Heritage	Advised that the application would cause a moderate degree of harm to six heritage assets and the proposal would cause a significant degree of harm to

[4] This Table summarises the consultation responses at the planning application stage. The exceptions are that natural England withdrew their objection at the ES FEI stage and Turweston Aerodrome has provided a further representation to this second Inquiry.

	Sulgrave Manor. Requested further information be submitted by the Applicant
Natural England	Removal of objection at the FEI stage following additional information submitted by the Applicant regarding badgers.
Northants Wildlife Trust	Objected
The Environment Agency	No objection subject to the imposition of appropriate conditions on the grant of planning permission
National Grid	No objection
Central Networks UK (E.ON)	Removed objection following negotiations with Applicant.
Anglian Water	No objection
The Ramblers (The Footpath Committee of Northamptonshire Area Ramblers)	Objection
The National Trust	Advised that there would be noticeable and adverse impacts on Stowe and Canons Ashby
NATS (NERL Safeguarding) & Civil Aviation Authority (CAA)	No objection
Northants Bat Group	Objection
RSPB	No response
Hinton in the Hedges Airfield and Turweston Aerodrome	No objection. Turweston has raised some issues during the Appeal process.
JRC	No objection
The British Horse Society	No response
CPRE	Objection
The Ministry of Defence (MoD)	No objection

2.2.2 The Committee Report records that there were some 580 letters of objection and 270 letters of support were received. The Committee Report was supplemented by a short updated report on representations received since the Committee Report had been made available to elected members.

2.3 Consideration at Committee

2.3.1 The Council refused planning permission by Notice dated 11th July 2011 (**CD 12.4**), citing the following six reasons for refusal:

1. "The proposed wind turbine scheme, by virtue of its size, height and extent would adversely affect the historic environment over a wide geographical area by introducing intrusive and standardised industrial forms into what is currently an unspoilt rural landscape setting. The settings of a large number of heritage assets will be harmed; in particular Scheduled Ancient Monuments at Sulgrave and Helmdon, Listed Buildings (all grades) and Registered Parks and Gardens at Stowe, Sulgrave, Helmdon, Canons Ashby, Greatworth, Marston Hill and Stuchbury (undesignated asset), and the development will have a dominating impact upon the setting of and views from a number of Conservation Areas, particularly at Sulgrave. In doing so, it is considered that the proposal would also reduce the appeal of South Northamptonshire's unique rural landscape and built heritage as a tourist destination, to the detriment of the local economy. In this instance, the substantial harm caused would outweigh any benefits of renewable energy generated by the scheme (which cannot be fully verified in the absence of detailed site specific wind-speed data from the anemometer mast). As a consequence the development would fail to comply with South Northamptonshire Local Plan Policies G3 (A I & J), EV2, EV11, EV12, EV28, Policy 26 of the East Midlands Regional Plan 2009; Policies S11 and BN5 of the West Northamptonshire Joint Core Strategy Feb 2011; the South Northamptonshire Wind Turbines in the Open

Countryside Adopted SPD; and national guidance in PPS1: Delivering Sustainable Development, PPS5: Planning for the Historic Environment, PPS7: Sustainable Development in Rural Areas and PPS22: Renewable Energy.

2. In the absence of evidence to the contrary, the Local Planning Authority cannot be satisfied that landscape and visual impact arising from the development has been satisfactorily addressed and that the proposal would not have a serious and harmful effect on the visual amenity and character of the locality. The Local Planning Authority considers that the development by reason of its scale and siting would appear prominent and incongruous in its rural setting and would have an adverse impact on the highly value character and appearance of the countryside in what is a gently rolling, tranquil landscape. There would be a particularly adverse, significant and detrimental visual effect on the residential occupiers in the settlements of Greatworth, Helmdon, Sulgrave and Stuchbury and in close proximity to the site. The potential harm that would result is significant and adverse in extent and in this particular case outweighs the benefits of the strategic aim of meeting targets for renewable energy generation (which cannot be fully verified in the absence of detailed site specific wind-speed data from the anemometer mast). The proposal would also not be used to meet energy requirements of any specific local end user (and hence the local community would not directly benefit from the proposal), all of which is contrary to PPS1: Delivering Sustainable Development, PPS7: Sustainable Development in Rural Areas and PPS22: Renewable Energy; Policies 1 and 3 of the East Midlands Regional Plan 2009 (RSS8); PoliciesG3(A) and EV29 of the South Northamptonshire Local Plan; the South Northamptonshire Wind Turbines in the Open Countryside adopted SPD and Policies S1 and S11 of the West Northamptonshire Joint Core Strategy Feb 2011.
3. The Local Planning Authority considers that the submitted noise impact assessment for the proposed development has failed to clearly demonstrate that there would not be injurious effects on the residential amenity of nearby properties in terms of noise disturbance from the proposed turbines, contrary to PPG 24: Planning and Noise and PPS22: Renewable Energy; Policy G3(D) of the South Northamptonshire Local Plan; Policy S11 of the West Northamptonshire Joint Core Strategy Feb 2011 and the South Northamptonshire Wind Turbines in the Open Countryside adopted SPD (Section 13).
4. Insufficient survey information has been provided to demonstrate that the development will not have unacceptably adverse impacts on protected and other species or their habitat, in particular bats, or to provide a satisfactory mitigation strategy and an appropriate mechanism for its delivery. In the absence of the information required the application has failed to fully assess the presence of, or implications for, protected species and bio-diversity within and surrounding the site, and therefore fails to consider the impact of the development upon such species and bio-diversity contrary to Policies EV24 and EV25 of the South Northamptonshire Local Plan; the South Northamptonshire Wind Turbines in the Open Countryside adopted SPD (Section 9); Policy 29 of the East Midlands Regional Plan 2009; Policies S11 and BN2 of the West Northamptonshire Joint Core Strategy Feb 2011; and the aims and objectives in PPS9: Biodiversity and Geological Conservation and PPS 22: Renewable Energy.
5. The proposed wind turbines would by reason of their height, scale and location be perceived by walkers, cyclists and horses and riders, as having an adverse effect on their outlook and safety, on what is a well used and valued public rights of way network. No satisfactory mitigation or compensation has been proposed by the applicant and the harm that would therefore result is significant and adverse in extent and outweighs the benefits to the strategic aim of meeting targets for renewable energy generation. The proposal is therefore contrary to Policies 1 and 3 of the East Midlands Regional Plan 2009 (RSS8), Policy G3(A) of the adopted South Northamptonshire Local Plan; the South Northamptonshire Wind Turbines in the Open Countryside adopted SPD (Section 17); and Policies S1 and S11 of the West Northamptonshire Joint Core Strategy Feb 2011.
6. In the absence of any proposal or acceptance by the applicant of the need to provide a dedicated public viewing area within the site during construction, and for a period of least 6 to 12 months after commencement of

operation of the turbines, the development would be likely to result in motorists stopping and manoeuvring within the highway to the detriment of highway safety and contrary to Policy G3(B and F) of the South Northamptonshire Local Plan; the South Northamptonshire Wind Turbines in the Open Countryside adopted SPD (Section 17); Policy S11 of the West Northamptonshire Joint Core Strategy February 2011; and to advice contained within PPG 13: Transport and in PPS 22: Renewable Energy (pp 14 Para 24).

2.4 Public Inquiry (2012)

2.4.1 An Appeal against the decision of the Council to refuse planning permission was considered at Local Public Inquiry in May 2012.

2.4.2 During the Appeal process, the Appellant submitted Further Environmental Information (FEI) which was publicly advertised on 9th and 10th February 2012 respectively. This covered micro-siting of four of the five turbines, related alterations to the ES and matters relating to bats.

2.4.3 Following the submission of FEI the Council no longer contested the reasons for refusal relating to ecology, noise and highway matters (reasons 3,4 and 6).

2.4.4 The Appeal was allowed and planning permission was granted. The decision date was 12 July 2012.

2.5 Legal Challenge to the 2012 Decision

2.5.1 The Appeal decision was subsequently subject to challenges from two separate parties pursuant to Section 288 of the Town and Country Planning Act 1990. These challenges were considered by James Mackie QC who handed down his judgement on 16 January 2013 (**CD 5.6**).

2.5.2 The Claimants advanced an argument that the Inspector had:

"*erred in law by adopting a test relating to visual impacts on residential amenity without any basis in law or policy, mis-applied the relevant policy in this context, and failed to take into account relevant considerations, mainly the impact which she regarded as falling below the threshold she has wrongly set*".

2.5.3 In the ruling, Judge Mackie QC set out the defendant's position on this which was that:

"*in assessing whether the proposals would contravene the policy, the Inspector was entitled and bound to use her own judgement, and she was entitled to use the adjectives she did in order to reach and explain her conclusions as to whether the policy was contravened*".

2.5.4 The Judge added that:

"*The defendants are correct. The Inspector was making a planning judgement. As I see it, looking at the reasoning in the manner in which the law requires, she did not apply a higher threshold of acceptability than that set out in the local plan*."

2.5.5 However, the Judge ruled that:

"*nowhere [in the Appeal Decision] did the Inspector acknowledge the statutory test under section 38(6) and give priority to the Development Plan unless material considerations indicated otherwise*" (page 17).

2.5.6 The Judge concluded that the Inspector had not accorded the Development Plan the weight which s.38(6) requires (para 69) and that:

"*I conclude from all this that the section [s.38(6)] requires not a simple weighing up of the requirement of the plan against the material considerations but an exercise that recognises that while material considerations may outweigh the requirements of a development plan, the starting point is the plan which receives priority*".

2.5.7 Subsequently an Inquiry has been scheduled to commence on 8 October 2013 to re-determine the Appeal.

3 Development Plan Policy Assessment

3.1 Approach

3.1.1 In this section I present the planning policy assessment of the proposed development. Under Section 38 (6) of the Planning & Compulsory Purchase Act 2004, if regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

3.1.2 Under Section 38 (3) of 2004 Act, the Development Plan consists of the adopted South Northamptonshire Local Plan (1997) (saved polices) (**CD 1.1**)

3.1.3 For ease of reference I have prepared the planning policy assessment on a topic basis. The most relevant policies addressed are summarised in Table 3.1 below:

3.1 Relevant Development Plan Policies

The South Northamptonshire Local Plan 1997	The West Northamptonshire Draft Core Strategy
Policy G2: General Policy (countryside restriction)	**Policy EV10:** Conservation Areas
Policy G3: General	**Policy S1:** The Distribution of Development
Policy EV1: Design	**Policy S11**: Renewable Energy
Policy EV2: Development in the Countryside	**Policy BN2**: Biodiversity
Policy EV11: Preservation or Enhancement of Conservation Areas	**Policy BN5**: The Historic Environment
Policy EV12: Listed Buildings	**Policy BN9:** Planning for Pollution Control
Policy EV21: Hedgerows, Ponds and Other Landscape Features	**Policy R2**: Rural Economy
Policy EV28: Historic Parks, Gardens and Battlefields	**Policy S10**: Sustainable Development Principles
Policy EV29: Landscape Proposals	
Policy EV31: Overhead Lines, Public Utilities and Telecommunications Equipment	

3.1.4 The South Northamptonshire Local Plan is in the process of being replaced by the Local Development Framework ("LDF"), in the form of the West Northamptonshire Draft Core Strategy (**CD 4.8**), currently in preparation.

3.1.5 During the first Inquiry, the emerging Core Strategy was dated 2011. The draft Core Strategy is currently undergoing examination and as part of this process, hearing sessions were held between 16 April and 1 May 2013. I understand that the hearing has now been postponed until December 2013 to allow for further work to be carried out on the Core Strategy. The most up to date version is 'West Northamptonshire Joint Core Strategy Pre-Submission Sections 1 to 19 showing proposed changes as Tracked Changes[5]' (submitted in 2012 and revised in February 2013) (**CD 4.8**).

3.1.6 In terms of the emerging Core Strategy, this is a material consideration. However, given it has yet to go through further process, it is my view that it should only be afforded limited weight at this point in time. This approach is consistent with the advice in the National Planning Policy Framework (NPPF) (Annex 1) which states that weight

[5] Where I quote these policies below I provide the tracked change version for information.

can be given to policies in emerging plans, but only according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency of policies with the NPPF.

3.1.7 I also note that within the Secretary of State decision (4 March 2013) for the planning application entitled 'Land east of Banbury Lane, Culworth Grounds Farm' (**CD 6.25** the decision letter stated (paragraph 12) the following regarding the Joint Core Strategy, that:

"The Secretary of State has taken account of the fact that the Joint Core Strategy, as amended by the proposed changes, has now been submitted to him for Examination, and that a Public Examination of the Plan is due to commence on the 16 April 2013. However, he attributes limited weight to the Core Strategy as it is still subject to change".

3.2 General Policies

Local Plan

3.2.1 **Policy G2** is a general policy of constraint in terms of development in the countryside.

3.2.2 **Policy G3** is a general policy which is referred to in reasons for refusal 1 (criteria A, I & J) and 5 (criterion A). It states that planning permission will normally be granted where development satisfies a number of criteria, of which the following may be considered to be of some relevance:

- *A Is compatible in terms of type, scale, siting, design and materials with the existing character of the locality;*
- *D Will not unacceptably harm the amenities of any neighbouring properties;*
- *E Is neither of a hazardous nature nor likely to cause problems of ….noise;*
- *F Does not unduly affect the existing or proposed transportation network;*
- *H Does not result in the irreversible loss of the best and most versatile agricultural land;*
- *I Is sympathetic to the quality and character of any building listed as being of special architectural or historic importance or its setting;*
- *J Does not harm the character, appearance or setting of a Conservation Area;*
- *K Will not adversely affect sites of nature conservation value or sites of geological, geomorphological or archaeological importance;*

3.2.3 Insofar as the policy deals with matters relating to appearance of development, amenity, noise and cultural heritage, I address these topics in this section of my Proof. In terms of cultural heritage matters, the policy does not contain a balancing provision and in this regard is inconsistent with the provisions of the NPPF.

Draft Core Strategy

3.2.4 **Policy S1 'The Distribution of Development'** is referred to in reasons for refusal 2 and 5. It deals with how development and economic activity will be distributed, primarily with regard to focussing development in urban centres. Whilst it seeks to limit development (in general) in rural areas, it has not been framed to deal with renewable energy developments. That is a matter addressed by policy S11. In my view policy S1 is of limited relevance and assistance in the assessment of the proposed development.

3.2.5 **Policy S10 'Sustainable Development Principles'** sets out a number of criteria which development is to achieve. It is a general policy aimed at all types of development but mainly typical urban development projects.

3.3 Renewable Energy Policy

Local Plan

3.3.1 There are no renewable energy policies within the Local Plan: the Plan is therefore 'silent' on this topic in terms of the NPPF. This position is acknowledged at paragraph 10.4 to 10.6 on page 47 of the Committee Report (**CD 12.3**).

Draft Core Strategy

3.3.2 **Policy S11 'Renewable Energy'** deals with proposals for energy generation from renewable resources. The current version of the policy states:-

~~*Applications for proposals to generate energy from renewable sources (including any associated transmission lines, buildings and access roads) will be expected to:*~~

~~*1. Bring wider environmental, economic and social benefits and contribute to national renewable energy production targets in terms of addressing climate change;*~~

~~*2. Have no significant adverse impact on the historic and natural landscape, landscape character, townscape or nature conservation interests;*~~

~~*3. Have no significant adverse impact on the amenity of the area in respect of flicker, glare, noise, dust, odour and traffic generation; and*~~

~~*4. Provide for the removal of the facilities and reinstatement of the site, should they cease to be operational.*~~

Major development and sustainable urban extensions should contribute to reductions in carbon emissions and adapt to the effects of climate change through the sustainable development principles (policy s10), so as to minimise energy using sustainable design and construction, maximise energy efficiency and the provision of low carbon and renewable energy, including where feasible and appropriate, provision of decentralised energy.

Proposals should be sensitively located and designed to minimise potential adverse impacts on people, the natural environment, biodiversity, historic assets and should mitigate pollution. In addition, the location of wind energy proposals should have no significant adverse impact on amenity, landscape character and access and provide for the removal of the facilities and reinstatement at the end of operations.

3.3.3 The policy states that developments "should be" sensitively located and designed to minimise potential impacts. However, the policy wording then states that developments should have "no significant adverse impacts" in terms of people, the natural environment, biodiversity and historic assets. Commercial scale renewable energy developments and especially onshore wind developments are highly likely to result in some significant effects which may well be considered adverse.

3.3.4 It is most important to distinguish between significant EIA effects and effects which are unacceptable. In terms of the topics that are raised in the policy, my judgement, based on the reasoning set out in the topic sections below, and drawing from the evidence of the other witnesses acting on behalf of the Appellant, is that the predicted effects of the proposed development are acceptable. The draft policy is in my view, inconsistent with the NPPF, in particular paragraph 98.

3.4 Landscape and Visual Policy

3.4.1 The landscape and visual assessment for the proposed development is presented in Chapter 7 of the ES and FEI (together being read as the ES). The ES contains a detailed baseline description of the Appeal site together with its immediate and wider landscape setting. A detailed description is also provided of landscape character.

Local Plan

3.4.2 **Policy EV2 'Development in the Countryside'** is referred to in reason for refusal 1. It states that planning permission will not be granted for development in the open countryside, although exceptions may include conversion of buildings, agriculture, forestry and tourism. On the face of it, a renewable energy development would not accord with the policy. However, the Local Plan does not take into account renewable energy and such an approach advocated in the policy would be inconsistent with the NPPF. In my view the policy is of very limited relevance to this determination.

3.4.3 **Policy EV29 'Landscape Proposals'** is listed in the Council's reason for refusal 2. The preamble text to this policy (see paras 4.58 and 4.59 of the Local Plan) makes it clear that the policy relates to landscape schemes in relation to conditions of planning permission for typical urban development types, not renewable energy proposals. In my view this policy is also of no assistance or relevance to the determination of this Appeal.

Landscape Designations

3.4.4 In terms of landscape designations, there are no national designations within the landscape and visual impact assessment (LVIA) study area – the closest is the Cotswolds Area of Outstanding Natural Beauty (AONB), some 20km to the west of the Appeal site. Figure 7.1 of the ES shows the landscape designations relating to the study area, which are confined to Local Landscape Designations (Special Landscape Areas (SLAs) and Areas of High Landscape Value) and Registered Parks and Gardens.

3.4.5 Within the 15km LVIA study area there are three SLAs designated in the Local Plan namely:-

- The Aynho, Cherwell Valley and Eydon area – located between 2 and 15 km to the west of the site and covering most of the SW part of South Northamptonshire.
- The Catesby, Fawsley, Maidford and Litchborough area – located between 5.5km and 15km to the north of the site.
- The Whittlewood Forest and Hazelborough Forest area – located between 5.8km and 15km to the west and SW of the site.

3.4.6 The ES also records that within the 30km study area there are 37 Parks and Gardens, of which 8 are within 15km of the Appeal site. The closest Park and Garden to the site is Sulgrave Manor at 2.3km. The ES notes (page 104) that views from the gardens, entrance and car park area would be predominantly screened by mature woodland and built features directly south of the property. The ES notes that there would be no significant effects in relation to the Manor. Mr Stevenson considers that there is no reason to disagree with the findings set out in the ES.

3.4.7 Mr Stevenson also addresses the effects on the SLA located west of the Appeal site and states that no significant landscape character effect would directly impinge upon the landscape of the SLA. This would not preclude significant visual effects arising in that area from locations from which there would be open and unconstrained views to a reasonable proportion of the proposed wind farm. However, Mr Stevenson concludes that no significant effect would arise which would compromise the integrity of the SLA.

Landscape Character

3.4.8 In terms of landscape character, the site is mainly located within the Northamptonshire Uplands. At the regional scale, Mr Stevenson states that no significant landscape character effects would arise. At the more local level, the landscape character area is the Undulating Claylands. There would be significant direct character effects within the open farm land landscape of this landscape character type (LCT) – but this effect would be local rather than widespread. Mr Stevenson concludes that the Undulating Claylands landscape character has the characteristics which render it less rather than more sensitive and it is capable of accommodating wind energy effects without unacceptable harm to its landscape attributes.

3.4.9 The proposed wind farm would be set within a landscape that is therefore capable of accommodating it without changing the key characteristics to the extent that there would be wide spread transformation. In terms of significant landscape character effects, Mr Stevenson states that the theoretical local landscape with wind farm sub-type would occur out to 1.5km from the turbines with a possible theoretical effect out to 2.5km. Mr Stevenson has also taken into account the possibility of the proposed High Speed Two (HS2[6]) running to the south of the B4525 in the vicinity of the site.

