



Real value in a changing world

Section 78 Town & Country Planning Act 1990

BEL/DB/1

Ref: APP/Z2830/A/11/2165035

Summary Proof of Evidence of

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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 and have responsibility for the firm's renewable and clean energy development services throughout the UK.
- 1.1.3 I have undertaken 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"*.
- 1.1.4 Accordingly, I have assessed the proposed development in the context of the statutory Development Plan and material considerations.

2 Renewable Energy Policy Framework

- 2.1.1 In my full Proof I address the current renewable energy policy framework and the need for the proposed development.
- 2.1.2 From my review of the relevant renewable energy policy documents including the Annual Energy Statement and Roadmap Update 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, amongst 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 is to be regarded as an essential component of the energy mix.
- 2.1.3 There remains a shortfall on a national basis against targets and policy objectives for renewable energy generation. Targets are not capped.
- 2.1.4 Overall, 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. This need case should attract significant weight.

3 Conclusions

3.1.1 In presenting an assessment of the overall planning policy case, I 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?

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

3.2.1 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.

3.2.2 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 no balancing provision in terms of cultural heritage policies.

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

3.3.1 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.”**

3.3.2 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.

3.3.3 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.

3.3.4 It is necessary to examine the transition arrangements as set out in Annex 1 of 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.

3.3.5 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.

3.3.6 Taking all of these factors into account, it is my view that the emerging Core Strategy should only be afforded limited weight.

3.3.7 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.
- 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.
- 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.

3.3.8 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.

3.3.9 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 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 proposed energy output 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 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.

3.3.10 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.

3.4 Overall Conclusion

3.4.1 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.

3.4.2 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.

3.4.3 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.

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