

PROPOSAL - CONSTRUCTION OF A WIND FARM COMPRISING THE ERECTION OF FIVE WIND TURBINES PLUS UNDERGROUND CABLING, METEOROLOGICAL MAST, ACCESS TRACKS, CONTROL BUILDING, TEMPORARY SITE COMPOUND AND ANCILLARY DEVELOPMENT

SITE - SPRING FARM RIDGE, BEING LAND TO THE NORTH OF WELSH LANE BETWEEN GREATWORTH AND HELMDON, NORTHANTS

IN THE MATTER OF A PLANNING APPEAL UNDER S.78 TOWN AND COUNTRY PLANNING ACT 1990

BETWEEN:

BROADVIEW ENERGY DEVELOPMENTS LTD

Appellant

-and-

SOUTH NORTHAMPTONSHIRE COUNCIL

Respondent

PINS Ref: APP/Z2830/A/11/2165035/NWF

LPA Ref: S/2010/1437/MAF

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PROOF OF EVIDENCE
FOR THE LOCAL PLANNING AUTHORITY

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1 QUALIFICATIONS AND EXPERIENCE, BACKGROUND OF INVOLVEMENT AND SCOPE OF EVIDENCE

- 1.1 I hold a Masters degree (MSc) in Spatial Planning. I am a Chartered Town Planner and have been a member of the Royal Town Planning Institute since 2009. I am employed by South Northamptonshire Council (“**the Council**”) as a Principal Planning Officer in the District-Wide Development Team. I have over ten years planning experience in local government.
- 1.2 I first became involved with the proposal in December 2012, following the submission of the appeal. I was not the Council’s original Case Officer and had no direct dealings with the planning application. I did not draft the original report to the Council’s Development Control Committee. Since taking on this case I have visited the site several times and am well familiar with both it and its surroundings. I have satisfied myself that the Council’s revised position (see Statement of Case and below) is something I can professionally support.
- 1.3 The evidence which I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.
- 1.4 The scope of my evidence relates primarily to the overarching policy context within which the proposed development should be assessed.

2 LOCATION AND DESCRIPTION OF THE APPEAL SITE THE PROPOSED DEVELOPMENT

- 2.1 The site description and description of the proposed development are outlined in Section 4 of the Statement of Common Ground. I agree with these descriptions and do not propose to repeat them here.

3 PLANNING HISTORY AND BACKGROUND TO THE COUNCIL’S DECISION

- 3.1 The timeline of events for the planning application process is set out in paragraph 2.4 and 2.5 of the Council’s Statement of Case.
- 3.2 The application was determined on 11th July 2011 by assessing it against the development plan and other material considerations that were relevant at the time. There have, however, been several significant changes to the policy context since then with regard to ‘other material considerations’. The key changes include:
- The publication of the National Planning Policy Framework (the “NPPF”) in March 2012
 - The publication of the government’s ‘Planning Practice Guidance for Renewable and Low Carbon Energy’ in July 2013; following the Ministerial Statement on 6th June 2013
 - The adoption of the Council’s ‘Low Carbon and Renewable Energy SPD’ in July 2013

- 3.3 Following the refusal of planning permission an appeal was lodged by the Appellant in November 2011. The resultant public inquiry was held between 15th May 2012 and 25th May 2012. The previous Inspector's decision was issued on 12th July 2012 (allowing the appeal and granting planning permission). Following this the Council appealed to the High Court in August 2012, challenging the previous decision on three grounds. A local resident, Mrs Ward, also appealed on 2 additional grounds. The appeal was heard in the High Court in December 2012. On 16th Jan 2013 Judge Mackie QC ruled that the appeal succeeded on one of the five grounds, namely that in making her decision, the Inspector did not accorded the Development plan the weight which Section 38(6) requires. On that basis the decision to grant planning permission was quashed.
- 3.4 Although quashed, the previous decision does constitute a material consideration in the determination of this appeal. However, with regard to the weighing of policy conflicts and decision-making I do not consider the previous appeal decision can carry any weight. That is because it was the deficiencies on these very grounds on which the decision was originally quashed. It is possible that the previous decision carry some weight with regard to findings of fact and judgement on extents of impacts, etc. However, even here it will be for the new Inspector to form his own view.

Evolution of the Council's grounds for contesting the appeal

- 3.5 I gave evidence on planning policy and decision-making matters on behalf of the Council at the previous public inquiry. The evidence in my proof of evidence at that time broadly reflects the position the Council has subsequently formally adopted, as I explain below
- 3.6 Paragraphs 2.9-2.12 of the Statement of Common Ground summarise the previous appeal process, including the Appellant's submission of amended plans and Further Environmental Information ("FEI") to address acknowledged flaws in the proposal in relation to its ecological impact (particularly in relation to bats).
- 3.7 The knock-on effect of the amendments and FEI mean that the Council no longer sought to contest Reason for Refusal No.3 (relating to noise), No.4 (ecology) and No.6 (highway safety). This remains the position for this Inquiry, as explained in paragraphs 4.12 – 4.16 and 4.18 of the Council's Statement of Case.
- 3.8 With regard to the remaining three Reasons (No.1, No.2 and No.5) the Council position is set out in paragraph 4.1-4.11 and 4.17 of its Statement of Case.
- 3.9 This refinement of the Council's case for this appeal inquiry was formally approved by the Council's Development Control Committee at its meeting of 6th June 2013. As a result, this can now be taken as the Council's formal position in relation to the proposal, and which broadly reflects the position adopted at the last Inquiry. The case laid out in the Council's statement of Case (Section 4) therefore effectively supersedes the original decision and Reasons for Refusal, which are now considered to be out of date (referring to now revoked and superseded policies and guidance).