Visual Effects on Settlements and Residential Receptors

3.4.10 In terms of the visual effects in relation to residential amenity, I have reviewed the findings in the ES and have also taken account of the findings set out in detail in the evidence of Mr Stevenson.

3.4.11 Mr Stevenson explains that there is a small number of properties, which in his view, could potentially fall within the 'dominant' range of at least one turbine (approximately up to c800m from the nearest turbine). These properties are :-

[6] The proposed London – West Midlands high speed rail route, running 230km between London and Birmingham (Phase One). Currently planned to become operational by 2026

- Greatworth Hall;
- Spring Farm;
- Bungalow Farm;
- Gwebi/Ashvale (2 properties);
- The Bungalow;
- Stuchbury Hall Farm;
- Stuchbury Manor Farm; and
- Grange Farm (just over 800m).

3.4.12 Mr Stevenson has also assessed two further possible developments, a conversion at Bungalow Farm of the existing house into a two storey dwelling (planning permission granted) and an application for the conversion of a barn at Stuchbury Hall Farm into a residential property. I have also taken account of the points made by the Council at the previous Inquiry, and other parties now which seek to draw a specific comparison between the property known as Ash Tree Farm in the Brightenber case (**CD 6.27**) and Stuchbury Hall Farm in the Spring Farm Ridge case. Having made a comparison between the two properties, as described above (and set out in Table 1 in the Note I have prepared as **CD 14.4**), there are significant differences between the two properties in terms of various factors which relate to the factual circumstances of the respective cases. This leads me to the conclusion that the occupants of Stuchbury Hall Farm would not experience the same level of impact as that predicted in relation to the Ash Tree property in the Brightenber case.

3.4.13 Mr Stevenson explains that it is his clear conclusion, that in no case would the potential effect of the proposed wind farm convert any of the above properties at these locations (noting that there are 4 properties at Grange Farm) into an unattractive place in which to live.

Residential Amenity in Appeal Decisions

3.4.14 With regard to visual effects on residential amenity, it is relevant to consider the way in which decision makers have addressed this matter. In this section I make reference to a number of wind farm Appeal decisions. The purpose in doing so is not in any way to seek to highlight a matter of precedent in a planning sense, but rather to help illustrate how other decision makers have handled making judgements on the visual effects of wind farms in relation to residential amenity. As explained, most commercial wind farm developments will give rise to some locally significant visual effects. Where there are residential properties in close proximity to a proposed wind farm development it is not uncommon for an LVIA to acknowledge that there will be some significant effects on the private visual amenity of some residents.

3.4.15 This is inevitable when considering the typical height of a modern turbine but, as various planning decisions show, this does not in itself render a wind farm unacceptable. I refer to a number of relevant decisions in **Appendix 3**.

3.4.16 It is a general principle of planning law that no one has a right to a view and indeed it is generally accepted that the loss of property value that could arise from a proposed development is not in itself a material planning consideration.

3.4.17 There are many wind farm decisions where Inspectors have dealt with a number of properties in close proximity to wind turbines where the visual effects in EIA terms were identified to be significant, but the overall development was considered to be acceptable in planning terms.

3.4.18 In this case, given the distance away from the turbines and the orientation of the number of dwellings and intervening vegetation and landform – these factors serve to reduce the potential visual effects on residential properties. While it is inevitable that the turbines of the wind farm would be viewed from some properties, the extent of the visual effects arising from the wind farm is not in my view such that there would be a degree of policy conflict that would justify refusal of the planning application.

3.4.19 Mr Stevenson has carried out a detailed assessment of the visual issues relating to residential amenity and I adopt his findings as to the potential for visual effects on amenity of nearby settlements and properties. There is

an important distinction between identifying significant effects in EIA terms, and in assessing whether in planning policy terms the proposed turbines would be so dominant or be overbearing to residential properties that the public interest would be served by rejecting the proposed development on such grounds.

3.4.20 In my opinion, and having taken account of the evidence of Mr Stevenson, the relationship of the proposed Spring Farm Ridge wind farm to individual properties and settlements, the potential effects on residential amenity as a result of the development are acceptable – living conditions would not be unacceptably affected and no residential property would experience an effect such that it would be rendered an unattractive place in which to live, such that the proposed development should be refused planning permission in the public interest.

Cumulative Landscape and Visual Considerations

3.4.21 The ES states that there would be no significant cumulative landscape effects predicted. Given the locations and distance from the Spring Farm Ridge proposal, Mr Stevenson considers that the existing operational, consented and proposed wind energy developments are too distant to be relevant in landscape character terms and that there is no possibility that there would be any characterising merging of effect, or any sense of proliferation of wind farms across the landscape. Significant cumulative visual and landscape effects would not arise.

Conclusions on Landscape and Visual Matters

3.4.22 Overall, landscape character would be subject to significant effects in the local context, but the landscape, as explained by Mr Stevenson is not rare or unique in terms of landscape type. The area over which a significant character effect would be experienced is limited and relatively small in extent. At the Northamptonshire scale, the landscape type is one of moderate scenic quality, is generally unremarkable and has the ability to successfully accommodate the proposed development. Natural England do not object to the proposed development on landscape and visual grounds.

3.4.23 The landscape and visual effects of the proposed development would be reversed on decommissioning and such impacts should be considered lesser than those which are permanent and irreversible. The proposed development is therefore a sustainable form of development from the perspective of safeguarding the long term landscape resource for the future, and, from the perspective of long term visual amenity. In terms of the visual effects of the development in relation to footpaths and recreational routes, I refer to this below.

3.4.24 Planning permission if granted, would be for a period of 25 years only, following which the turbines must be removed[7]. A balance has to be struck between the landscape and visual effects and the wider public benefit. I consider that the adverse impacts would not be so substantial as to be unacceptable.

3.5 Cultural Heritage

3.5.1 Cultural heritage is addressed in chapter 8 of the ES. The ES identifies the designated heritage assets that have been identified in the EIA study area extending for approximately 5km from the boundaries of the site. These consist of:-

- 8 Scheduled Ancient Monuments (SAMs);
- 319 Listed Buildings (identified as being 193 individual buildings or groups);
- 8 Conservation Areas;
- 1 Registered Park and Garden (RPG) (Sulgrave Manor).

3.5.2 Many of the Listed Buildings (LBs) in the area are located within the Conservation Areas.

Local Plan

3.5.3 **Policy G3** is a general policy which I have addressed above and it is referred to in reason for refusal 1. The policy states that planning permission will normally be granted where a development satisfies certain criteria, including that it (criterion I) is sympathetic to the quality and character of any building listed as being of special architectural or historic importance or its setting and (criterion J) does not harm the character, appearance or

[7] National Policy Statement (NPS) EN-3 (**CD 2.8**) makes it clear at paragraph 2.7.17 that the time limited nature of wind farms is an important consideration when assessing landscape and visual impacts.

setting of a Conservation Area. Given there would be some harm to the setting of Conservation Areas, there would be some conflict with criterion J of the policy.

3.5.4 **Policy EV10 ' Preservation or Enhancement of Conservation Areas'** states that:

The Council will seek to preserve or enhance the special character or appearance of Conservation Areas by, inter alia

vi) Retaining open spaces and important views, where they contribute to the character of the area.

3.5.5 Mr Brown concludes in his evidence that important views will be retained, albeit there may be some visual change in some views. There would not be conflict with this policy.

3.5.6 **Policy EV11 'Preservation or Enhancement of Conservation Areas'** is referred to in reason for refusal 1 and deals with development outside a Conservation Area. It states:

Planning permission will not be granted for any development proposals outside a conservation area which have an adverse effect on the setting of the conservation area or on any views into or out of the area.

3.5.7 Again, as there would be some harm in relation to the setting of Conservation Areas, there is some conflict with this policy.

3.5.8 **Policy EV12 'Listed Buildings'** is referred to in reason for refusal 1. The second part of the policy makes reference to the setting of a listed building, and states:

The council will also seek to preserve and enhance the setting of listed buildings by control over the design of new development in their vicinity, the use of adjoining land and, where appropriate, by the preservation of trees and landscape features.

3.5.9 This policy primarily deals with alterations and extensions of listed buildings. The above part of the policy which may be considered of some relevance, refers to 'vicinity' and use of 'adjoining' land and is primarily concerned in my view, with regard to local design consistency. It has however, been taken into account.

3.5.10 **Policy EV28 'Historic Parks, Gardens and Battlefields'** includes references to the setting of historic parks, gardens and battlefields and states:

Planning permission will not be granted for development which would have a seriously adverse effect on the character or setting of an historic parkland, garden or battlefield.

3.5.11 No serious adverse effects are identified with regard to such heritage assets as identified in policy EV28 and no conflict is identified with this policy.

3.5.12 Considering these Local Plan cultural heritage policies, they are dated, contain no balancing provisions and in my view, are therefore inconsistent with the relevant parts of the NPPF. Only limited weight should be afforded to them and to any identified non accordance.

Draft Core Strategy

3.5.13 **Policy BN5 'The Historic Environment'** is referred to in reason for refusal 1. It states:

"Designated and non-designated heritage assets and their settings will be conserved and enhanced in recognition of their individual cumulative significance and contribution to West Northamptonshire's local distinctiveness and sense of place.

In environments where valued heritage assets are at risk, the asset and its setting will be appropriately conserved and managed ~~in proportion to the significance of the asset~~.

In order to secure and enhance ~~retain~~ the significance of the area's heritage assets and their settings development in areas of known historic or heritage significance importance will be required to:

1. Sustain and enhance the features which contribute to the character of the area including:

- conservation areas;

- significant historical landscapes including historic parkland, battlefields and ridge and furrow;

- the skyline and settings of towns and villages;

- sites of known or potential heritage or historical significance;

- locally and nationally important ~~significant~~ buildings and structures

2. Demonstrate an appreciation and understanding of the impact of development on surrounding heritage assets and their setting in order to minimise harm to these assets; where loss of historic features or archaeological remains is unavoidable and justified, provision should be made for recording and the production of a suitable archive and report;

3. Be sympathetic to locally distinctive landscape features, design styles and materials in order to contribute to a sense of place

3.5.14 The policy deals with environments in which valued heritage assets are at risk, which is not relevant in this case. The policy in Part 1 development is required to sustain and enhance the significance of the area's heritage assets and their settings. The proposed development would not do that. However, the policy in Part 2 to state that applicant's will need to "*demonstrate an appreciation and understanding of the impact of development….in order to minimise harm*". The policy therefore envisages situations where some harm could result although there is no explicit balancing provision. Again, I consider this policy is in this regard inconsistent with the approach set out in the NPPF on this point. This factor, together with the plan's draft status, means that only limited weight can be placed on the provisions of the policy at this stage. However, I do not identify any significant conflict with the policy when it is read as a whole.

3.5.15 **Policy S11 'Low Carbon and Renewable Energy'** is also relevant (referred to and quoted above). It requires proposals to "*minimise potential adverse impacts* on *inter alia….historic assets*". This approach is again inconsistent with the terms of the NPPF given the lack of reference to any type of balancing provision in terms of cultural heritage.

3.5.16 In addition to the ES, I have also taken into the account the evidence of Mr Brown in my assessment of the cultural heritage issues raised by the proposal. In his evidence, Mr Brown specifically addresses the impact of the proposed development on the heritage assets that are of concern to the Council as set out in their Statement of Case. The Council take the position that there is only demonstrable harm to eight individual or groups of designated heritage assets. I do not seek to repeat the evidence of Mr Brown, but in summary, the assets he considers in detail and the summary effects of the proposed development on them are as follows:

- Greatworth Hall (Grade II LB) (moderate effect);
- Greatworth Conservation Area (sight effect);
- The Church of St. Peter, Greatworth (Grade II* LB) (slight effect);
- Astwell Castle (SAM and Grade II* LB) (moderate effect);
- Sulgrave Conservation Area (moderate effect);
- Castle Hill Ringworks and Church of St. James, Sulgrave (SAM and Grade II* LB) (moderate effect);
- Sulgrave Manor (Grade I LB, & Grade II RPG) (neutral impact).

3.5.17 Mr Brown also assesses the impact on other heritage assets which have been raised in representations by third parties. In this regard he specifically addresses the following:

- The site of the deserted village of Stuchbury (slight effect on this asset).
- The railway viaduct at Helmdon – (neutral effect on this asset).
- The Church of St. Mary Magdalene, Helmdon (Grade II* LB) – (slight effect).
- Canons Ashby (Grade I LB and Grade II* RPG) – (neutral impact).
- Stowe (Grade I LB and II* RPG) – (slight effect).

3.5.18 All of the effects identified by Mr Brown on specific heritage assets would be indirect, such that they would relate to harm to the setting of heritage assets and the intervention of the proposed wind turbines into a number of views.

3.5.19 I have identified some conflict with Local Plan policies G3 and EV11. As I have noted, the policies (including G3) do not provide balancing provision at all and are therefore inconsistent with the NPPF. I do not identify any significant conflict with the draft Core Strategy policies.

3.5.20 All of the effects identified by Mr Brown are 'less than substantial[8]', therefore paragraph 134 of the NPPF comes into play. In such circumstances, the level of harm should be weighed against the public benefits of the proposal in question. I deal with this further below.

3.5.21 In the Appeal decision for Spring Farm Ridge (**CD 6.16**), it was concluded by the Inspector that "*in no case has the impact of the proposal been found to be 'substantial harm' in terms of paragraph 133 of the Framework. Therefore, the impact would fall within the policy in paragraph 134 of the Framework and this harm should be weighed against the public benefits of the proposal" (*para 55*)*.

Conclusions on Cultural Heritage Policy

3.5.22 In terms of statute, Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("P(LBCA)A 1990") sets out an important statutory duty. This provides that in considering whether to grant planning permission for development that affects a listed building or its setting, the local authority shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. This is a statutory duty and it is for the local planning authority to have this regard.

3.5.23 In acknowledgement of this approach, appropriate weight has been afforded to the provisions of section 66(1) of the P(LBCA)A 1990 with regard to listed buildings and s.72 of the Act with regard to conservation areas. It is for the decision maker to give effect to the statutory duty.

3.5.24 Temporary change to setting, where that is adjudged to happen, must be treated with caution because it is not permanently destructive. To the extent that such change is reversible, no permanent loss of cultural heritage features or value takes place and any such changes must be weighed accordingly.

3.5.25 Whilst some decision makers in the past have taken differing views on the weight to be given to reversibility, the matter is now clear in national planning policy. NPS (EN-3) (**CD 2.8**) specifically states[9] that the reversibility of winds farms is to be taken into account when carrying out landscape and cultural heritage assessments.

3.5.26 The English Heritage guidance specific to wind farms states that reversibility should always be taken into account when judging the acceptability of changes potentially affecting cultural heritage features. If the matter is to be taken into account, then weight must be attributed to it. After the anticipated 25 year period of the planning permission the harmful impact of the development on the settings of the heritage assets in question would disappear.

3.5.27 At paragraph 54 of the Spring Farm Ridge decision the inspector made specific reference to the English Heritage publication 'Wind Energy in the Historic Environment', acknowledging that reversibility is an important feature of wind energy developments: "*The proposal, subject for this appeal, is for a period of 25 years and thereby the harm would be transient. That must to some extent reduce the degree of harm that would be caused".*

3.5.28 No substantial harm would result in terms of the setting effects and full account has been taken of the significance of the heritage assets in question. In such circumstances paragraph 134 of the NPPF is clear in that "*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal*….". Taking this approach, I find that the benefits of the proposed development outweigh the level of harm that would occur.

[8] This position is agreed with the Council, as set out in the Statement of Common Ground, paragraph 10.1.

[9] EN-3 (**CD 2.8**) paragraphs 2.7.17 and 2.7.43 specifically address the time limited nature of wind farms and highlight that this is a material consideration with specific reference to landscape and visual effects and in relation to potential effects on the settings of heritage assets. The English Heritage document entitled 'Wind Energy and the Historic Environment' (including the checklist) also states that it is important to take reversibility of wind farms into account (**CD 10.5**).

3.5.29 Whilst I have found some conflict with the Local Plan policies, these are dated and are inconsistent with those of the NPPF.

3.6 Noise and Shadow Flicker

3.6.1 The ES addressed noise in chapter 12 and concluded that the predicted turbine noise levels and measured background noise levels indicate that for receptors neighbouring the Appeal site, wind turbine noise would meet the quiet day time and night time noise criteria proposed within ETSU-R-97, therefore the predicted noise impacts would not result in significant EIA effects.

3.6.2 The Institute of Acoustics (IOA) published on 20th May 2013, 'A good practice guide [GPG] to the application of ETSU-R-97 for the assessment and rating of wind turbine noise'. Following its publication, the Appellant submitted information to all parties of this appeal to demonstrate the noise assessment has been undertaken in accordance with the current good practice. On review of the information, an additional candidate turbine illustrates the predicted noise limits at all properties would be met within ETSU-R-97.

Local Plan

3.6.3 Policy G3 is a multi-criteria policy and states, *inter alia,* that planning permission will normally be granted where the development (criterion D) will not unacceptably harm the amenities of any neighbouring properties.

Draft Core Strategy

3.6.4 **Policy S11 'Renewable Energy'** relates to renewable energy and states that Applications for proposals will be expected to have no significant adverse impact on amenity, landscape character and access, further adding that they should be "*designed to minimise potential adverse impacts on people"*.

3.6.5 The predicted wind turbine noise immission levels for the proposed development, using a candidate turbine, meet the ETSU-R-97 derived noise limits, at all locations for both quiet daytime and night time periods. Based on this position there are no grounds for refusing planning permission in relation to noise.

3.6.6 During the quiet daytime period, predicted noise using a candidate turbine is always less than 5dB above the average background. This is below the level identified as a moderate loss of amenity. Further, the predicted night time noise imissions are considerably less than the ETSU-R-97 fixed minimum limits of 43dBA LA90. There would be no loss of amenity at night and no likelihood of sleep disturbance.

3.6.7 The proposed development is in accordance with the relevant policies in the Development Plan. Noise does not form any part of the Council's case against the proposed wind farm.

3.6.8 The ES addressed shadow flicker in chapter 14 and explains that a shadow flicker assessment has been undertaken for 6 buildings within 925m of the proposed turbine locations. The assessment shows that under worse case conditions, the maximum occurrence of shadow flicker would amount to 35.3 hours per annum experienced at Grange Farm. The ES explains why it is unlikely this impact would be significant. If shadow flicker was found to be an issue, and then mitigation measures would be implemented and can be secured by way of a standard planning condition.

3.6.9 As set out in the Statement of Common Ground, subject to an appropriately worded condition being agreed, noise is no longer an issue between the Council and the Appellant.

3.7 Nature Conservation

3.7.1 The ES addresses ecology in Chapter 9. The ES notes that three badger setts were recorded on the site but all the turbines and associated works are located a considerable distance from them and there would not be a significant effect on badgers. Bats are also considered in detail and the ES concludes that there would no significant effects on this species. Another species considered in detail is Great Crested Newts, and the anticipated effect on the population of these receptors was considered to be negligible and not significant in EIA terms. In terms of ornithology, the ES did not identify any significant EIA effects.

3.7.2 Biodiversity and enhancement measures are proposed, including hedgerow establishment by planting, provision of a new pond for newts and the creation of amphibian and reptile refuges.

3.7.3 The main policy of relevance in the Development Plan to this topic is Local Plan Policy EV21 which advises '*proposals will be expected to retain wherever possible, or failing that to replace, trees, hedgerows, ponds or*

other landscape features'. Emerging Core Strategy policy BN2 is also of some relevance. The Council no longer opposes the development in terms of any nature conservation matter. I consider the proposed development is in accordance with the relevant policies in relation to nature conservation matters.

3.7.4 Furthermore, as per paragraph 13.1 of the Statement of Common Ground, ecology is no longer an issue between the Council and the Appellant.

3.8 Traffic and Transport

3.8.1 The ES addresses Traffic and Transport Issues in Chapter 13. Access to the site would be from the B4525. The routes for construction traffic to and from the site have been reviewed and assessed for their ability to accommodate heavy goods vehicles and also abnormal load vehicles which would carry the turbine components. The ES describes these and notes that the final route selection would be made nearer to the time of construction and this will involve discussions with the Highway Authority and police and would take account of conditions prevailing at that time. The ES does not identify any significant effects in relation to traffic and transport.

3.8.2 There are no particularly relevant policies in the Development Plan on traffic and transport matters. The Council no longer advances reason for refusal 6 in relation to highway safety. Both the Highways Agency and Local Highway Authority (LHA) have raised no objection in principle to the proposal. Northamptonshire County Council has raised an issue on the topic of driver distraction in their letter of 21st May 2013[10]. I address this below.

3.8.3 WSP has prepared a Technical Note on traffic and transport matters and this is contained at my **Appendix 6**.

3.8.4 WSP address comments raised by third parties including in relation to Highway Safety along the B4525 and refer to the Red Route Study of the B4525 issued by Northamptonshire County Council (NCC) dated 30th September 2012. In the context of the red route and the matter of vehicle speed and accident numbers, WSP consider the proposed development would not result in a significant increase in traffic and hence would not impact on road safety. WSP also address the matter of driver distraction and conclude that the locations proposed for the turbines do not present a safety issue for drivers.

3.8.5 In conclusion, WSP consider that the issues raised in terms of highway safety are unfounded and that there are no highway safety or network capacity issues which would prevent the proposal being approved. My conclusion is that the proposed development is acceptable in terms of traffic and transport matters.

3.8.6 In terms of transport I have also considered the proposed alignment of the HS2 proposed development, which at present is proposed to be routed to the south of the Appeal site and south of Greatworth Hall. At the time of the first Inquiry, the route for the proposed HS2 remained uncertain and there was little information available. It was not therefore considered material to that Inquiry. The route has now been confirmed, to the extent it is indicated in publicly available documents (**CD 14.1**).

3.8.7 Mr Arnott has taken account of the proposed HS2 development in terms of noise matters. His view is the proposed wind farm is acceptable in noise terms with and without HS2. He concludes that the subsequent development of the HS2 proposal is not material to this Appeal in respect of noise. Mr Stevenson has taken account of the HS2 proposal in landscape terms. Should the rail line go ahead, my conclusion is that it can co-exist with the proposed wind farm development.

3.9 Recreational Activity, Public Safety and Tourism / Socio-Economic Matters

Visual Amenity and Recreational Activity

3.9.1 Three public footpaths, a bridleway and a Byway Open to all Traffic (BOAT) cross the Appeal site. The BOAT is some 186m from the nearest turbine. There are a number of Public Rights of Way (RoW) within proximity of the site.

3.9.2 The ES considered effects with regard to long distance footpaths (LDFs), cycle routes and RoW. In terms of LDFs, the Jurassic way is located well to the west of the site, over 7km to the nearest turbine. The Millennium Way runs some 3.5 – 5km from the nearest turbine between Middleton Cheyney and Thorpe Mandeville.

[10] Note – this is in the form of a letter from an individual Councillor, Cllr Andre Gonzalez De Savage, Cabinet Member for Strategic Infrastructure, Economic Growth & Public Protection, dated 21 May 2013 and addressed to PINs.

3.9.3 Walkers in the local area would fall within the visual influence of the wind farm in open sections of RoW, mainly in the triangle between Sulgrave, Greatworth and Helmdon. Some locally promoted RoW pass in close proximity to the turbines. The Report to Committee (**CD 12.3**) addresses this matter at paragraph 10.90 *et seq*.

3.9.4 Walkers moving through the site using some of these footpaths would fall within the wind farm landscape where the presence of the turbines would be dominant. There would be no 'over-sailing' of RoW by the turbines. I have taken account of the RoW surveys which have been undertaken and which are referred to in Appendix 10 of Mr Stevenson's evidence. I agree with his views that the usage of these routes is predominantly of a local nature.

3.9.5 Views from sections of RoW passing by (and also from some sections that are open on the main and minor roads in the locality) would be significantly affected in visual terms, but as Mr Stevenson explains, this type of effect would not apply to the experience overall when people move around the wider area.

3.9.6 The relationship of the proposed development to RoW and in particular to the BOAT was examined in some detail at the previous Inquiry. The Inspector addressed these matters at paragraph 73 of the decision. One particular issue arising was the siting of turbine 3 (T3) from the definitive line of footpath AN10 which is aligned broadly west-east, south of T3. Points to note with regard to this matter are that the landowner has reinstated the footpath onto the definitive mapped route. It had been established that the actual 'on the ground' route was different to the mapped definitive alignment held by the Council. The proposed micro-siting condition for T3 would prevent any oversail of route AN10. Furthermore, a permissive path is proposed to the north of the site which would not be over-sailed by any turbine.

3.9.7 The Inspector in the previous decision stated (paragraph 79) that the proposed development would not result in the loss of any RoW or BOAT, nor would such routes become unavailable and "*no significant harm is found in relation to usage of public rights of way*".

3.9.8 Mr Stevenson addresses the predicted effects at the main attractions in the area and he makes specific regard to the landscape as a recreational resource and also the enjoyment of what he terms the cultural heritage legacy within the wider area. Although the ES has drawn attention to a number of Registered Parks and Gardens within the LVIA study area, the two most relevant properties are Sulgrave Manor and Canons Ashby. However, Mr Stevenson concludes that there would not be significant visual effects arising in relation to either of these properties. The other main attraction in the local area is the Tanks a Lot facility immediately adjacent to the site to the east, which is owned by the landowner of the Appeal site.

3.9.9 The other Parks and Gardens referred to in the ES are too far away from the Appeal site for any significant visual effects to arise. Mr Stevenson concludes that the opportunity to participate in recreation and enjoyment offered at the locations he refers to would not be significantly eroded or undermined.

Safety

3.9.10 Reason for refusal number five 5 cites adverse effects on the outlook and safety of walkers, cyclists and horses and riders due to the height, scale and location of the wind turbines. I note the reason uses the term "perceived" in terms of outlook and safety. I interpret this as implying alleged fear rather than an actual risk. Wind turbines are a safe technology and there is no evidence of a member of the public ever having been injured by a wind turbine. As noted above, no turbine would oversail a RoW.

National Planning and British Horse Society (BHS) Guidance

3.9.11 Although Planning Policy Statements have been revoked, the advice and guidance in the NPSs on Energy and Renewable Energy (EN-1 and EN-3) remains as important material considerations[11]. The Companion Guide to the former PPS22 was revoked recently, on 30 July 2013.

3.9.12 The advice in the Companion Guide had been taken account of in the formulation of the proposed development. The Companion Guide stated that the British Horse Society (BHS) suggestion of a 200m exclusion zones around bridle paths was not a statutory requirement.

[11] For example NPS EN-3 makes reference at paragraph 1.2.3 to the NPS being a material consideration – the extent to be judged on a case by case basis.

3.9.13 The Guide also made it clear that there was no statutory separation between a wind turbine and a public right of way, that fall over distance was considered an acceptable separation, and the minimum distance is often taken to be that the turbine blades should not be permitted to oversail a public right of way.

3.9.14 Proximity to turbines is not generally an issue for equine users where clear advance views are afforded to both horse and rider so that neither is caught unawares by un-expected close range movements. It remains the case that there is no empirical evidence in the UK of horse riders being injured or harmed by wind turbines.

3.9.15 The BHS 'Scottish Wind Farm Advice Note' (**CD 11.3**) states (page 1) that "*The BHS believes that if horses are familiarised with wind turbines in a gradual and sympathetic way then most horses will accept them. Wind Farms can in fact sometimes pose a positive opportunity for horse riders by creating routes and improving access*". Page 2 adds that "*wind farms can provide a great opportunity for off road riding*" and the Note provides specific guidance for riding 'within' wind farms.

3.9.16 In terms of separation distances, it states (page 2) that "*as a starting point when assessing a site and its potential layout, a separation distance of four times the overall height should be the target for core paths and National Trails….and a distance of three times overall height from all other routes*". It adds that where separation distances cannot be achieved, the Society will expect a developer to demonstrate how safety issues can be addressed.

3.9.17 The English Advisory Statement 'Advice on Wind Turbines' (**CD 11.2**) refers to the 200m distance contained in the former PPS 22 Companion Guide and restates that it is not a statutory requirement. It states that the Society recommends that its policy is adopted. In terms of separation distances, it explains that as a starting point (page 1) four times the overall height should be "the target" for National Trails and Ride UK Routes and a distance of three times the overall height for all other routes, "*with 200m recommended in the Technical Annex…seen as the minimum, where it is shown in a particular case that this would be acceptable*". It adds that where recommended separation distances cannot be achieved, the Society will expect details of an alternative route or other actions such as funds to improve routes, or organisation of "*familiarisation days with controlled turbine movement*".

3.9.18 The suggested separation distance therefore has to be applied flexibly and distances below that can be and are the subject of agreements elsewhere in the country (see **Appendix 9** for examples).

3.9.19 However, what is clear from the BHS Advice Note is that the Society itself does not treat even the 200m distance as a minimum; in its policy, it expressly countenances relaxations and mitigation works which include (1) physical works to ensure safety during construction, (2) provision of details of an alternative route to be used by those who do not want to ride close to a turbine or (3) financial compensation to improve routes elsewhere.

3.9.20 A very high percentage of operational wind farms are in rural locations in which horse riding can and does take place. Horse riding and wind turbines can happily and safely co-exist. Indeed , some wind farms are specifically promoted as horse riding venues and routes: for example the Scottish BHS promotes the large scale Whitelee wind farm as just such a resource, which is popular with horse riders and organised riding groups.

3.9.21 Good horsemanship requires riders to be alert to potential dangers when choosing when to ride, to recognise their own abilities and the sensitivities of their mounts and it is unrealistic for riders to expect all risks to be excluded from anywhere they may choose to ride. To do otherwise would effectively exclude turbines from most of rural England.

3.9.22 If there was a tangible and unacceptable risk of horses being frightened by turbines, with likelihood of injury to them, their riders and third parties, then it is likely that it would have been addressed in national planning policy guidance a long time ago. It is certain that such information would have been made available to wind farm Inquiries. I have also taken into account matters raised on equine matters by third parties , such as the concern expressed by Natalie Atkins with regard to "light flicker" in relation to Orchard End and the Granary (farm and livery business). Shadow flicker can only occur within buildings of certain characteristics. Whilst the ES does predict shadow flicker at Grange Farm, this is a matter that can be satisfactorily addressed by way of a standard planning condition.

3.9.23 There is nothing so special about the concentration of horse activity in this case so as to warrant a different decision being reached. In my view, there is no issue in this case which would justify refusal of planning permission in relation to horse riding and general equine matters.

3.9.24 The Council and the action group have advanced no evidence to demonstrate that the proposed Spring Farm Ridge development would have unacceptable safety risks to members of the public.

Appeal Decisions with regard to Recreational Routes

3.9.25 In terms of recreational route issues, including bridleways that are raised in this case, it is helpful to examine how decision makers have addressed this topic in some other cases. As with my reference to Appeal decisions in relation to residential amenity matters, the purpose in doing so is not to seek to draw comparisons with factual circumstances of other cases, but rather to draw upon points of planning principle which can help, appropriately, to inform the planning judgements to be made in this case.

3.9.26 In this regard I also present as my **Appendix 9,** a review of operational / consented wind farms which have proximity to PRoW and bridleways. I highlight some extracts from a selection of planning appeal decisions below.

3.9.27 The Watford Lodge wind farm decision (**CD 6.26**) in Daventry (five turbines at 125m to blade tip) involved turbines which were sited close to the Jurassic Way long distance route. In this case the route passed directly through the centre of the proposed wind farm and within 70m of two turbines.

3.9.28 In this case the Inspector acknowledged that visual effects would be substantial for users, but that the visual effects would build up with distance and that the turbines would be part of an ever changing sequential experience of views along the route. The Inspector concluded that the alignment of the route through the site would not be critically harmful to visual amenity.

3.9.29 The Common Barn / Church Farm Appeal Decision of 11th July 2013 (**CD 6.20**) is relevant to consider. In this case the development involved 3 turbines at Southoe, Cambridgeshire. At paragraph 33 *et seq* the Inspector addressed the effects of the proposed development in relation to rights of ways and bridleways. At paragraph 34 the Inspector stated:-

"*… the main concern is T1, which would be about 83m from the highway to the north of the site (this being in part unmade public road and in part public bridleway)…. this is significantly less than the 200m distance recommended by the British Horse Society (BHS). However, it is common ground that the BHS guidelines have no current statutory basis and believed to have emerged from ancient requirements relating to windmills in previous centuries".*

3.9.30 The Inspector went on to state that the 200m buffer distance may be a starting point for the consideration of impacts, but this does not replace the judgement to be made in light of circumstances of any particular case.

3.9.31 In the Common Barn decision the Inspector made some detailed references to the BHS guidance which I have referred to above and made the point that it was clear from the guidance that it refers to the ability to introduce horses to turbines gradually and for them to become habituated to them over a period of time.

3.9.32 At paragraph 36 of the decision the Inspector stated:-

"*There are many instances of wind turbines being permitted quite close to bridleways, and relatively few reported instances of this causing difficulty. On the other hand there are examples of horse riding routes through wind farms and between turbines, these being used by riders with horses accustomed to the turbines".*

3.9.33 Whilst the character of sections of recreational routes would change, that change would affect a relatively small part of routes. Furthermore, it needs to be recognised that a number of users of routes that pass close to the Appeal site may well find that the interest of their journey is enhanced by the proposed development which would provide a dramatic and interesting feature en route, whereby it informs a point of interest. Some of course may take a negative view, but whatever the attitude of the individual user, the effects of the development would reduce quickly with increasing distance from the turbines.

Tourism & Socio-Economic Matters

3.9.34 There are no particular tourism policies of relevance in the Development Plan. The ES addressed tourism and recreation in Chapter 17. An area to the east of the site is utilised as the Tanks a Lot recreational facility with off road tracks used for the operation of military vehicles by the general public (owned by the owner of the Appeal site). Since the Inquiry in 2012, the Tanks a Lot facility has been granted planning permission.

3.9.35 The ES concludes that during the operation of the wind farm, there would not be a significant effect on tourism and recreation activity on the wider area. Visitors to the immediate area would undoubtedly note the presence of the wind turbines, but there is no evidence to indicate that it would affect visitor numbers, visitor spend and businesses to an unacceptable level within the local or wider area.

3.9.36 I have considered the position set out in the objection[12] of Mr Nicholas Ward of Sulgrave Manor, that the proposed development should be refused as the wind farm would "*seriously damage our prospects for raising the money we need for our new strategy*". He states "*The Manor is so important that no risks whatsoever should be taken which may result in damage to it, and the Broadview proposal should therefore be refused*". Mr Ward provides no evidence to justify that there would or could be such a cause an effect between the wind farm and the finances and viability of Sulgrave Manor should the wind farm proceed.

3.9.37 I note the letter of 21 May records that the accounts of the Manor show "*some improvement in 2012*" and the overall result for the year was a surplus compared to a deficit in 2011. It is accepted that the Manor has generally been operating at a loss and it may well continue to do so – whether the wind farm goes ahead or not.

3.9.38 I also note that the income from entrance fees in 2012, rose some 9.88% compared to 2011 figures (£102,396 in 2012 v £93,192 in 2011)[13]. This position is consistent with general rising visitor numbers[14] in the East Midlands as shown in the Midlands Business News (July 2013) (**CD 4.13**). A general fear and broad unjustified assertion by the Manor in terms of visitor impact and business viability is not enough to justify refusal of planning permission for the wind farm. The actual evidence that does exist points in the other direction, namely that there is not any significant deterrence effect of tourists and visitors from wind farms. Furthermore, the fact that the manor does have a strong American connection for potential donations is a distinct advantage, as the vast majority of heritage attractions are not able to pursue such methods of donations from abroad.

3.9.39 I address the wider evidence base on tourism and wind farms in general in my **Appendix 4**. From my review of various Appeal decisions that have considered the relationship of wind farms, tourism and the local economy, there are consistent messages arising from wind farm planning determinations and these include:

- There is no compelling evidence to support concerns about the tourist industry being undermined to a material degree by wind farm development.
- Even in situations where wind farms are proposed in locations where tourism is a key sector in the local economy, Inspectors have not been convinced that effects would be sufficient to deter potential visitors such that there would be a significant effect on the tourist or wider economy of the area.
- Submissions relating to a potential adverse impact on tourism are more often than not unproven and limited weight is attached to such submissions. Generally, very little or no evidence based analysis is supplied to support claims that there would be an adverse effect on tourism.
- In a number of cases, decision makers take the view that the presence of wind farms would add to the attractions of a particular area.
- Inspectors and Reporters have placed weight upon the research prepared by the UWE[15] and on the Moffat Report[16]. I refer to both of these reports in my **Appendix 4**.

[12] Letter dated 21 May 2013 from Nicholas Ward / Sulgrave Manor to PINS.

[13] Information contained in the Statement and related attached documents of Mr N Ward.

[14] Visitor numbers are estimated to have increased in the four South East Midlands Counties from some 43million in 2011 to 53 million in 2012.

[15] The University of the West of England's (UWE) (2004) report entitled 'The Potential Impact of Fullabrook Wind Farm Proposal, North Devon: Evidence Gathering of the Impact of Wind Farms on Visitor Numbers and Tourist Experience' ("the UWE Study") which was commissioned by Devon Wind Power.

[16] The Scottish Government research report entitled 'The Economic Impacts of Wind Farms on Scottish Tourism' (March 2008) (widely known as "the Moffat Report") (**CD 7.16**),

3.9.40 It is also important to take account of the findings of the DECC Study in relation to 'Onshore Wind direct and wider Economic Impacts' published in May 2012 (**CD 7.34**). The report addressed tourism impacts and made reference to a number of surveys and reports that have been published on the potential impacts of wind farms in relation to tourism. It highlights that he most comprehensive study is the Moffat Report published in 2008. The DECC study highlights that the Moffat Report reviewed some 40 studies from the UK and Ireland and various reports from overseas research and concludes that there is no evidence to suggest a serious negative impact of wind farms on tourists.

3.9.41 A conclusion of the Moffat Report was that the effects of meeting targets on renewables on tourism are so small, that providing planning and marketing are carried out effectively, there is no reason why the two are incompatible.

3.9.42 The DECC report goes on to state that the findings of the Moffat Report have been confirmed in more recent research by Visit Scotland, which finds that the presence of wind farms had no influence on decision making and the vast majority of tourists. The Visit Scotland research referred to by DECC relates to their consumer research undertaken in April 2012.

3.9.43 It should also be noted that paragraph 5.12.7 of NPS EN-1 (**CD 2.7**) makes the point that limited weight should be given to assertions of socio-economic impacts that are not supported by evidence, particularly in the view for the need for energy infrastructure. Fear of potential impacts on tourism have been raised for many years and notwithstanding the development of multiple wind farms in tourist areas throughout the UK, such fears have simply not been borne out.

3.9.44 The ES concludes that overall, effects on tourism and recreation as a result of the proposed development are considered to be negligible and not significant. In my view, the proposed wind farm would not have a negative impact on tourism and the economic value of this sector in the area's economy, either in isolation, or cumulatively, with other projects proposed for the area. The Council has presented no evidence to support its assertion in reason for refusal 1 that the proposed development would reduce the appeal of the area as a tourist destination to the detriment of the local economy.

3.10 Aviation and Telecommunications

3.10.1 The Committee report states that findings in favour of the proposed development include: *"the likelihood that there would be no significant adverse effect on local aviation and telecommunications interests."* There is no aviation or telecoms issue in this case which would justify refusal of planning permission. This is a matter in favour of the proposal given a significant number of wind energy projects in the UK, although acceptable in terms of other matters, are constrained from progressing due to aviation issues and other constraints such as the Eskdalemuir seismological Array which constrains large parts of SW Scotland and NW England.

3.10.2 Osprey Consulting Services Ltd (Osprey) have prepared a Technical Note (see my **Appendix 7**) with regard to matters raised by Turweston Aerodrome. The Technical Note analyses the contents of the Turweston Flight Centre witness statement and identifies a suitable course of action to resolve issues identified. The Aerodrome has re-submitted their witness statement originally submitted to the previous Public Inquiry in May 2012.

3.10.3 Osprey explain that the majority of the issues raised by Turweston Flight Centre relate to human error in operating aircraft. To avoid this, additional information could be passed to pilots as they join the circuit at Turweston and an obstacle in the vicinity of the airfield should be addressed through sound airmanship and adherence to rules of the air. Osprey set out in their Technical Note that global positioning system approaches (GPS) would enhance operations at Turweston, but is not required as mitigation for the Spring Farm wind farm.

3.10.4 In terms of broadband matters which have been raised by Greatworth Parish Council, specifically regarding a proposed wireless broadband scheme, Pager Power has prepared a Technical Note which is contained in **Appendix 8**. Pager Power conclude that if broadband wireless was to be implemented at Greatworth Park then Greatworth itself would not be affected by the proposed development. Interference is not predicted.

3.11 Supplementary Planning Documents (SPD)

3.11.1 There are SPD documents which have been produced by the Council on the topic of renewable energy. I refer to these below with regard to their relevance and the weight to be attributed to them.

Energy and Development SPD (March 2007)

3.11.2 This document (**CD 4.2**) is not referred to in the Statement of Common Ground but is referred to in the Council's Statement of Case. In my view it is of no direct relevance to this Appeal. It provides applicants seeking planning permission for buildings with advice on energy efficiency and sources of renewable energy.

South Northamptonshire Wind Turbines in the Open Countryside adopted SPD (December 2010)

3.11.3 The South Northamptonshire Wind Turbines in the Open Countryside SPD (December 2010) (**CD 4.1**) is of more relevance and is a material consideration. It is referred to in all of the reasons for refusal although the Council has not specified which parts of the document the proposed development is considered to fall contrary to. Paragraph 1.3 states it is a guide that sets out the approach that SNC will take in supporting initiatives to "*promote*" renewable energy generally, and in dealing with specific proposals as a planning authority.

3.11.4 It sets out in some detail the national policy position and the policies of the Development Plan on the subject. The national policy position in the document is significantly out of date. Paragraph 5.4 states that "*renewable energy developments will be favourably considered*" if a number of requirements are "met" and these are set out in terms of the topics of landscape character, biodiversity, built heritage, the effect on local amenity, economy, highways, aviation and telecoms. It adds that the proposals should "*take all practical steps to reduce any adverse impacts*". It also requires "*for the environmental, economic, social and energy benefits to be given significant weight and for measures to show how a proposal will be dealt with once the operation ceases*".

3.11.5 However, there are a number of issues with regard to the consistency of the SPD with national policy. This in my view has infected the Planning Officer's consideration of the application, as reflected in the Report to Committee and I further refer to this below in my specific comments on the Report to Committee. In this regard, section 7 of the SPD is entitled "contribution of the turbine to renewable energy objectives". Paragraph 7.5 begins by stating:

"*although the Council is strictly unable to assess the viability and efficiency of the scheme, it is considered vital that this technical information is provided….and to enable a proper assessment of the environmental benefits and any dis-benefits to be undertaken*".

3.11.6 The Council adds further in paragraph 7.5 that:

"*the key issue that the Council will consider is whether the amount of CO2 saved from a scheme compared to other energy sources outweighs whatever local environmental disbenefits arise from the proposal. The Council considers therefore that it will be important for proposed turbines to be justified in viability terms to ensure that potentially unviable schemes are not proposed that could have a detrimental effect on the character of the District without any benefit in renewable energy terms*."

3.11.7 With this statement, the Council explicitly contradicts its recognition (expressed in the first line of paragraph 7.5 of the SDP) that "*the Council is strictly unable to assess viability*". This matter was, at the time of the SPD preparation, strictly embargoed by the Climate Change Supplement to PPS1 which was then extant. Such a stance remains contrary to national planning policy now as the NPPF makes clear at paragraph 98. Furthermore, the Council in taking this stance in the SPD, seeks to consider applications, not on their respective merits, but on the basis of potential "other energy sources" and alternatives and their differential commercial viability.

3.11.8 Section 11 of the SPD addresses cultural heritage. The section is extremely detailed. It refers to PPS5 (now revoked) and at paragraph 11.20 states that if a wind turbine is:

"*clearly in view from within designated conservation areas or seen from outside as part of the setting, might be read as having an effect on setting, and if that setting is not therefore being preserved, a decision has to be made as to whether, notwithstanding that finding, the development should be allowed to proceed on the basis that the need for it is overriding*".

3.11.9 This is another example of the Council taking a different approach to national planning policy at the time and indeed now. The test in the then in force PPS5 in relation to setting effects of a development was not that there had to be "*overriding need*". The NPPF now does not advocate such an approach. Furthermore, the SPD states at paragraph 11.25 that with regard to cultural heritage impact, proposed developments "*will be required to demonstrate how they can be accommodated without harming the character and setting of all relevant designated and undesignated assets….*". Again, this was not the test in PPS5 and has no place in the NPPF.

3.11.10 Overall, the SPD contains guidance on various environmental topics of relevance to onshore wind developments. Not all of it is consistent with current national planning policy and I have referred to the main topics which are of relevance to this case. Where the SPD correctly refers to correct national policy and guidance the proposed development is consistent with it. Where the SPD departs from national policy and advice, no weight should be placed on its provisions. These shortcomings depress the weight in my view which should be afforded to the SPD overall and accordingly I give it limited weight.

Renewable Energy SPD 2013

3.11.11 The Council adopted Energy Efficiency and Renewable Energy SPD documents in July 2013. The adopted version of the renewable energy SPD is entitled 'Low Carbon and Renewable Energy ' (**CD 4.10**). However, this document refers to small scale / domestic commercial renewable technologies. The SPD states at paragraph 1.9 on page 2 that it seeks to provide detailed guidance to support the positive implementation of the emerging Core Strategy policies S10 and S11 in relation to energy efficiency and renewable energy. However, it adds that:

"applications for larger 'stand-alone' renewable and low carbon energy schemes. NB. This SPD will exclude the consideration of large scale wind turbine developments as these are covered in a separate SPD. However, similar themes are likely to apply to large scale renewable schemes as applied to wind turbines, therefore the SPDs will sit side by side."

3.11.12 The July 2013 SPD is therefore not relevant to the assessment of the proposed development and the relevant document remains the SPD of 2010 as referred to above. I understand from the Council that the 2010 document is not under review and is currently being utilised as a material consideration in the assessment of planning applications.

3.11.13 In terms of the July 2013 SPD, despite it not being relevant to stand alone wind farm developments, page 5 illustrates constraints mapping in South Northamptonshire and it can be seen that the site of the Spring Farm Ridge proposed development is shown and is annotated as "refused wind turbines". The constraints mapping illustrates nature conservation sites, landscape designations and cultural heritage features such as scheduled ancient monument and Conservation Areas. The Appeal site is shown to be in one of the locations that is most distant from the noted constraints. This is clear from 'inset 1' of the constraints mapping entitled "South Northamptonshire West".

3.12 Third Party Representations

3.12.1 I have undertaken a review of the third party representations submitted in response to the planning application and those submitted in response to this redetermination Appeal. In terms of the material issues raised, these have been addressed in my evidence and in the evidence of the other witnesses acting for the Appellant. I am of the view that none of the issues raised would justify refusal of planning permission.

3.13 Comments on the Report to Committee

3.13.1 I have a number of comments with regard to the Report to Committee (**CD 12.3**) and specifically the way in which the Planning Officer has presented the reasoning in relation to justifying his recommendation for refusal of the planning application.

3.13.2 With regard to his conclusions on landscape issues at paragraph 8.23, the Planning Officer draws upon the views of English Heritage where he records that they:

"refer to the overwhelming rural nature of the surrounding landscape largely free from modern large scale interventions such as infrastructure – pylons, major roads, etc. The turbines would represent the intrusion of large scale industrial structures in a landscape largely devoid of such features".

3.13.3 The Planning Officer goes on at paragraph 8.24 to state that he considers there is a concern about the impact on this basis *"and that any refusal could be substantiated on grounds that English Heritage have suggested"*. The Planning Officer is therefore taking the view that because the site is predominately rural in nature, it is unsuitable for the siting of wind turbines. Commercial scale wind turbines have been and will continue to be, in the vast majority of cases, sited in open rural areas. To seek to justify refusal on that basis alone, as suggested by the Planning Officer would be unreasonable.

3.13.4 At paragraph 8.33 of the Report to Committee there is reference to the general climate change benefits of the proposed development in the context of cultural heritage comments. It is not entirely clear whether the wording in the report is that of the Planning Officer or the Heritage official of the Council, however, it makes no substantial difference as the point is explicitly referred to in the Report and is not qualified in any way. The reports states that:

"the likely impact on the historic environment will be considerable… it would be reasonable to measure the actual likely contribution of the proposed development to mitigating climate change through reduced carbon emissions and determine whether similar climate change mitigation can be achieved in ways that would not have such a harmful impact on heritage assets – for example the generation of clean energy by means other than wind turbines, provision of local energy efficiency measures, or the use of lower turbine columns".

3.13.5 The Planning Officer is expressing the point that it would, in his view, be reasonable to establish whether other technologies or sites could deliver a similar level of benefit with a lesser degree of harm. This is the approach the Council advocates in its SPD (**CD 4.1**) and to which I have referred to above. This is an inappropriate approach, contrary to national planning policy as expressed at the time in the PPS1 Supplement, and, is currently contrary to the approach as set down in the NPPF, in particular paragraph 98 which states that when determining Planning Applications LPAs should:

"not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions".

3.13.6 At paragraph 10.31 of the Report to Committee, the Planning Officer stated that independent consultants employed by the Council had confirmed that the Applicant's assumptions about the carbon dioxide reduction potential and levels of the electricity likely to be generated by the scheme seem realistic and reliable.

3.13.7 At paragraph 10.33 of the Report to Committee the Planning Officer considers the potential benefits of the scheme and terms them as a, *"comparatively small reduction in CO2 emissions*" which must be weighed against, in his view, the long term harm that the proposal would cause. The officer adds, *"consideration should also be given to achieving similar CO2 reductions by means less damaging to the local and wider environment, for example small scale solar power."*

3.13.8 The Planning Officer therefore explicitly accepts the earlier statement in the Report to Committee, made at paragraph 8.33 that it would be reasonable to place weight on the view that there could be less harmful ways in which to secure a similar level of benefit offered by the proposal. This is an entirely inappropriate way in which to deal with the benefits of the development in the determination of the application. The Planning Officer's approach and advice to Elected Members on this matter was one which did not treat the application on its merits, but rather sought to place weight on potential alternatives, contrary to the requirements of the then PPS1 Supplement and PPS 22 and indeed such an approach would be contrary to the NPPF and new Planning Practice Guide.

3.13.9 This matter is further referred to by the Planning Officer at paragraph 11.7 in the Report to Committee where in summarising the main negative factors placed by him into the planning balance, he persists in advancing the point and states that *"the applicants have not demonstrated that a potentially less harmful site could not be found and / or suggested other less harmful approaches to local energy efficiency that could be adopted"*.

3.13.10 In my view, the Officer's approach was contrary to national planning policy and unreasonable. He did not place significant weight on the benefits of the development as he was required to do by policy.

3.14 Benefits of the Development

3.14.1 In summary, the benefits[17] of the development include:

- reduction in carbon dioxide and greenhouse gas emissions;
- renewable electricity generation of up to 15MW of installed capacity;
- contribution to diversity and security of energy supply;

[17] For further details see also Appendix 10, 'Report on Energy Potential'.

- economic development stimulus as part of a national drive to expand renewable energy as a growing industry sector, important to the national economy;
- generation of local economic benefits;
- contribution to the attainment of renewable energy policy objectives in the Development Plan and at the national level.

4 National Planning Policy

4.1 Introduction

4.1.1 In this Section I make reference to key elements of national planning policy, namely:

- National Policy Statements;
- The National Planning Policy Framework;
- The Planning Practice Guide.

4.2 National Policy Statements

4.2.1 The Overarching NPS for 'Energy' (EN-1) (**CD 2.7**) and the NPS for 'Renewable Energy Infrastructure' (EN-3) (**CD 2.8**) were approved in July 2011. They are important material considerations and should be accorded significant weight.

Overarching NPS for Energy (EN-1)

4.2.2 I set out the renewable energy policy context in section 5 below, however it should be noted that NPS EN-1 also sets out Government policy on energy in some detail in its Part 2 (page 8).

4.2.3 The need for new energy infrastructure projects is set out in Part 3 (page 16). At paragraph 3.2.3 there is explicit recognition that there will be some significant adverse effects arising from such developments. The NPS states:

"*This part of the NPS explains why the Government considers that, without significant amounts of new large scale energy infrastructure, the objectives of its energy and climate change policy cannot be fulfilled. However, as noted in section 1.7, it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts*".

4.2.4 Paragraph 3.3.5 states that the UK is choosing to decarbonise quickly and that this is why Government is seeking to bring forward many new low carbon developments within the next 10-15 years.

4.2.5 In terms of the need for more electricity capacity to support an increased supply from renewables, paragraph 3.3.10 states that:

"*As part of the UK's need to diversify and decarbonise electricity generation, the Government is committed to increasing dramatically the amount of renewable generation capacity…. In the short to medium term, much of this new capacity is likely to be onshore and offshore wind…*".

4.2.6 At paragraph 3.3.14 there is recognition that electricity consumption could double by 2050 as significant sectors of energy demand (such as industry, heating and transport) switch from fossil fuel power to using electricity. It adds that "*the Government therefore anticipates a substantial amount of new generation will be needed*".

4.2.7 Paragraph 3.3.15, with regard to "the urgency of the need for new electricity capacity" states:

"*In order to secure energy supplies that enable us to meet our obligations for 2050, there is an urgent need for new (and particularly low carbon) energy NSIPs to be brought forward as soon as possible, and certainly in the next 10 to 15 years, given the crucial role of electricity as the UK decarbonises its energy sector*".

4.2.8 Section 3.4 refers to "the role of renewable electricity generation". It contains a number of key policy and target 'metrics'. A number of these are referred to in section 5 of my Proof but in summary those set out in the NPS include:

- 15% of total UK energy to be from renewables by 2020;
- 30% of electricity generation to be from renewables by 2020;
- Target to reduce carbon dioxide emissions by 750m tonnes by 2030;
- The renewables sector could deliver half a million jobs by 2020;
- Renewables have the potential to help attain security of supply;

- Meeting the 15% renewables target by 2020 could reduce fossil fuel demand by 10% and gas imports by 20-30%;
- The Government is committed to meeting 2020 targets but has further ambitions for renewables post 2020 – namely based on the advice of the Climate Change Committee ("CCC") to move to 30% renewable energy capacity by 2030 (up from 15% by 2020); and
- a 'central scenario' of deriving 40% of renewable electricity by 2030 (up from 30% by 2020).

4.2.9 Para 3.4.5 emphasises "urgency of need" and states that in order to "hit" targets, that "*it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent*".

NPS for Renewable Energy Infrastructure (EN-3)

4.2.10 NPS document EN-3 (**CD 2.8**) makes it clear at section 2.7 that:

"*onshore wind farms are the most established large scale source of renewable energy in the UK. Onshore wind farms will continue to play an important role in meeting renewable energy targets".*

4.2.11 Section 2.7 sets out the factors influencing site selection for wind energy development as well as technical considerations when determining onshore wind farms. Paragraph 2.7.17 makes it clear that the time limited nature of wind farms is likely to be an important consideration when assessing landscape and visual effects and potential effects in relation to heritage assets. The document states that such judgement should include consideration of the period of time sought by an applicant for a development to operate and the extent to which a site will return to its original state.

4.2.12 Paragraph 2.7.43 states that in terms of time limited consents, account should be taken of the length of time for which consent is sought when considering any indirect effect on the historic environment, such as effects on the setting of designated heritage assets.

4.2.13 Therefore, insofar as Government policy states that the temporary nature of a wind energy development is a factor to be taken into consideration, the Applicant's position is that this is a matter which has to be taken into account and therefore must be given weight.

4.2.14 Paragraph 2.7.24 of the NPS refers to micro-siting and states that whilst it is for an applicant to specify a level of tolerance, a distance of between 30m and 50m of elements of the required infrastructure is typical.

4.2.15 I explain in my policy assessment in Section 3 above, drawing on the evidence of Mr Stevenson, that the wind turbines of the proposed wind farm would relate well to the local landscape character and would respect the scale and composition of the landscape. The local and wider landscape is capable of accommodating the proposed development without undue detriment or unacceptable harm to its overall character and appearance.

4.2.16 In drawing these conclusions, account should also be taken of policy references within the NPS documents in relation to landscape and visual matters. Paragraph 5.9.12 of NPS EN-1 refers to developments outside nationally designated areas which might affect them. Paragraph 5.9.13 of NPS EN-1 states that:

"*The fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent*".

4.2.17 The NPS adds that the scale of projects means that they are often visible within many miles of the site of proposed infrastructure. It adds that decision maker should judge whether any adverse landscape impact would be so damaging that it is not offset by the benefits (including the need), of the project (paragraph 5.9.15).

4.2.18 In terms of visual impact, NPS EN-1 acknowledges that all energy infrastructure is likely to have visual effects for many receptors. It states that the decision maker will have to decide whether the visual effects on sensitive receptors outweigh the benefits of the project (paragraph 5.9.18).

4.2.19 In addition, EN-3 addresses the specific landscape and visual impacts associated with onshore wind farms. EN-3 acknowledges that modern wind turbines are large structures and that there will:

"*…always be significant landscape and visual effects from their construction and operation for a number of kilometres around a site*."

4.2.20 My conclusion is (taking account of my evidence in this Proof as a whole) that the proposed development is consistent with the relevant policies in the NPS documents.

4.3 The National Planning Policy Framework

4.3.1 The NPPF was issued and took force on 27 March 2012 (**CD 2.1**).

4.3.2 Although Planning Policy Statements have been revoked, the advice and guidance in the NPSs on Energy and Renewable Energy (EN-1 and EN-3) remains as important material considerations[18] to wind farm planning applications below 50MW, as well as to projects over 50MW in terms of installed capacity. Paragraph 3 of the NPPF also confirms that NPS documents are material considerations in decisions on planning applications.

4.3.3 My comments on the NPPF are as follows. I have commented in the previous section on whether the relevant policies in the Development Plan are consistent or not with the terms of the NPPF.

Achieving Sustainable Development

4.3.4 The NPPF promotes sustainable development: a definition of this is set out in Paragraphs 6 and 7 with regard to the economic, social and environmental roles of the planning system, as follows:

- An economic role – contributing to building a strong, responsive and competitive economy;
- A social role – supporting strong, vibrant and healthy communities;
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently…and mitigate and adapt to climate change including moving to a low carbon economy.

4.3.5 To achieve sustainable development "*economic, social and environmental gains should be sought jointly and simultaneously through the planning system*" (para 8).

4.3.6 The document sets out the 'presumption in favour of sustainable development' and firstly makes it clear (para 11) that "*planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise*". Paragraph 12 adds that the NPPF does not change the statutory status of the Development Plan as the starting point for decision making. The NPPF is a material consideration in determining planning applications.

4.3.7 Paragraph 14 is the key part of the NPPF (highlighted in the document as a coloured 'emphasis box' on page 4): it states that:

> "*at the heart of the planning system is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan making and decision taking.*
>
> *For decision taking this means:*
>
> - *Approving development proposals that accord with the development plan without delay; and*
> - *Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
>
> – *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
>
> – *Specific policies in this Framework indicate development should be restricted*."

4.3.8 Paragraph 15 adds that "*policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay*".

Core Planning Principles

4.3.9 There is reference to 'core planning principles' and these are set out at paragraph 17. These are to underpin both plan-making and decision-taking. In summary, those of relevance to this Appeal are that planning should:

[18] For example NPS EN-3 makes reference at paragraph 1.2.3 to the NPS being a material consideration – the extent to be judged on a case by case basis.

- Be genuinely plan-led;
- Not simply be about scrutiny;
- Proactively drive and support sustainable economic development to deliver….infrastructure and thriving local places that the country needs…;
- Secure high quality design and a good standard of amenity…;
- Recognise the intrinsic character and beauty of the countryside…;
- Support the transition to a low carbon future in a changing climate…and encourage the use of renewable resources (for example by the development of renewable energy).
- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Conserve heritage assets in a manner appropriate to their significance.

4.3.10 Renewable energy generation is explicitly recognised as a specific core planning principle.

4.3.11 The need to support and encourage renewable energy developments is consistent with the objectives that were in the former PPS 22 and PPS 1 Supplement. The reference to recognising the intrinsic character and beauty of the countryside reflects a policy provision in the former PPS 7 and the need to conserve heritage assets relative to their significance, reflects a key principle of the former PPS 5. In my opinion the proposed development, based on the evidence to be led by the Appellant at the Inquiry, is consistent with the above core planning principles in the Framework.

Building a Strong, Competitive Economy

4.3.12 Purposefully, the first topic in the NPPF states that the Government is committed to (paragraph 19):

"*ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system*."

4.3.13 Paragraph 28 adds that planning policies should support economic growth in rural areas in order to create jobs and prosperity "*by taking a positive approach to sustainable new development*."

4.3.14 The proposed development would result in local economic benefits and as part of a growing sector of the economy[19], would contribute to the wider economy in terms of supporting renewable energy generation.

Meeting the challenge of Climate Change

4.3.15 Section 10 of the NPPF is particularly relevant as it deals with climate change. Paragraph 93 states that planning has a key role in reducing greenhouse gas emissions and in:

"*supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development*".

4.3.16 At paragraph 97 the NPPF states that:

[19] In this regard an additional material consideration on this topic is the DECC report on the 'Economic Impact of Onshore Wind Developments'. In May 2012 Renewable UK and the Department of Energy and Climate Change (DECC) published the results of research undertaken by Biggar Economics to assess the direct and indirect economic impacts of the commercial on-shore wind sector in the UK in the decade to 2020 (**CD 7.34**) . The overall objective of the Report was stated in paragraph 1.2. as follows, to:-

"*provide stakeholders with an evidence base detailing the scale and range of impacts that flow from on-shore wind developments at the local, regional and national level and the influencing factors on this impact up to 2020".*

In summary, the study confirms that the on-shore wind farm industry contributes significantly to the national economy in terms of direct and supply chain impacts and the wider economic impacts. The proposed development would make an important contribution to this growing sector of the economy.

"*To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should*:

- Have a positive strategy to promote energy from renewable and low carbon sources;
- Design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts; and
- Consider identifying suitable areas for renewable and low carbon energy sources and supporting infrastructure, where this would help secure the development of such sources.

4.3.17 Planning Authorities are further advised at paragraph 98 that, when determining planning applications, they should:

- Not require applicants for energy development to demonstrate overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions;
- Approve the application if its impacts are (or can be made) acceptable.

4.3.18 The footnote No.17 (page 22) in the Framework confirms reliance on NPS EN-1 and 3 as primary sources of guidance to planning decision makers addressing wind energy proposals.

4.3.19 Onshore wind energy is alone in having an explicit direct link with the NPS series (in relation to Town and Country Planning Act 1990 schemes) – this indicates the importance which the Coalition Government attaches to the exploitation of renewable energy sources.

Conserving and Enhancing the Natural Environment

4.3.20 The 'natural environment' is addressed at section 11 where it states the planning system should contribute to and enhance the natural and local environment by, inter alia:

- Protecting and enhancing valued landscapes;
- Minimising impacts on biodiversity.

4.3.21 Local authorities are advised at paragraph 113 to set criteria based policies against which proposals for any development on or affecting protected wildlife sites or landscape areas will be judged.

4.3.22 Paragraph 113 states that Planning Authorities should set criteria based policies against which proposals for any development on or affecting landscape areas will be judged.

4.3.23 Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in "*National Parks, the Broads and Areas of Outstanding Natural Beauty*…".

4.3.24 My conclusions on landscape and visual matters and landscape designations have been set out in section 3 above.

Conserving and Enhancing the Historic Environment

4.3.25 The historic environment is addressed in section 12. The NPPF states at paragraph 128 that in determining planning applications, they should require an Applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Such assessments are to be taken into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

4.3.26 Paragraph 132 states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It adds that:

"*the more important the asset, the greater the weight should be… As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the*

highest significance, notably scheduled monuments…….Grade I and II listed buildings, grade I and II* registered parks and gardens….should be wholly exceptional*."

4.3.27 Paragraph 133 states:

"*where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply* …"(these other matters relate to viable use of the asset etc. and are not particularly relevant to this case).

4.3.28 Paragraph 134 states that:

"*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal*…."

4.3.29 Paragraph 135 addresses non designated heritage assets and states that in determining applications that affect directly or indirectly such assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset in question.

4.3.30 Overall, the policy approach indicates that there is a need for a balanced and considered approach to developments that will affect the setting of heritage assets.

Decision Taking and Determining Applications

4.3.31 Planning Authorities are advised to approach decision taking (paragraph 186) "*in a positive way to foster the delivery of sustainable development*". Paragraph 187 adds that:

"*Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible*."

4.3.32 Paragraph 196 of the NPPF refers to paragraph38(1) of the 2004 Act and states:

"*Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This framework is a material consideration in planning decisions*".

4.3.33 Paragraph 197 adds:

"*In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development*".

4.3.34 A fundamental part of the NPPF which needs to be applied in 'decision taking' is paragraph 14 of the document – the presumption in favour of sustainable development. I have described this above and I explain its application to decision taking in this case, in Section 6 below.

Implementation of the NPPF

4.3.35 Annex 1 of the NPPF sets out implementation advice and I refer to this as appropriate in Chapter 6.

4.3.36 There are therefore elements of the NPPF which are relevant to the main issues raised in this Appeal and which importantly, also inform the way in which the application should be determined. I have commented on the consistency of relevant Development Plan policies in this case with the policies of the NPPF in the previous section of my Proof. In my final section, I give my opinion on how the provisions of the NPPF interact with the various parts of the Development Plan in the overall determination.

4.4 Ministerial Statements: June 2013

4.4.1 The statements made to Parliament on 6 June 2013 were made by:

- The Secretary of State of the Department of Energy and Climate Change (DECC) the RT Hon Edward Davey MP (**CD 2.4**); and
- The Secretary of State for Communities and Local Government the RT Hon Eric Pickles MP (**CD 2.3**).

4.4.2 The two statements were issued simultaneously in a co-ordinated stance by Government and both need to be read in that context. The Statements have now been overtaken by the publication of the Planning Practice Guide (PPG) (**CD 2.5**) at the end of July 2013 which the Statements give notice of, but my detailed comments on the Statements are as follows.

4.4.3 The two statements also need to be read in the context of the Government's published Report entitled 'Onshore Wind Call for Evidence: Government Response to Part A (community engagement and benefits) and Part B (costs) issued by DECC in early June 2013 (**CD 7.21**). The call for evidence ran for 8 weeks and closed on 15 November 2012.

4.4.4 In terms of Part A, paragraph 12 of the document makes it clear that the Government's response needs a package of measures and action aimed at strengthening engagement and empowering local people. This is aimed at enhancing community benefits, improving local economic impacts and increasing community ownership. The key element of this comprises "*compulsory pre-application consultation with local communities in planning for onshore wind*".

4.4.5 It is clear from the call for evidence report that DECC views "a focus" on renewable energy and onshore wind as part of the positive action on climate change that can be pursued by Government and communities.

4.4.6 Other key elements of the Government's approach relate to matters such as community ownership and buy in and enhancing local economic impacts. Reference is also made to a 5 fold increase in community benefit packages and the expectation that there will be a revised Community Benefit Protocol including an increase in the recommended community benefit package in England.

4.4.7 The statement by SoS Davey makes it clear that the points expressed by him stem from the Government's response to the onshore wind call for evidence (referred to above). He states at the outset that:

"*appropriately sited onshore wind, as one of the most cost effective and proven renewable energy technologies, has an important part to play in a responsible and balanced UK energy policy. It is low carbon and brings new growth, investment and jobs to the UK economy. It reduces our reliance on important fossil fuels and helps keep the lights on and our energy bills down. The UK has some of the best wind resources in Europe, and the government is determined that the UK will retain its reputation as one of the best places to invest in wind energy and renewables more generally. We have also legally committed to ensure that 15% of our energy will come from renewable sources by 2020".*

4.4.8 It is important therefore that the parallel statement from SoS Pickles is read in the context of this position on onshore wind from DECC. From the above statement by Secretary of State Davey, it is clear that the Government is being explicit in stating that onshore wind, as one of the most cost effective technologies, has an important part to play in on-going energy policy. This is confirmed in the new PPG.

4.4.9 What is very clear from the statements is that there is no change advocated to the policies expressed in the NPPF or in the NPS documents and indeed this has been borne out with the publication of the PPG.

4.4.10 The Ministerial Statements refer to four 'bullet points' which are now addressed in the new PPG, namely:

- The need for renewable energy;
- Cumulative impact;
- Topography; and
- Heritage assets.

4.4.11 I deal with each of these in turn in the next section with regard to the recently published PPG. In summary, the considerations set out in the Ministerial Statements are those that would already be applied under the NPPF and in standard environmental impact assessment procedures and indeed these considerations have been addressed by the Appellant in the formulation of the proposed development.

4.5 The Planning Practice Guide: July 2013

4.5.1 On 30th July 2013, the DCLG issued Planning Practice Guidance (PPG) entitled 'Planning Practice Guidance for Renewable and Low Carbon Energy' (**CD 2.5**) which states that it should be read alongside other planning practice guidance and the NPPF. The PPG states the Companion Guide to the former PPS 22 is cancelled.

4.5.2 The introductory section to the PPG proposes the question - why is planning for renewable and low carbon energy important? It states at paragraph 3 that:

"planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable".

4.5.3 This statement chimes with paragraph 98 of the NPPF. Paragraph 3 also gives four reasons why this is important namely in relation to:-

- Increasing the amount of renewable energy;
- Helping to make the UK have a secure energy supply;
- Reducing greenhouse gas emissions to slow down climate change; and
- To stimulate investment in new jobs and businesses.

4.5.4 Paragraphs 5-11 refer to LPAs developing a positive strategy to promote the delivery of renewable and low carbon energy and also refer to how LPAs can identify suitable areas for such infrastructure. Paragraph 9 makes reference to the DECC methodology for assessing the capacity for renewable energy development. In this regard the most recent evidence base report for renewable energy in the East Midlands is relevant (referred to in Chapter 5 below) and would be consistent with the advice in the PPG to the extent that assessing capacity is a key step in identifying suitable areas for renewable and low carbon energy.

4.5.5 Paragraph 12 *et seq* refers to technical considerations relating to renewable energy technologies. Paragraph 13 cross refers to the NPS documents and paragraph 15 states that:

"*In shaping local criteria for inclusion in Local Plans and considering planning applications in the meantime, it is important to be clear that:-* (6 bullet points follow which I address below)

The need for renewable or low carbon energy does not automatically override environmental protections.

4.5.6 It has never been part of the Appellant's case for the proposed development that the need case for renewable energy as expressed through national policy would automatically override environmental matters and material planning concerns of local communities.

4.5.7 It is widely accepted in the planning system that when dealing with onshore wind developments, there is no such automatic overriding of local considerations. It is also a matter that has never been supported in any way in national planning policy documents.

4.5.8 The use of the term "automatically" indicates that whilst the need case will not by default be a "trump card" or override all considerations, there will be situations when it will be a material consideration that will outweigh certain local considerations. Given national planning policy indicates that there will be significant effects arising from the deployment of commercial scale onshore wind energy, there will be situations where the benefits of a given scheme (which may well include the renewable energy need case) outweigh environmental issues arising.

Cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases.

4.5.9 Cumulative impact issues are as a matter of course taken into account where cumulative considerations are perceived to arise in either planning applications or in Appeals.

4.5.10 Cumulative matters have been considered in relation to the proposed development and this is set out in the application documentation and is addressed by way of an update in Mr Stevenson's evidence.

Local topography is an important factor in assessing whether when turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be great in predominately flat landscapes as in hilly or mountainous areas.

4.5.11 The majority of wind farm applications involve landscape and visual impact assessments (LVIA) which is a standard process for examining such impacts of a development. The studies are normally undertaken by chartered landscape architects and there is a large body of standard methodologies prepared by the Landscape Institute and the Institute of Environmental Management and Assessment covering the assessment process.

4.5.12 Such an approach, of preparing a detailed LVIA, has been undertaken for the proposed development and this included detailed consideration of how the proposed wind farm would relate to local topography.

4.5.13 Wind farm siting and design in relation to landscape and visual characteristics takes into account topography as a key consideration amongst other factors, such as for example natural or cultural heritage interests and / or statutory designations, as well as matters such as aviation constraints, proximity to settlements etc.

4.5.14 An important point is for wind farms to be sited and designed so that they appear visually balanced in relation to underlying and surrounding landform and it is important that as a general principle, a wind farm does not seem to overwhelm a distinctive character and scale of landform.

4.5.15 The LVIA for the proposed development fully addresses landform as part of the design and siting approach that has been taken and the conclusion reached is that the proposed development is acceptable in terms of its relation to its landscape context including its relationship with surrounding topography.

4.5.16 The criterion on topography draws attention to flat landscapes and suggests impacts can be as great or greater than impacts on hilly or mountainous landscapes. That may be the case in certain circumstances, but it is generally the case that the characteristics of flat landscapes, if they are large scale and simple, with horizontal skylines, have a generally higher capacity to accommodate wind farm development. However, it is very difficult to judge on the basis of simple generalisations and the important point is that an objective appraisal should be undertaken for particular schemes, in their individual landscape contexts. Such an appraisal has been undertaken for the proposed development.

Great care should be taken to ensure that heritage assets are conserved in a manner appropriate to their significance, including the impacts of proposals on views important to their setting.

4.5.17 Consideration of heritage assets is a topic that has featured extensively in the consideration of planning applications and appeals in relation to wind energy developments. Effects on setting are usually the only likely effects on cultural heritage assets unless there are potential effects on archaeological remains which may be affected during the construction process. In the case of the latter issue, this is matter that is normally addressed through the design and siting approach for a development and can also be satisfactorily addressed by means of the application of appropriate planning conditions.

4.5.18 Policy guidance in the NPPF is very clear on the approach that is to be taken on this topic. This is set out in section 12 of the NPPF where it is made clear that decision makers need to carry out a balancing exercise before they arrive at a decision on the overall acceptability of a given proposal.

4.5.19 In the case of the proposed development, effects on cultural heritage assets have been carefully considered and reported in the ES and are addressed further in the evidence of Mr Brown. The proposed development is considered to be acceptable with regard to such effects.

Proposals in National Parks and Areas of Outstanding Natural Beauty and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration.

4.5.20 The situation whereby a proposed development in a setting of a National Park or AONB and which could have an effect on such a designation has always been a material planning consideration, to be judged on the respective merits of a given case. Such careful consideration has been undertaken in this case.

Protecting local amenity is an important consideration which should be given proper weight in planning decisions.

4.5.21 Again, local amenity considerations on material planning matters have always been addressed in planning determinations, to be judged on the respective merits of a given case. In this case such matters have been carefully considered and have been afforded appropriate weight.

4.5.22 The first four 'bullet points' above were set out in the Ministerial Statements of 6th June, but the last two are new; introduced by the PPG.

4.5.23 Paragraph 16 provides relevant advice with regard to buffer zones and separation distances and states that:-

"*Local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or other separation distances. Other than when dealing with setback distances for safety, distance of itself does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part but so do the local context including topography, the local environment and nearby land uses. This is why it is important to think about in what circumstances proposals are likely to be acceptable and plan on this basis".*

4.5.24 Page 9 of the document sets out the particular planning considerations that relate to wind turbines, which in summary include:-

- Paragraph 30 refers to noise impacts and states that report 'The Assessment and Rating of Noise for Wind Farms (ETSU-R-97) should be used by LPAs when assessing and rating noise from wind energy developments;
- Paragraph 31 refers to safety and provides guidance in relation to buildings, power lines and air traffic and safety, defence, radar and the strategic road network;
- Paragraph 32 refers to electromagnetic transmissions;
- Paragraph 33 refers to ecology;
- Paragraph 34 refers to cultural heritage
- Paragraph 35 refers to shadow flicker and reflected light;
- Paragraph 39 refers to cumulative landscape and visual matters.

4.5.25 All the above topics are already addressed in national planning policy and related guidance and are standard matters when considering commercial scale wind energy developments in an EIA approach.

4.5.26 One new matter appears in the PPG at paragraph 38 where the question is posed – how to assess the likely energy output of a wind turbine? The paragraph states:

"*as with any form of energy generation this can vary and for a number of reason. With wind turbines the mean wind speed at hub height, (along with the statistical distribution of predicated wind speeds about this mean and the wind turbines used) will determine the energy captured at a site. The simplest way of expressing the energy capture at a site is by use of a capacity factor. This though will vary with location and even by turbine in an individual wind farm this can be useful information in considering the energy contribution to be made by a proposal, particularly when a decision is finally balanced".*

4.5.27 In this, an Energy Report for the proposed development is provided at my **Appendix 10** which sets out information on the predicted capacity factor. This is not a requirement and is provided for information.

Conclusions on the new PPG

4.5.28 Overall, I consider in drawing conclusions on the PPG, that:-

- The need for an increase in renewable energy has been restated and the role of onshore wind, in plan making is emphasised in the document in a facilitating way.
- The references to plan making indicates a long term view on the deployment of wind energy.

- The various technical and advisory topics relating to onshore wind in the PPG would already be applied under the provisions on the NPPF and EIA procedures and they have been addressed by the Appellant in this case.
- There is no change in Government policy with the introduction of the PPG.
- Whilst helpful, the PPG does not require the Appellant or decision maker in this case to do anything more or different.

4.5.29 In my view the proposed development is consistent with the relevant provisions of the new PPG.

4.6 The National Infrastructure Plan

4.6.1 On 29th November 2011, the Government Department HM Treasury and Infrastructure UK published the 'National Infrastructure Plan' (NIP) 2011 (**CD 7.10**). It makes specific reference to the role of renewable energy as part of the Government's overall economic strategy and within it are specific references to the role of the planning system.

4.6.2 The Foreword to the document makes it clear that investing in infrastructure is a key part of the Government's economic strategy and that Government is committed to prioritising investment in infrastructure projects that will support growth. The document sets out a comprehensive and detailed strategy for co-ordinating and planning public and private investment in UK infrastructure, to help promote growth across the regions. The Foreword makes clear that it is about *inter alia*, putting "*our energy supply onto a more sustainable footing*" such that it will create the foundations of a stronger, sustainable and more balanced economy.

4.6.3 The NIP specifically refers to 'the UK's Energy Systems' (page 52) and states that the vision is to secure a low carbon and affordable energy system. It states at paragraph 3.60 that: "*to achieve this, there will need to be an increase in energy generation from renewable sources ….*".

4.6.4 Paragraph 3.66 makes it clear that around one fifth of the UK's electricity generation capacity (roughly 20 GW) will close over the next decade. Ambitions for the energy sector are set out at paragraph 3.69 and these include inter alia:

- To maintain security of supply;
- To reduce the carbon intensity of the electricity system;
- To attain the Renewable Energy Directive requirement of 15% of all energy consumed in the UK to come from renewable sources by 2020.

4.6.5 In terms of 'action to get there' in terms of security of supply, the Government's approach is to progress the next phase of the Electricity Market Reform (EMR) to which I have referred to in section 5 below. The NIP states that in addition to market wide measures, the Government will provide stable financial support for renewable technologies by introducing new banding for the RO from 2013, with a managed transition to the new Contracts for Difference Feed in Tariff mechanism.

4.6.6 Renewable energy is specifically referred to at paragraph 3.85 *et seq* and there is reference to the 'Renewable Energy Roadmap' (**CD 7.6**) which it states lays out a plan of action to further accelerate renewables deployment. It states that it: "*identifies those technologies that have either the greatest potential to meet the 2020 target in a cost effective and sustainable way, or offer the greatest potential for the decades that follow*".

4.6.7 It is quite clear from the document that the Government expects the planning system to deliver infrastructure so that it can help to support sustainable economic growth.

4.6.8 The NIP makes specific reference to the role of renewable energy in the UK energy system, with specific emphasis on the role it can play in helping to drive economic growth and importantly, can make an early positive contribution to the UK's economic recovery. This is a benefit from renewable energy developments that is highlighted in the new PPG issued by the Government is July 2013. Although not strictly national planning policy, the NIP deserves significant weight as a further material consideration in the planning balance in support of the proposed development.

4.7 Conclusions on National Planning Policy

4.7.1 Taking account of the renewable energy and national planning policy position, the policy landscape continues to be very supportive of renewable energy generation. Clearly not at any cost but the thrust of policy is very clear, which the Coalition Government has maintained, namely that there is a significant challenge in attaining important targets by the milestone of 2020 (and indeed beyond that date) and that onshore wind is expected to make a major contribution to renewable electricity generation capacity.

4.7.2 The NPPF does not repeat the key principle set out in PPS 22 that the wider benefits of a scheme must be given significant weight in the planning balance. However, supporting the transition to a low carbon future in a changing climate is one of the key principles of the NPPF. That, coupled with what the Government has said in the Roadmap and EN-1 makes clear that the benefits of this scheme must carry significant weight in the decision making process.

4.7.3 A helpful and concise summary of national and renewable energy planning policy was set out in the Chelveston wind farm Appeal decision of June 2012 (**CD 6.22**) at paragraphs 20-27.

4.7.4 The NPS documents, the NPPF and the new PPG, are key material considerations which attract significant weight. The new PPG does not introduce a change in policy. It clarifies matters which need to be taken into account in plan making and decision taking with regard to renewable energy developments.

5 Renewable Energy Policy Background

5.1 Introduction

5.1.1 In this Section I provide an overview of the current renewable energy policy framework and explain the need for the proposed development in this context. I refer to the international and national obligations that drive national, local and relevant Government policy. I also consider the regional renewable energy evidence base.

5.2 Renewable Energy Policy

5.2.1 It is well established that extant Government policy cannot be challenged or its merits debated at a Public Inquiry. Government policy is an important material consideration in planning determinations and in this Inquiry.

5.2.2 The Energy Challenge (July 2006) set out the 'Statement of National Need for Renewable Energy' in its Annex D. I provide relevant extracts in my **Appendix 1**.

5.2.3 The White Paper entitled 'Meeting the Energy Challenge' May 2007 is also relevant and I provide extracts in my **Appendix 2**.

5.2.4 Box 5.3.3 in the White Paper restated the 'Renewables Statement of Need' and included the important statement that, inter alia:

"*New renewable projects may not always appear to convey any particular local benefit, but they provide crucial national benefits. Individual renewable projects are part of a growing proportion of low carbon generation that provides benefits shared by all communities both through reduced emissions and more diverse supplies of energy, which helps the reliability of our supplies. This factor is a material consideration to which all participants in the planning system should give significant weight when considering renewable proposals.*

These wider benefits are not always visible to the specific locality in which the project is sited, however the benefits to society and the wider economy as a whole are significant and this must be reflected in the weight given to these considerations by decisions makers in reaching their decisions."

The UK Renewable Energy Strategy

5.2.5 The UK Renewable Energy Strategy (UKRES) was issued by the Department of Energy and Climate Change (DECC) in July 2009 (**CD 7.1**).

5.2.6 The Strategy states that the UK needs to "*radically increase our use of renewable electricity*….". The document sets out the means by which the UK can meet the legally binding target of 15% of energy consumption20 from renewable sources by 2020. This will mean a 7-fold increase in the share of renewables in little more than a decade (page 8).

5.2.7 In the UKRES, a 'lead scenario' is presented which suggests that more than 30% of electricity should be generated from renewables by 2020, which would be up from approximately 5.5% in 2009[21]. The majority of this is expected to come from wind power, both on and offshore.

5.2.8 In terms of financial support, the UKRES sets out a framework of long term, comprehensive and targeted financial support for renewables. The UKRES stated that the Renewables Obligation was to be expanded and extended to ensure it can deliver approximately 30% renewable electricity by 2020 (para 3.4).

5.2.9 The UKRES makes the point that the Strategy is expected to deliver significant environmental benefits, in particular by contributing to global action against climate change. It recognises that there will also be some 'pressures' on local environments from new infrastructure provision. The document states that if the renewable

[20] Renewable energy accounted for 4.1% of energy consumption in 2012, as measured using the 2009 Renewable Energy Directive (RED) methodology, an increase from the 2010 position of 3.9% (Source: DECC, Digest of UK Energy Statistics (DUKES) July 2013) (**CD 7.22**).

[21] The contribution of all renewables to UK electricity generation was 11.3% in 2012. (Source: DECC, Digest of UK Energy Statistics (DUKES) July 2013) (**CD 7.22**).

energy targets and longer term carbon reduction targets are to be met, then "*many communities will need to 'host' renewable energy projects such as wind farms*…." (UKRES, paragraph 6.3).

5.2.10 The UKRES refers explicitly to economic and employment opportunities: these are highlighted and the aspiration is for the UK to be at the forefront of global competition in the low carbon economy. The Government estimates that the Strategy will deliver a range of benefits including:-

- Putting the UK on a path towards decarbonising the production of energy in the UK, alongside nuclear and carbon capture and storage.
- Contributing to the security of energy supplies in the UK through reducing demand for fossil fuels of around 10% and gas imports by between 20 – 30% against forecast use in 2020.
- Bring outstanding business opportunities and enable the UK to restructure into a low carbon economy, providing around £100Bn of investment opportunities and contribute to the creation of up to 0.5m more jobs in the UK renewable energy sector.
- The strategy is expected to deliver significant environmental benefits, in particular by contributing to global action against climate change. It recognises that there will also be some pressures on the local environments and natural heritage from new infrastructure provision.

5.2.11 With regard to the economic benefits of the proposed wind farm, it is apparent from the UKRES that Government takes the view that addressing climate change presents "*a huge opportunity*" in terms of maximising economic opportunities (UKRES, para 1.8, p27). The Government notes that supplying the demands of a low carbon economy offers a significant potential contribution to the economic growth and job creation in the UK, "*not only as part of our short term economic recovery but also through sustainable growth over the decades to come*". Noting that up to half a million additional jobs might be generated in the UK renewables sector and its related supply chains, the Government states (UKRES, para 1.9) that "*the current economic difficulties make this even more important*…" This is a matter that is emphasised in the new PPG of July 2013.

5.2.12 The UKRES also makes it clear (para 2.36) that sufficient progress needs to be made each year "to remain on track to achieve our 2020 target". Under the Renewable Energy Directive, the UK has Interim Targets to achieve the following shares for renewables in the energy mix, namely:

- 4.0% in 2011-12;
- 5.4% in 2013-14;
- 7.5% in 2015-16;
- 10.2% in 2017-18.

5.2.13 UKRES makes it clear that regional targets form a key building block in the attainment of national targets. Although the RSS is now revoked, the contribution of installed capacity at the regional level remains important to the attainment of national objectives. I address this below.

The Low Carbon Transition Plan (2009)

5.2.14 Along with the UKRES, the UK Government published the UK Low Carbon Transition Plan, (LCTP) as a White Paper in July 2009 (**CD 7.11**). The plan seeks to deliver emission cuts of 18% on 2008 levels by 2020 (and over a third reduction on 1990 levels) (p4).

5.2.15 The White Paper seeks to ensure that the UK will get 40% of electricity from low carbon sources by 2020, with policies to produce approximately 30% of UK electricity from renewables by 2020 (in line with the UKRES), by substantially increasing the requirement for electricity suppliers to sell renewable electricity (p4).

5.2.16 It states that the UK Government has put in place the world's first legally binding target to cut emissions by 80% by 2050 and it has set five year "carbon budgets" to 2022 to "*keep the UK on track*" (p6). The White Paper sets out how these budgets will be met for the first time.

5.2.17 In terms of carbon savings to 2020, in April 2009 the Government announced the first three budgets, covering the periods 2008 – 12, 2013 -17 and 2018 – 22. The Government has emphasised that the carbon budgets will be

"stretching" (p36 and repeated on p38). The final budget period centred on 2020 requires a 34% cut on 1990 levels.

5.2.18 The UK's carbon budget is stated as being the equivalent to a 34% cut in greenhouse gas emission by 2020 (p39). This figure is based on a comparison of average annual emissions over the budget period against UK emissions in 1990.

5.2.19 In terms of the planning system, at page 67 of the White Paper, Government takes the clear position that "*the planning system will need to play a central role in supporting the deployment of renewable energy*". The White Paper highlights that delivering large increases in renewable electricity will be critical in decarbonising the power sector.

National Policy Statements for Energy

5.2.20 The Overarching NPS for energy (EN-1) (**CD 2.7**) and the NPS for renewable energy infrastructure (EN-3) (**CD 2.8**) were approved in July 2011. They are material considerations in this Appeal and should be accorded significant weight.

5.2.21 NPS document EN-3 'Renewable Energy Infrastructure' makes it clear at section 2.7 that:

"*onshore wind farms are the most established large scale source of renewable energy in the UK. Onshore wind farms will continue to play an important role in meeting renewable energy targets*".

5.2.22 The document makes it clear that NPSs can be a material consideration in decision making in relevant applications that fall under the Town and Country Planning Act 1990 (as amended). I have referred to the NPS documents in more detail in Section 4 above, in the context of national planning policy.

The Coalition Government

5.2.23 The Coalition Government in 'Our Programme for Government[22]' (**CD 7.12**) stated with regard to energy and climate change:

"The Government believes that climate change is one of the gravest threats we face, and that urgent action at home and abroad is required. We need to use a wide range of levers to cut carbon emissions, decarbonise the economy and support the creation of new green jobs and technologies…..we will seek to increase the target for energy from renewable sources, subject to the advice of the Climate Change Committee".

National Renewable Energy Action Plan for the UK

5.2.24 The Government also published the 'National Renewable Energy Action Plan for the United Kingdom[23]' in July 2010. It states (page 4) that:

"The UK needs to radically increase its use of renewable energy. The UK has been blessed with a wealth of energy resources. …As we look forward, we need to ensure that we also make the most of our renewable resources to provide a secure base for the UK's future energy needs".

5.2.25 This Action Plan (page 4) also makes reference to the independent UK Committee on Climate Change (CCC) and that "it will review the renewables target and provide advice on increasing the level of ambition".

Committee on Climate Change

5.2.26 The CCC responded by letter[24] (**CD 7.4**) to the Secretary of State for Energy on 9th September 2010 and with regard to the renewable energy ambition for 2020, stated:

22 HM Government, 'The Coalition: Our Programme for Government', p16, 2010.

23 The National Renewable Energy Action Plan for the United Kingdom, under Article 4 of the Renewable Energy Directive 2009/28/EC, July 2010.

24 Letter from Lord Turner, Chairman of the Committee on Climate Change to the Rt. Hon Chris Huhne MP the then Secretary of State for Energy and Climate Change, dated 9th September 2010.

"The envisaged contribution from renewable electricity (to account for around 30% of total generation by 2020, compared with 6.6% in 2009) is appropriate in the context of the need to substantially decarbonise the power sector by 2020, on the path to meeting the economy wide target to reduce 2050 emissions by 80% relative to 1990 levels. Investment now in a broad range of renewables technologies, but predominantly ***onshore and offshore wind****, will directly contribute to required decarbonisation…it could also provide economic opportunities for UK based firms".* (Emphasis added)

5.2.27 The letter added (page 2) that meeting the 2020 renewable energy target would require a step change in the rate of progress.

5.2.28 The 'Renewable Energy Review' (published by the CCC on 9 May 2011) ("the RER") (**CD 7.5**) expressed the view that whilst the UK Government's 2020 ambition is appropriate, its achievement will require large-scale investment and new policies to help support technology innovation and to address barriers to uptake in order to suitably develop renewables as an option for future decarbonisation. The RER also acknowledges that, compared with onshore wind, most other renewable energy generation technologies are expensive and likely to remain so until at least 2020, and in some cases considerably later.

5.2.29 Consequently, onshore wind is a key element of the portfolio of low carbon generation technologies which the CCC says is required to ensure that the UK's renewable energy targets and climate change commitments are met. However, the RER recognises that further approvals will be required in order to deliver the renewable energy (and, in particular, the onshore wind) ambition which is advocated by the UKRES.

5.2.30 The most recent report[25] by the CCC published in May 2013 (**CD 7.35**) concludes that there is "*clear benefit in committing to invest in low carbon generation over the next two decades*". The CCC's advice to Government is that "*Government should state clearly that it intends to support investments in low carbon technologies through the 2020's*" (Executive Summary, page 5).

The 'UK Renewable Energy Roadmap' 2011

Government Commitment

5.2.31 The Department of Energy and Climate Change (DECC) issued the 'UK Renewable Energy Roadmap' in July 2011 (**CD 7.6**), alongside the Government's Electricity Market Reform White Paper.

5.2.32 The introduction explains that the goal is to ensure that 15% of UK energy demand is met from renewable sources by 2020. At paragraph 1.3, it explains that the ambition extends beyond 2020 and there is reference to the recent advice from the CCC which has concluded that there is scope for penetration of renewable energy to meet 30% – 45% of all energy consumed in the UK by 2030.

5.2.33 The Roadmap sets out an analysis of recent trends in renewables deployment and the pipeline of projects that could come forward before 2020. It addresses the barriers to be overcome and sets out a targeted programme of action which the Government is taking in order to increase renewables deployment (paragraph 1.8).

5.2.34 The Roadmap sets out a delivery plan to achieve the UK's renewable energy target over the next decade, based upon potential deployment levels and current constraints.

Deployment

5.2.35 DECC's modelling is based upon work conducted by AEA Technology and involved stakeholder engagement, which considered build rates, technology costs and policy implications for the deployment of each technology. It concludes that 15% of projected UK energy can be delivered by 2020 (the equivalent of 234TWh), from a mixture of electricity generation, heat installations and over 5% of transport fuels from renewables. Paragraph 2.17 states that the UK's total energy consumption from renewable energy was 3.3% in 2010 and that:

[25] 'Committee on Climate Change 'Next Steps on Electricity Market Reform – securing the benefits of low carbon investment', May 2013. The report considers how the Government's EMR and Energy Bill related policies, to support investment in the years up to 2020 might be advanced particularly in light of the opportunities presented by the exploitation of shale gas.

"*there will need to be more than a fourfold increase in our renewable energy consumption by 2020 if 15% of our energy needs are to be met from renewable sources. Consumption of renewable energy will need to rise by 17% per annum to meet that goal*". (page 20).

5.2.36 AEA Technology forecast 29GW of renewable electricity capacity in operation by 2020[26] (paragraph 2.20).

5.2.37 Various uncertainties in deployment by 2020 are highlighted, such as the cost of technologies (especially for marine technologies, page 19), the level of renewable energy deployment and future demand. Although the pipeline of new capacity is considered to be healthy (paragraph 2.20), the analysis indicates that: "*we cannot be certain that all the projects in the pipeline will be consented or commissioned, or that they will progress quickly enough to contribute*".

5.2.38 Onshore wind is recognised as the biggest single contributor to the pipeline (paragraph 2.22), with over 11GW of capacity in planning, consented or under construction. The offshore wind pipeline is "*expected to grow*". The conclusions from the analysis state that there is still an urgent need for new projects to come forward (page 26).

Onshore Wind

5.2.39 The Roadmap focuses on the 8 technologies that have the greatest potential to help the UK meet the 2020 target in a cost effective and sustainable way, or offer great potential for the decades that follow. In terms of onshore wind: the 'central range' for the deployment of onshore wind indicates that this technology could contribute up to 13GW by 2020.

5.2.40 At paragraph 3.13, the Roadmap makes it clear that there is still a need to tackle challenges to deployment and that new proposals will also be required to come forward to meet the 2020 ambition, as well as longer term decarbonisation objectives.

Other Technologies

5.2.41 Whilst there is an important role for onshore wind, biomass volumes are forecast in the Roadmap to increase significantly. The supply chain implications for this in addition to requirements for renewable heating and transport fuels are huge. The ambition for biomass electricity depends on the availability of suitable feedstock. It is recognised that the supply chain for biomass feedstock is "*currently too immature and must expand to support the level of biomass electricity generation we envisage given competing uses for the fue*l" (page 73/ 74).

5.2.42 With regard to offshore wind, it is stated that there is the potential to have up to 18GW deployed by 2020. The report acknowledges the recommendation by the CCC, that offshore wind deployment should be limited to 13GW by 2020 unless there is clear evidence of cost reduction. The 18GW figure assumes a 30% cost reduction in offshore wind costs (page 42). Increasing the rate of deployment to realise offshore potential "*will require a substantial reduction in costs*" (page 42).

5.2.43 The Roadmap is a relatively recent and comprehensive expression of Government policy on renewable energy and the strategy for its deployment. In my view, it should be accorded significant weight. Furthermore, it is intrinsically linked to the EMR White Paper (to which I refer below). The Roadmap was updated in December 2012 and I also refer to this below.

The Carbon Plan (2011)

5.2.44 The Coalition Government issued the Carbon Plan 'Delivering our Low Carbon Future' (**CD 7.15**) in December 2011. It sets out the Government's plans for achieving the emissions reductions committed to in the first four Carbon Budgets covering the overall period from 2008 to 2027. These are related to the legally binding targets to reduce the UK's greenhouse gas emissions as set out in the Climate Change Act 2008. The Plan also sets out how the UK will achieve de-carbonisation within the framework of the Government's overall energy policy.

5.2.45 The vision, summarised at paragraph 10 (page 4) states: "*if we are to cut emissions by 80% by 2050, there will have to be major changes in how we use and generate energy…. electricity will need to be decarbonised through renewable and nuclear power, and the use of carbon capture in storage (CCS*)".

[26] As noted at the start of this Chapter, the DECC 'Energy Trends' report of March 2013 (**CD 7.17**) records that renewable electricity capacity was 15.5 GW at the end of 2012. Onshore wind is the largest contributor in terms of different renewable technologies, to this capacity.

5.2.46 With regard to electricity, paragraph 16 sets out the three parts of the Government's expected generation portfolio, namely renewable power, nuclear and coal and gas fired power stations fitted with CCS. Paragraph 43 states that the power sector accounts for some 27% of UK total emissions by source and that by 2050, emissions from the sector need to be close to zero. Added to this, with the potential electrification of heating, transport and industrial processes it is estimated that electricity demand may rise between 30 and 60%[27] and in such circumstances, "*we may need as much as double today's electricity capacity to deal with peak demand*" (paragraph 44).

5.2.47 Paragraph 45 reiterates that while the overall direction is clear, there are major uncertainties over both the most cost effective mix of technologies and the pace of transition. It adds that "*the Government is committed to ensuring that the low carbon technologies with the lowest costs will win the largest market share*". Therefore, whilst there is some flexibility in the overall eventual mix that will constitute the future UK generation platform, wind energy as a low cost renewable technology has an important place.

5.2.48 Paragraph 46 states that over the next decade:-

"We need to continue reducing emissions from electricity generation through increasing the use of gas instead of coal, and more generation from renewable sources. Alongside this, we will prepare for the rapid decarbonisation required in the 2020s and 2030s by supporting the demonstration and deployment of the major low carbon technologies that we will need on the way to 2050".

5.2.49 The Government sets out its commitment to a revised fiscal mechanism for stimulating renewable investment and states that the introduction of Feed in Tariffs with Contracts for Difference from 2014 will provide "*stable financial incentives for investment in all forms of low carbon generation*".

The Electricity Market Reform (EMR) White Paper

5.2.50 The Government set out its intention to reform the electricity market in the EMR White Paper (July 2011) (**CD 7.19**). In May 2012 the Government published a draft Energy Bill. Scrutiny since then by Parliament has resulted in the refinement of EMR proposals and the publication of the Energy Bill in November 2012 – this is referred to further below.

5.2.51 In the White Paper onshore wind is described as a "*mature technology*" (paragraph 2.3.25), in which the market can be prepared to invest with some certainty.

5.2.52 The White Paper states that, "*The policy proposals …….form part of a much wider DECC agenda aimed at energy decarbonisation and security of supply*". The decarbonisation of electricity generation informs one of the three "key objectives" of the EMR (paragraph 1.3) and it is acknowledged that such an objective is implicitly linked to the issue of climate change and the achievement of national and European renewable energy targets.

5.2.53 Chapter 1 of the White Paper describes the "vision" which is to be achieved by 2030 (see Box 1):

"By 2030, we will have achieved a reduction in our greenhouse gas emissions across the whole economy in line with our carbon budgets and will be firmly on track to achieving at least an 80 per cent reduction by 2050. We have substantially decarbonised electricity supply and also get more than one third of electricity generation from renewable sources… Wind power forms a substantial part of our generation mix with cost competitive wind turbines both on and offshore". (my emphasis).

5.2.54 "Ensuring the future security of electricity supplies" is the first of the primary objectives in the EMR. Wind power is seen as being a reliable and stable future technology, which should form part of the "generation mix" in accordance with a range of advancing and currently infant renewable technologies.

5.2.55 The White Paper is an expression of Government policy and illustrates the direction of travel intended by Government with priorities including decarbonisation of electricity generation and greater energy security. In my view, it should be afforded significant weight.

[27] Note that the Annual Energy Statement (November, 2012 DECC, **CD 7.25**, p13) states at para 2.4 that "*electricity demand is likely to increase significantly over time due to the electrification of heat and transport. Recent DECC analysis shows that electricity demand is likely to increase by between 30% and 100% by 2050*".

The Renewables Obligation and the Consultation on Banding Review

5.2.56 The framework of the Renewables Obligation (RO) has created significant demand for renewable generation and the market has reacted by bringing forward proposals for new renewable plant. A large proportion of these proposed new developments are for onshore wind-powered generation in the UK.

5.2.57 Electricity supply businesses are subject to the RO, which requires them to source a specific and annually increasing percentage of the electricity that they supply from renewable sources. If they do not achieve the required percentage, then financial penalties are applied.

5.2.58 The UK Government issued a 'Consultation on Proposals for the levels of banded support under the Renewables Obligation for the period 2013-17 and the Renewables Obligation Order' on 20th October 2011. The consultation ended on 12th January 2012. The Executive Summary of the document states that the Coalition Government has made clear its commitment to increasing the deployment of renewable energy across the UK (page 8). The Government proposed to adjust the RO banding to deliver the deployment trajectory set out in the UK Renewable Energy Roadmap. The Government is proposing to reduce support for onshore wind by 10% to 0.9 ROCs/MWh) which reflects the technology maturity and cost competitiveness of onshore wind. Onshore wind is specifically addressed at page 29 *et seq* in the consultation document and it states that the analysis informing the consultation has concluded that:

"*onshore wind within the UK still has significant deployment potential. Utilising the best onshore wind sites, together with the repowering of existing sites with newer, more efficient turbines, could provide an increase from present levels to deliver up to 13GW of capacity by 2020*".

5.2.59 In terms of RO support the document states (paragraph 3.7) that:

"*as one of the most cost effective and developed of all the renewable energy technologies, we recognise the continuing significance of onshore wind for achieving our renewable energy target*". (underlining added).

5.2.60 Therefore, the EMR proposals confirmed that onshore wind remains an important technology for the delivery of the Government's national targets for renewable electricity generation. In terms of the RO mechanism, there is justification and need for the development that is related to Government policy, which arises from a distinct legal obligation that seeks to bring about an increase in the proportion of electricity to be supplied from renewable sources. These factors can in my view properly be regarded as relevant and material considerations in the determination of this Appeal.

The Energy Bill and Annual Energy Statement 2012

5.2.61 On 23 November 2012 DECC, issued a Press Notice entitled 'Government Agreement on Energy Policy sends clear, durable signal to investors' (**CD 7.24**). It contained various statements by the Energy and Climate Change Secretary which included the following:-

"*This is a durable agreement across the Coalition against which companies can invest and support jobs and our economic recovery. The decisions we've reached are true to the Coalition agreement, they mean we can introduce the Energy Bill next week and have essential electricity market reforms up and running by 2014 as planned. They will allow us to meet our legally binding carbon reduction and renewable energy obligations and will bring on the investment required to keep the lights on when bills affordable for consumers*".

5.2.62 Following this, the Annual Energy Statement was delivered to Parliament by the Energy and Climate Secretary on 29 November 2012. On the same date, the Statement was published (**CD 7.3**).

5.2.63 In the oral Statement, the Minister stated (**CD 7.25**) that:

"*we are preparing a once in a generation transformation of the energy landscape to bring on massive private sector investment which will boost the economy, create jobs and power Britain to a prosperous low carbon future"*

5.2.64 The Annual Energy Statement (the "Statement") was published on 29 November 2012. It states at section 1.1 that the Government's vision is for a thriving, globally competitive, low carbon economy and that energy policy is guided by the following objectives, *inter alia*:-

- Energy security;

- Climate change: to lead the UK Government's efforts to prevent dangerous climate change, both through international action and through cutting our own greenhouse gas emissions.
- Support growth: deliver our policies in a way that maximises the benefits to the economy in terms of jobs, growth and investment, …. and seizing the opportunities presented by the rise of the global green economy.

5.2.65 It adds that around a fifth of power stations operating in 2012 have to close over this decade and investment is needed if we are to maintain secure energy supplies that are critical to the economy and our way of life. It adds that this investment is also key to "*getting our economy moving*".

5.2.66 Section 1.5 states that energy projects represent the largest infrastructure investment opportunity in the UK and the energy sector will need to make around £110bn of capital investment over the next decade. Section 1.9 states that the policy framework in the Statement, shows how the Government will deliver a balanced energy policy and that this "means more investment in renewables".

5.2.67 In terms of EMR, section 2.8 states that the Energy Bill is intended to implement the key aspects of EMR, by introducing major reforms that will result in greater stability and certainty for investors in energy infrastructure. It adds that EMR reforms could help support 250,000 jobs in the energy sector.

5.2.68 Section 2.9 refers to the new fiscal support mechanism and it states that:

"*the Energy Bill takes powers to introduce Feed-in Tariffs with Contracts for Difference (FiT CfDs) to incentivise the deployment of new low carbon generation in the cost effective way. It adds that CfDs sit at the heart of the EMR framework and will facilitate investment in low carbon generation through removing these generators' long term exposure to electricity price volatility, and lowering the cost of capital of the necessary investment".*

5.2.69 The Statement addresses renewable energy at section 2.15 and states at paragraph 2.16 that "*increasing the amount of renewable energy deployed in the UK will diversify our energy supply and improve our energy security by reducing our exposure to fossil fluctuations*".

5.2.70 It adds that increasing the supply of renewable energy is also critical to keeping the UK on a low carbon pathway and helping to meet legally binding carbon targets as well as the EU legal commitment to source 15% of energy from renewable sources by 2020.

5.2.71 Section 2.19 makes reference to planning policy and refers to the NPPF which it states:

"*confirms planning's important role in tackling climate change and making the transition to a low carbon economy. It looks to local planning authorities, who have responsibility for considering proposals for renewable energy infrastructure of 50MW or less to have a positive strategy to promote energy from renewable and low carbon sources in their local plans*".

5.2.72 The Statement adds importantly that with regard to LPAs that "*they are also expected to approve applications if the impacts are (or can be made) acceptable*". It is notable that the Statement emphasises this aspect of the policy guidance on the NPPF (paragraph 98).

5.2.73 The Energy Statement is an important material consideration which sets out the leading edge of Government policy. The policy is clear in that it is underpinned by an objective to address climate change and to move the UK electricity generation platform to one which has renewable energy as key component. The new fiscal support mechanism will implement EMR and is intended to establish investor confidence in renewable energy. The fiscal support amounts to a figure of some £7.6bn of a financial commitment by 2020.

5.2.74 A further document issued as part of the suite of documentation on the topic of EMR is a document entitled 'Electricity Market Reform Policy Overview' (**CD 7.26**). It describes in some detail the new fiscal support mechanism, Contracts for Difference as well as other aspects of wider energy policy.

5.2.75 Page 9 *et seq* sets out the Government's overall energy objectives. It states at paragraph 12 that:

"*the Government's energy and climate change goals are to deliver secure energy on the way to assist sustainable low carbon future and drive ambitious action on climate change at home and abroad. It is critical that we address both security of supply and climate change challenges, while maximising the benefits….nowhere in our energy policy are these challenges more evident than in the electricity sector".*

5.2.76 Paragraph 17 states that the Government's view is that "*we cannot rely on any single form of generation and instead we should pursue a portfolio approach, leading to a diverse mix that balances the risks and uncertainties of different technology options*".

5.2.77 Paragraph 18 states that the UK's current electricity mix is dominated by gas and coal fire plant. This is illustrated in Figure 2 on page 10 of the document which shows that in the UK electricity mix in 2011, renewables made up only 9%[28]. This needs to be set against the target of 2020 of 30%.

5.2.78 Paragraph 19 states "*to meet our climate change goals, we need to transform the way that electricity is generated*". The document sets out an 'illustrative pathway' to meeting the Government's goals and the key points in this pathway are as follows:-

Between now and 2020

- Given the legally binding EU target for 15% for the UK's energy to come from renewable sources by 2020, DECC expects that around 30% of electricity will need to come from renewable energy generation by the end of the decade.

2020 – 2030

- From 2020, further cuts in emissions from the power sector will be necessary to keep us on a cost effective path in meeting our 2050 commitments.
- Reducing emissions from the power sector will become increasingly important to help us decarbonise other sectors. If we do not make progress in relation to electricity over the next two decades, work towards our 2050 target in the 2030s and 2040s may become more difficult.
- There is a clear opportunity for large scale new low carbon capacity in the next two decades, created by the combination of existing plant closures and an increase in demand.

2030 – 2050

- By 2050, heating, transport and industry will become increasingly electrified: the amount of electricity that we need to generate is very likely to increase.
- Recent DECC analysis shows that electricity demands is likely to increase by between 30% and 100% by 2050.
- In order to meet our legally binding 2050 carbon emission reduction we expect that power will be generated largely from renewables, nuclear and fossil fuel stations fitted with CCS technology.
- Even in 2050 unabated gas could still have an important role to play, albeit operating much less that it does today.

5.2.79 Paragraph 20 of the document states that to meet these challenges there is an investment challenge. It adds that the Government's view "*is that the current market arrangements will not deliver this investment, therefore EMR provides the tools needed to meet the challenge*".

5.2.80 It is clear from the published Energy Statement and the oral statement to Parliament, and the Policy Overview, that the Government remains committed to the growth of renewable energy and to the UK's 2020 energy targets, as well as longer term climate change objectives.

The Roadmap Update (2012)

5.2.81 The UK Renewable Energy Road Map Update (**CD 7.6**) was published on 27th December 2012. It sets out the progress and changes delivered in the renewable sector over the past year and sets out challenges and actions for the year ahead. The Executive Summary (page 6) states the Coalition Government "*is committed to increasing the deployment of renewable energy across the UK*".

[28] As noted above, DECC July 2013 statistics give a figure of 11.3% for 2012.

5.2.82 Paragraph 1.3 states that whilst the Roadmap focuses on reaching 2020 targets: "*it is clear that renewables will have a pivotal role to play in the UK energy mix in the decades beyond*".

5.2.83 For example, it makes reference to the Climate Change Act requirement for the UK to reduce greenhouse gas emissions by at least 80% below 1990 levels by 2050. It adds that recent DECC analysis shows that electricity demand is likely to increase by between 30% and 100% by 2050.

5.2.84 It is clear therefore, that whilst 2020 is an important milestone in relation to certain mandatory targets, Government policy and targets go well beyond this. This recognised in NPS EN-1 and other more recent documents such as the Annual Energy Statement (2012) (**CD 7.3**).

5.2.85 On page 10 of the Update, DECC sets out analysis of the deployment of renewable energy to 2020. Paragraph 2.5 states that the Government continues to believe that encouraging a diverse mix of energy sources including renewables in the best way to meet decarbonisation objectives and to "*ensure the lights stay on*". It adds that:-

"*it remains true, as stated in the overarching National Policy Statement for Energy, that there is an urgent need for new large scale renewable energy projects to ensure that we meet the 2020 target and wider decarbonisation ambitions*".

5.2.86 Paragraph 2.6 refers to the Roadmap of 2011 and states that it provided an analysis of potential deployment to 2020, taking into account factors such as technology costs, build rates and policy framework. However it adds that these variables were modelled:

"*to produce illustrative 'central ranges' for deployment based on analysis using published literature and discussions with the industry overlain by industry high and low scenarios for each technology around central ranges".*

"*These central ranges did not represent technology specific targets or the level of our ambition. We are committed to update our analysis annually to reflect the evolution of policy and observe levels of deployment".*

5.2.87 Paragraph 2.8 refers to key uncertainties which continue to include future energy demand, cost trajectories of various technologies and the level of actual renewable energy deployment which industry believes can be achieved. Deployment of offshore wind remains one of the main areas affected by high costs and paragraph 2.9 states with regard to offshore that there are "*clearly big challenges to overcome*".

5.2.88 Paragraph 2.10 makes reference to onshore wind and refers to the suggestion in the 2011 Roadmap that there could be around 13GW of onshore wind capacity by 2020[29]. It states that over the last year there has been an increase of 1.3GW of operational onshore capacity and the onshore wind pipeline holds an additional 6.1GW of projects waiting or under construction, as well as 7GW awaiting planning approval[30].

5.2.89 The Update states that the current pipeline for onshore wind is likely to have the potential to provide the appropriate quantity of deployment:

"*to fulfil our ambition outlined last year. However, we cannot be certain how much of the capacity in the pipeline project will go forward as not everything in the pipeline will be consented and not everything consented will be built".*

5.2.90 Paragraph 2.13 states that the potential for key technologies (namely biomass, offshore wind, onshore wind, marine energy, solar pv etc.) needed to deliver the 2020 target are similar to that anticipated in 2011. However, it adds that the uncertain nature of deployment across the portfolio of different technologies, as well as the

[29] It should be noted that the CCC report of May 2013 in terms of the 'outlook to 2020' with regard to renewables, states in the context of the 15% all energy target by 2020, that "*we assume that renewable generation is rolled out in line with the indicators set out in our progress reports to Parliament (i.e. by 2020 there is 15GW of onshore wind, 12GW of offshore wind and 4GW of solid biomass capacity). This would be sufficient to meet the Renewable Energy Directive and would balance sustainability concerns relating to biomass (i.e. with biomass generation at the low end of the Government's ambition*)" page 27, (**CD 7.34**).

[30] More recent figures are presented in the CCC report of May 2013, page 20 (**CD 7.34**) which refers to analysis by Poyry Consultants. In terms of onshore wind, the report states that planning approval rates have remained fairly steady and there is reference to 8GW of capacity already commissioned or in construction, 4.4GW consented and 8.8GW awaiting planning consent. The report considers that 25GW total installed capacity is achievable by 2030. The implied quadrupling of the UK's capacity would result in capacity density (i.e. the number of GW per km2) in line with current levels in Germany.

relative cost effectiveness, means that generation could end up at the high end of one technology's deployment range and therefore requiring less deployment of others.

5.2.91 Paragraph 2.4 records that using the EU Renewable Energy Directive methodology, some 3.8% of UK energy consumption in 2011 came from renewable sources (the figure for 2012 is 4.1%). This needs to be read against the 15% target for 2020.

5.2.92 Page 25 of the Update addresses renewable electricity and paragraph 2.2 states the contribution of all renewables to UK electricity generation was 10.4% for the period July 2011 to June 2012. This needs to be read against the 30% target for 2020. As I stated at the start of this section, DECC[31] records that the contribution of renewables to electricity generation in 2012 as a whole, was 11.3%.

5.2.93 The Update addresses the various renewable technologies and onshore wind is addressed at page 36. Here it is stated that:

"*the Government is committed to onshore wind as part of a diverse energy mix contributing to a security of supply and carbon reduction targets*".

5.2.94 It adds that onshore wind provides substantial economic benefits and that Government is seeking to remove barriers to the development of appropriately sited projects, whilst giving local communities more influence. This is referenced in the context of the NPPF having delivered reform of the planning system to support growth.

5.2.95 The onshore wind section (page 36) also makes reference to the results of the DECC public attitudes tracking survey which it states shows that the majority of the public support the growth of onshore wind in the UK. There is also reference to the Government's call for evidence on costs, engagement and benefits, "*looking at how communities can have more of a say over, and receive greater benefit from, hosting onshore wind in their area*".

5.2.96 Paragraph 2.31 reiterates that there is a healthy pipeline of projects that has entered the formal planning system, but adds that not everything in the pipeline will be consented and not everything consented will be built.

5.2.97 Paragraph 2.32 adds that there is expected to be significant attrition at the planning and pre-construction stages due to a number of factors such as project delays or extra costs associated with radar interference.

5.2.98 Paragraph 2.33 states that whilst the Government cannot be certain which projects will go forward; the current pipeline is likely to represent:

"*the appropriate quantity of deployment to fulfil the central estimated range in the 2011 renewable energy road map for onshore wind deployment (around 10 – 13GW capacity).*

5.2.99 However, as noted above, section 2.6 of the Update states that this figure is an:

"*illustrative central range for deployment"* and does "*not represent technologies specific targets or the level of our ambition".* (underlining added).

5.2.100 Moreover, at paragraph 2.5, the Update states that it remains true as set out in NPS EN-1, that there is an urgent need for new large scale projects to come forward to ensure we meet the 2020 target and the wider decarbonisation ambition that the Government has.

5.3 Renewable Energy Targets & the Evidence Base

5.3.1 It remains relevant to examine the evidence base in terms of recent regional studies with regard to renewable energy.

Reviewing Renewable and Energy Efficiency Targets for the East Midlands (2009)

5.3.2 The report entitled 'Reviewing Renewable and Energy Efficiency Targets for the East Midlands' Final Report by Faber Maunsell, was prepared on behalf of the East Midlands Regional Assembly (EMRA) (June 2009) (**CD 4.6**) to inform a partial review of the RSS. I refer to this as the "EMRA Report".

[31] DECC, DUKES, Chapter 6 'Renewables Sources of Energy' (July 2013) (**CD 7.22**).

5.3.3 By way of background, this report noted that the East Midlands had a number of technology specific targets in the former RSS. The basis of these former targets were a number of reports[32] which examined capacity, total resource potential and achievable uptakes for each technology. The purpose of the EMRA Report was to:

"*update these existing figures by looking at not only the resource potential, but also at what the region is likely to require to future changes to National Policy, and what can be achieved through growth. The outcomes of this study will provide targets which can be used in future updates for the RSS to set ambitious but practicable targets for the region….*" (EMRA, Executive Summary).

5.3.4 The EMRA report refers to onshore wind and states that the East Midlands has a large accessible wind resource, and whilst lower than other parts of the UK, the resource is still superior to other European areas investing in wind such as Germany (paragraph 3.3.1).

5.3.5 In terms of future scenarios and targets the report (paragraph 3.3.4) states:

"*Whilst the East Midlands may have a limited resource compared with other regions, it is clear that the accessible resource has been under estimated in previous assessments. There is a clear demand for installations in regions with less optimal resource, such as the East Midlands*".

5.3.6 In terms of region wide results, the EMRA report highlights (p54):

"*about two thirds of the renewable energy is predicted to come from onshore wind generation, with a capacity between 397 and 776 MW by 2031. Assuming an average turbine capacity of 2.5 MW, this represents between 159 and 310 turbines across the region. With an average of 10 turbines per wind farm this equates to 16 – 30 wind farms, which would potentially have very little visual impact across the region as a whole. It is possible that wind has an even higher potential if turbines continue to increase in size and planning rules are relaxed. It is clear from these results that onshore wind is a key technology to the region*". (My emphasis added).

5.3.7 Section 7.3 of the EMRA report states that this capacity is twice the previous assessed potential, although it is still relatively low compared with the available constrained wind resource in the region. The report states, "*The region should aim to maximise onshore wind where possible as a key contributor to renewable energy to the region*".

5.3.8 The report sets out a series of scenarios looking forward to 2020 and beyond.

5.3.9 In terms of the approach to delivery, the EMRA report recommended that the targets identified in the study would need to be reflected in a revised energy Regional Energy Strategy and that, "*the region should focus on identifying and delivering strategic infrastructure, which should include both wind farms and heat mains".*

Low Carbon Energy Opportunities Study (2011)

5.3.10 A relatively recent study of the potential for low carbon energy opportunities across the region was the Report prepared for the East Midlands Councils[33] in March 2011 (**CD 4.3**). The report sets out an evidence base of the technical potential for renewable and low carbon energy technologies in the East Midlands. The purpose of it has been to assist local authorities to develop well founded policies that can support low carbon energy deployment up to 2030. Key objectives included the mapping of low carbon and renewable energy resources and opportunities across the East Midlands following the recognised DECC[34] methodology.

5.3.11 In the study, the renewable energy resource assessment is disaggregated down to a county and local authority level. The renewable energy potential presented in the report represents the technical potential that exists in the region.

5.3.12 The results indicated that with the exception of Northampton, onshore wind forms the greatest technical resource potential for all the local authorities in the county up to 2020. The greatest wind energy potential is found in South

[32] The report entitled 'Review and Renewable Energy and Efficiency Targets for the East Midlands', Final Report, East Midland's Regional Assembly, prepared by Faber Maunsell / Aecom (dated 12 June 2009) explains that the report entitled 'Renewable Targets and Scenarios for Renewable Energy, 2006 "Best Foot Forward"' was used as the foundation for the renewable energy targets in the former 2009 adopted East Midlands Regional Strategy.

[33] Report prepared by the Centre for Sustainable Energy, SQW and Land Use Consultants.

[34] Department of Energy of Climate Change - 'Renewable and low carbon energy capacity methodology: for the English regions' (2010).

Northamptonshire, Daventry, East Northamptonshire and Kettering. It is clear from Figure 4.7 (p75) in the report that in terms of the resource potential for 2020, large scale wind is by far the greatest resource.

5.3.13 The report states that the original intention by DECC was that the results of the study would input to a complete review of potential across the English regions and assist in the development of renewable energy targets for RSSs. Paragraph 7.3 of the report adds that:

"*despite the expected abolition of regional strategies, there remains an important imperative for effective strategic planning with local authorities having a critical role to play in encouraging the uptake of renewables*".

5.3.14 Paragraph 74 states that the recommendation is that the East Midland's Councils should disseminate the findings of the study and evidence base to all local authorities in the region to assist with their strategic planning of renewables and low carbon energy developments.

5.3.15 Map 4.13 in the report represents the Northamptonshire 'onshore wind energy opportunity plan' and the Spring Farm Ridge Appeal site is located in an area defined as having the highest potential[35] outside of sensitive areas suited to large turbines (of a tip height up to 135[36]m).

Regional Performance and National Targets

5.3.16 Whilst recognising that there are no longer regional targets, it is informative to look at the national picture and the contribution that regions are making to national targets. A relatively recent document is the publication by DECC of data[37] in September 2012 (**CD 7.8**) on the position that had been reached across the UK in terms of renewable energy generation by the end of December 2011. This shows a figure for the East Midlands region of only 517.3MW of installed capacity.

5.3.17 The regional position is an important building block contributing to the attainment of national targets and this remains the case even with the revocation of the RSS. The need for renewable energy generation has always been a national policy imperative.

5.4 National Renewable Energy Policy Objectives and Targets in Appeal Decisions

5.4.1 In terms of UK national energy policy, Inspectors have consistently given significant weight to national renewable energy policy objectives. The fact that a renewable energy proposal would contribute to an RSS target, had always been, before revocation of RSSs, a material consideration to be taken into account. Such an approach was consistent with the wind farm proposal, judicially approved in the case of Derbyshire Dales District Council v Secretary of State for Communities, 17th July 2009 (2009 N.P.C 9) (**CD 5.4**).

5.4.2 It is relevant to look at how decision makers have referred to renewable energy generation targets at the national level and the weight to be attributed to such considerations in other decisions. From a review of these decisions, it is clear that significant weight is attributed to the attainment of targets at the national level. For example, the Inspector's approach in the Spaldington[38] decision (**CD 6.9**) is relevant (paragraph 36):

"In this context, the approach adopted by the SoS[39], that the greater the need by reference to national and regional targets the greater the weight should be attached to the contribution of particular renewables proposals

[35] The Inspector in the Spring Farm Ridge decision addressed this Report at paragraph 12 of the decision and concluded that "*the appeal site is in a location which is identified as one of the areas having the greatest technical resource for onshore wind energy production*".

[36] Referred to in wind energy assumptions at page 21 of the Report.

[37] 'Renewable Electricity in Scotland, Wales, Northern Ireland and the regions of England in 2011', Special Feature Renewable Electricity, DECC, September 2012, Table 2 page 50 (**CD 7.8**).

[38] Appeal Ref APP/E2001/A/10/2139965, Land at Spaldington Airfield, East Riding of Yorkshire, involving 5 2-3MW turbines.

[39] The Inspector in the Spaldington decision was referring to the view expressed by the Secretary of State (SoS) in the Crook Hill decision (**CD 6.3**) dated 12 October 2009 (sometimes known as the "Coronation Power case") in which the SoS stated with regard to 'need' at para 16 of the decision Letter that he agreed that "*the Appellant's submission that the greater the need by reference to national and regional targets the greater the weight that should be attached to the contribution particular renewables proposals can make has considerable force (IR11.22). The Secretary of State concludes that whilst energy policy is not an overriding consideration, it is one of considerable importance that in these cases should weigh very heavily in the planning balance*."

continues to have force. Similarly, and having regard to the NPSs on energy and renewable energy, it is still clear that although energy policy is not yet a consideration that overrides all other material considerations, it is one of considerable importance…". (underlining added)

5.4.3 In this case there remain unmet national targets and a significant national need, and notwithstanding the RSS is now revoked, decision makers have consistently recognised the importance and materially relevant role that regional contributions make in relation to the attainment of national targets.

5.4.4 A helpful example of a post-NPPF decision in this regard is the Chelveston[40] decision of June 2012 (**CD 6.22**). In this case the Inspector addressed renewable energy policy at paragraph 22 *et seq* and concluded at paragraph 27 that although the NPPF does not repeat the key principle in the former PPS 22, that the wider environmental and economic benefit of all proposals for renewable energy projects whatever their scale, are material considerations that should be given significant weight, he stated that:

"..*supporting the transition to a low carbon future in a changing climate is one of the key principles of the Framework. That, coupled with what the Government has said in the Roadmap and EN-1 makes it clear that the benefits of these proposals in terms of the generation of energy from a renewable source, securing reductions in greenhouse gas emissions, adding to energy security, and providing resilience to the impacts of climate change, must carry significant weight in the overall planning balance*".

5.4.5 In some wind farm Inquiries there has been debate over the 13 GW figure for onshore wind as set out in the Renewables Roadmap and as referred to above in Section 5.2. The matter was debated at some length at the recent Thacker Bank / Gayton le Marsh Inquiry (5th April 2013), where Lincolnshire County Council and East Lindsey District Council advanced an argument that the 13GW figure represented a 'cap' and a 'ceiling' for onshore wind development, set by Government. The Inspector in the Thacker Bank decision (**CD 6.19**) stated at paragraph 33, following discussion of the Roadmap Update of 2012 that:

"*I am satisfied that there has been no change in Government Policy and that there are no targets or caps for individual renewable technologies such as onshore wind. On my reading of the roadmap update, I would say that it re-affirms the importance of onshore wind as part of the UK renewable energy mix".*

5.4.6 The Inspector added at paragraph 38:

"*I think it would be illogical that a Government that is committed to onshore wind, that has identified that the majority of the public support the growth of onshore wind, that believes, but is not certain, that the indicative central range for onshore wind deployment will be achieved and is aware of big challenges facing some other renewable energy technologies, would consider it necessary to cap onshore wind…….If by 2020 the installed onshore wind capacity were to exceed expectations, that would seem to me to be a good thing because it could compensate for any performance below expectations in other technologies".*

5.4.7 Additionally the Inspector added at paragraph 42 that:

"Faced with challenging renewable energy targets, future reductions in supply from fossil fuel burning power stations, increasing overall demand for electricity and long lead in times for high output generation schemes, it seems to me that the current position as far as renewable energy is concerned, is that we need as much as we can get, as soon as we can get it".

5.4.8 He further added at paragraph 81:

"Furthermore, the 2020 targets do not represent the end of the process and the campaign to tackle dangerous climate change by reducing greenhouse emissions will continue for decades beyond that. Whilst failure to make the 2020 targets would be a major setback, there would be no harm in exceeding the targets if possible – that would be a good thing".

[40] Appeal Ref APP/K0235/A/11/2160077, Chelveston Renewable Energy Park, Chelveston Airfield, Chelveston, Bedford Borough.

5.5 Conclusions: The Need for the Proposed Development

5.5.1 Given the policy position that I have referred to above, and notwithstanding that the RSS is now revoked, it is evident that there remains a strong policy drive to continue to develop renewable energy and there is a need for developments that are acceptable in planning terms to be granted planning permission. International and national commitments have been made to address the effects of climate change and to achieve greater security in the domestic supply of energy. This in turn has directly influenced a response through the land use planning system which through national planning policy, strongly encourages renewable energy development – indeed it is a core planning principle of the NPPF.

5.5.2 The East Midlands region has a significant potential to increase its delivery of renewable energy sources and on-shore wind is one of the principal sources of land-based renewable energy: a point underlined by the regional evidence base.

5.5.3 In summary, there are a number of key points that can be drawn from the renewable energy and national planning policy context which strengthen the need case for the proposed development.

- At a European level, the targets for the generation of renewable energy are ambitious, as confirmed in the EU Renewables Directive on renewable energy. The Directive provides the framework for achieving the EU's target of securing 20% of ALL its energy from renewable sources by 2020. The "20 20 by 2020" package announced by the EU also includes proposals for reducing the EU's greenhouse gas emissions by 20%. For the UK, the European Commission's proposals include 16% reduction in UK greenhouse gas emissions by 2020 and for 15% of all energy consumed in the UK to come from renewable sources by 2020.
- In turn, the UK targets flowing from this Directive are challenging. For example, this will represent a significant increase from the current level of approximately 4.1% of all energy used in the UK coming from renewable sources. Although the UK does not have the highest target assigned to any Member State, it does have the largest percentage point increase to achieve.
- Another important objective of the Directive is security of supply. The UKRES is aimed at contributing to the security of energy supplies in the UK through reductions in demand for fossil fuels of approximately 10%, and gas imports by between 2—30% against forecast use in 2020.
- The 'Renewables Statement of Need[41]' as set out in The White Paper entitled 'Meeting the Energy Challenge' May 2007 is a relevant material consideration which deserves significant weight.
- The Government has a strong policy drive to achieve electricity decarbonisation and security of supply within the overall framework of energy policy.

5.5.4 From my review of the UKRES and the UK Roadmap (and its 2012 Update) and the Annual Energy Statement of 2012, it is clear that Government policy on renewable energy is part of a well-established pattern – the commitment to a low carbon future is not part of a fleeting political whim on part of the current Government. It forms part of a much wider international picture of ever more ambitious policy targets designed to tackle climate change through the promotion of renewable energy, among other means. Long term strategies have been put in place to further those aims and, so far as the UK is concerned, there can be no doubt whatsoever that, for the time being and for the foreseeable future, onshore wind energy remains an essential component of the energy mix. It is undeniably right to say that the case for renewable electricity generation has been provided with greater impetus as a consequence of the UKRES, the Roadmap, the energy NPS documents and the Annual Energy Statement.

5.5.5 What I take from the commitment made in the policy documents referred to above, is that at the highest level of policy making, the UK has taken an unambiguously positive approach to the setting of ambitious renewable energy targets and stringent carbon budgets. As matters stand, there is no end in sight to the steady momentum that has built up over the last few years in support of measures designed to combat climate change. If anything, that momentum is increasing.

[41] Extracts in Appendix 2.

5.5.6 There remains a shortfall on a national basis against targets for renewable energy generation. Furthermore, there is an evidential basis to conclude that wind energy is the key renewable resource for the region.

5.5.7 National targets are not capped (and indeed that was the position with the former RSS targets). The position of no 'cap' on targets is to ensure that the decision makers do not stop consenting projects just because an interim target may be achieved. This is important because opposition groups to wind farm developments often seek to advance an argument that because we may be well on the way to meeting 'a target', we should stop and await technological developments, or place less weight on the benefits of a given proposal and give greater scrutiny to any harm that may arise from a specific project.

5.5.8 Such an approach is not the Government's policy and attempts to under-play the justification for renewable energy should be rejected[42]. It is clear that, in order to achieve the significant targets for the UK for 2020, onshore wind is going to play a very significant part. The regional evidence base states this, as does DECC as set out in the Roadmap Update of 2012.

5.5.9 The national pipeline to 2020 in terms of renewable technologies overall and onshore wind specifically may be reasonably healthy, but that health depends to a large extent on proposals already in the planning system, like this one at Spring Farm Ridge coming to fruition, on time. It is also clear that Government ambitions go well beyond 2020 and if those ambitions are to be realised, the pipeline will need new projects to continue coming forward in order to sustain supply urgently.

5.5.10 The proposed wind farm would therefore assist in achieving the Government's published targets for the production of electricity from renewable sources. Furthermore, the various renewable energy reports that I have referred to provide an important evidence base which highlights the importance and value of developing further renewable energy projects in the East Midlands region.

5.5.11 Overall therefore, I consider that there is a very strong need for the proposed development and, as previous planning decisions for wind farms have shown, this is not undermined because developments individually may only make a small contribution to Government targets.

[42] In this regard the Secretary of State's position in the Sober Hill decision (**CD 6.11**) of March 2010 is relevant, where he specifically agreed with the Inspector as follows: With regard to targets for renewable energy, the Inspector stated at para 175 and 176 "*I consider that it would be wholly inappropriate for the East Riding to adopt a more restrictive approach than some other local authorities, or assess landscape and visual impact more stringently on the grounds that it is making good progress towards achieving local targets*." "*progress….towards meeting targets for renewable energy capacity should not mean that greater weight is attached to any harm*….".

6 Conclusions

6.1 Introduction

6.1.1 In presenting an assessment of the overall planning policy case, I firstly consider the following two questions:

- Does the proposed development accord with the provisions of the statutory Development Plan?
- Do material considerations outweigh the provisions of the statutory Development Plan?

6.2 Does the Proposed Development accord with the statutory Development Plan?

6.2.1 In the previous chapter I have outlined the relevant policies of the statutory Development Plan as well as those of the emerging Core Strategy.

6.2.2 The key matters in policy terms in my view relate to the potential landscape and visual effects of the proposed development, particularly in relation to impacts on the local landscape and effects on residential amenity and cultural heritage effects.

6.2.3 I have highlighted that it is particularly important to consider whether the Development Plan policies to be addressed in this Appeal fully reflect the policies of the NPPF. In terms of the saved policies of the Local Plan, which date from 1997, I have identified a number of the relevant policies which conflict with the terms of the NPPF. The Local Plan is also silent with regard to renewable energy developments. I consider the proposed development would be in non-accordance with aspects of Local Plan policies G3, EV2 and EV11. However, that is largely as a result of the fact that the policies have not been framed to deal at all with renewable energy developments, in particular wind turbines and there are is no balancing provision in terms of cultural heritage policies.

6.2.4 In terms of the topics that these policies address, I have set out the evidence that I have drawn upon from both Mr Stevenson on landscape and visual matters, Mr Brown on cultural heritage and Mr Arnott in terms of noise, which in my view indicates that the proposed development is acceptable.

6.2.5 I now turn to material considerations, and most importantly, the NPPF.

6.3 Do Material Considerations outweigh the provisions of the statutory Development Plan?

6.3.1 Sections 4 and 5 of my proof have identified renewable energy, national planning policy and other material considerations, which in terms of s.38 (6) of the 2004 Act, must be considered.

6.3.2 The material considerations which I consider to be particularly relevant are set down below. Firstly, a key material consideration is the NPPF. I have highlighted that paragraph 14 is the most important part of the NPPF with regard to decision taking which states that:

> *"at the heart of the planning system is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan making and decision taking.*
>
> *For decision taking this means:*
>
> - *Approving development proposals that accord with the development plan without delay; and*
> - *Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
>
> – *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
>
> – *Specific policies in this Framework indicate development should be restricted."*

6.3.3 The second limb of the 'decision taking' policy in the NPPF (paragraph 14) is therefore engaged as a result of the silence of the Development Plan with regard to renewable energy and in terms of relevant policies being out of date.

6.3.4 I do not find that specific policies in the Framework indicate that development should be restricted. Nor do I find that the adverse effects that would result from the proposed development would "*significantly and demonstrably*"

outweigh the benefits, when the development is assessed against the NPPF as a whole. Planning permission should therefore be granted.

6.3.5 It is necessary to examine the transition arrangements as set out in Annex 1 of the NPPF. These allow potentially for full weight to be given to relevant policies in a Development Plan for 12 months from publication of the NPPF, but only to those polices which have been adopted since 2004. In this respect the Local Plan was adopted well before 2004 and the 12 month grace period has elapsed and I have identified inconsistencies of the relevant policies with the NPPF. Accordingly, the Local Plan should be afforded only limited weight and applying the presumption in favour of sustainable development, planning permission should be granted.

6.3.6 In terms of the emerging Joint Core Strategy, this is a material consideration and not yet part of the Development Plan. I do not find policy S1 particularly relevant and I find that policies S11 and BN5 are not fully consistent with the policies of the NPPF. I consider the proposed development could be considered to be in non-accordance with aspects of policies S11 and BN5, however that is largely due to the specific wording of the policies lacking a balancing provision in terms of cultural heritage matters. However, I do not consider this to be significant non accordance when reading the policies as a whole. Moreover, the emerging Core Strategy is required to go through further examination procedures. Taking all of these factors into account, it is my view that the emerging Core Strategy should only be afforded limited weight, in line with paragraph 216 (Annex 1) of the NPPF.

6.3.7 A key policy in the NPPF with specific regard to renewable and low carbon energy developments is that when determining planning applications, small scale projects provide a valuable contribution to cutting greenhouse gas emissions and that applications should be approved "*if impacts are (or can be made) acceptable*" (paragraph 98). In the case of the proposed Spring Farm Ridge development, potential significant adverse impacts have been identified and are considered to be acceptable. Furthermore, the NPPF makes it clear that the delivery of renewable and low carbon energy is "*central to the economic, social and environmental dimensions of sustainable development*" (paragraph 93).

6.3.8 It is my opinion that the proposed development is in accordance with the policies of the NPPF: this is a material consideration that deserves considerable weight and the presumption in favour of sustainable development, applies and planning permission should be granted.

6.3.9 Other material considerations include:

- National energy policy and policy on renewable energy developments: the proposed development would make a direct contribution to achieving renewable energy generation targets in the UK and would support the central Government policy which is to encourage more electricity generation from renewable sources. The proposed development would contribute to the attainment of UK targets for renewable energy generation and greenhouse gas reduction.
- In the UKRES a 'lead scenario' is presented which envisages renewable energy contributing more than 30% of electricity by 2020. The 30% figure was confirmed in the UK Renewable Energy Roadmap of July 2011. The Carbon Plan confirms the Government's long term commitment to the decarbonisation of electricity generation and the need to attain energy security of supply
- Well-established national energy policy is largely unchanged by the Coalition Government, which has strongly re-stated the case for renewable energy and indicated a commitment to the previously established national targets and to increase the targets subject to the advice of the Committee on Climate Change to which I have referred. The Committee has advised of the need for a 'step change' in the delivery of renewable energy generating capacity if the already established targets are to be achieved.
- National planning advice on renewable energy developments as set out in the new PPG of July 2013 and in NPS documents EN-1 and EN-3. I have explained how the proposed development would be consistent with relevant aspects of this guidance. NPS EN-1 (paragraph 3.4.5) states that it is necessary to "*bring forward new renewable electricity projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent*".
- There are regional evidence base studies for renewable energy generation and which are relevant material considerations and which indicate that onshore wind is the principal renewable resource for the region.

- The Appeal site is available for development and, subject to planning permission, could be commissioned rapidly in order to contribute to the targets embodied in national policy.

6.3.10 The proposed Spring Farm Ridge development derives very considerable support from these material considerations, which in my view, should be afforded significant weight in the decision-making process.

6.3.11 The proposed development would result in some change to the local area and this would involve change to the local character and composition of a number of views, including the view for a number of householders, but change in itself is not unacceptable. None of the likely significant environmental effects that would result from the proposed wind farm would be unacceptable, in my view, in the public interest which the planning system is there to preserve.

6.3.12 Specifically, in drawing conclusions my position is that:

- The presumption in favour of sustainable development, as set out at paragraph 14 of the NPPF applies. The proposed development is sustainable and will result in various environmental, economic and social benefits – the three dimensions of sustainable development.
- I afford significant weight to the contribution that the proposed scheme could make towards meeting the renewable energy targets and Government objectives that I have referred to. This is a forceful material consideration that has to be weighed against other factors.
- The Appellant has a proven track record of delivery and there are no financial or grid system impediments to bring forward the proposed development in early course, so as to make a contribution to national renewable energy targets.
- The site selection process has been thorough and has been conducted in a correct manner and the site is considered suitable for the proposed development.
- The wind farm would not result in any significant adverse ecological impacts, subject to the implementation of proposed mitigation measures.
- The development is acceptable with regard to its potential effects in relation to cultural heritage. In terms of national policy it is necessary to weigh any such harm against the wider benefits of the application and in this case I consider that the output of up to 15 MW outweighs the level of predicted effects on heritage assets.
- Potential noise impacts have been identified and can be satisfactorily controlled through appropriate conditions.
- There would be some significant adverse visual effects on residential receptors. While it is inevitable that the turbines of the wind farm would be viewed from some properties, the extent of the visual effects arising from the proposed development is not in my view such that there would be a degree of policy conflict that would justify refusal of the planning application. The development is of a scale which will provide a valuable contribution to the Government's renewable energy targets and in my opinion, the likely significant adverse impacts on a few in the interest of the many is an important consideration.
- The proposed development would not result in any significant adverse effects in relation to traffic and transport.
- The proposed development is acceptable in terms of aviation and telecommunication matters.
- The proposed development is acceptable in relation to rights of way and recreational routes, both in terms of matters relating to visual amenity and safety.
- The evidence indicates that there would be no unacceptable effects in terms of tourism, recreation or local business.

6.3.13 Having examined the material issues raised by consultees and members of the public, I can identify no particular issue that deserves significant weight such that planning permission should be refused.

6.4 Overall Conclusion

6.4.1 In conclusion, it is my professional opinion that despite the identified conflict with the statutory Development Plan, material considerations do not indicate that consent should otherwise be refused. I find that the material considerations lend support to the case that planning permission should be granted.

6.4.2 The importance of pursuing the climate change issue to which the Government is firmly committed cannot be disputed. It is important that developments that are acceptable in planning terms be granted consent. The proposed development has been brought forward by Broadview Energy Developments Limited as a direct response to national energy and planning policies: these policies are clear, as set down in the large body of renewable energy policy documents and the NPPF.

6.4.3 Accordingly, I submit the foregoing to this Public Local Inquiry and respectfully invite the Inspector to accept my evidence and conclusions that planning permission should be granted.

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The evidence which I have prepared and provide for this Appeal reference APP/Z2830/A/11/2165035 (in this Proof of Evidence) is true and has been prepared and is given in accordance with the guidance of my professional institutions and I confirm that the opinions expressed are my true and professional opinions.

David C Bell BSc (Hons) Dip UD, MRTPI, MCIHT
Regional Director
Jones Lang LaSalle
7 Exchange Crescent
Conference Square
Edinburgh EH3 8LL
0131 301 6720
david.bell@eu.jll.com