- 3.10 In line with government policy and guidance the Council has a generally supportive and proactive approach towards renewable energy proposals. Insofar as it is appropriate to demonstrate that approach by reference to decisions taken by the Council, this generally positive approach can be shown by the Council's record to date in determining wind energy proposals, the details of which are set out in **APPENDIX 1**.

4 THE PLANNING POLICY AND GUIDANCE CONTEXT

The Development Plan for the Area

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Inspector to determine this appeal in accordance with the development plan for the area of the appeal site, unless material considerations indicate otherwise.
- 4.2 On 12th April 2013 the East Midlands Regional Plan (EMRP) March 2009 (RSS8) was formally revoked. As a result, this document and the policies and target contained therein have no statutory basis and are therefore no longer capable of being a material consideration. As a result the development plan currently consists of the saved policies of the South Northamptonshire Local Plan 1997 (“**the SNLP**”) [CD 1.1].

South Northamptonshire Local Plan

- 4.3 The adopted SNLP does not contain any specific policies relating to renewable energy. However, there are policies of general application which remain relevant and are set out below.

- 4.4 **Policy G2** is a general strategic policy. It states that:

Provisions will be made for new development to be concentrated in Towcester, Brackley and closely related to the Northampton Borough boundary. New development will be limited in the Villages and severely restrained in the open countryside [emphasis added].

- 4.5 Policy G2 is broadly consistent with the sustainability principles set out throughout the NPPF, including paragraph 17.

- 4.6 **Policy G3** is another general strategy policy. It states that:

Planning permission will normally be granted where development:

A Is compatible in terms of type, scale, siting, design and materials with the existing character of the locality

B - C ...

D Will not unacceptably harm the amenities of any neighbouring properties

E - H ...

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 - P ...

All proposals for development will be considered in the light of this policy

- 4.7 Policy G3 is again broadly consistent with the principles set out throughout the NPPF relating to good design and sustainable development, including the Core Principles set out in paragraph 17.

- 4.8 **Policy EV1** relates to the design of new development. it states that:

Proposals for new development will be expected to pay particular attention to the following elements of design:

(i) Existing site characteristics including landscaping features and levels;

(ii) The relationship with adjoining land...;

(iii) ...

(iv) The scale, density, layout, height, massing landscape and materials in relation to the site and its surroundings

(v) ...

- 4.9 Policy EV1 is broadly consistent with the NPPF, including paragraphs 9, 17, 56, 57 and 64.

- 4.10 **Policy EV2** relates to development in the open countryside. the policy states that..

Planning permission will not be granted for development in the open countryside”, although exceptions may include:

i) ...

ii) Development necessary for the purposes of agriculture, forestry, tourism or recreation

iii) – iv) ...

- 4.11 Policy EV2 is broadly consistent with the NPPF, including paragraphs 17, 109 and 111.

- 4.12 **Policy EV11** focuses on development within the setting of conservation area. It states that:

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.

- 4.13 Policy EV11 is broadly consistent with paragraphs 17, 126, 132-134 and 137 of the NPPF.

- 4.14 **Policy EV12** focuses on development to, or within the setting of, listed buildings. The policy states that:

...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, where appropriate, by the preservation of trees and landscape features.

4.15 Policy EV12 is broadly consistent with paragraphs 17, 126 and 132-134 of the NPPF.

4.16 **Policy EV21** covers hedgerows, ponds and other landscape features. The policy states that:

Development proposals will be expected to retain wherever possible, or failing that to replace, trees, hedgerows, ponds or other landscape features where they make an important contribution to the character of the area.

4.17 Policy EV21 is broadly consistent with paragraphs 17, 56, 58 and 109 of the NPPF.

4.18 **Policy EV28** relates specifically on historic parks and gardens and battlefields. The policy states that:

Planning permission will not be granted for development which would have a seriously adverse effect upon the character or setting of an Historic Parkland, Garden or Battlefield.

4.19 Policy EV28 is broadly consistent with paragraph 17, 126, and 132-134 of the NPPF.

4.20 **Policy EV29** relates to landscaping scheme to accompany proposals for development. it states that:

Where a landscaping scheme is required as part of a development proposal primarily where the proposal would have a significant visual impact, planning permission will only be granted where the scheme:

(i) indicates on the submitted plans, taking account of policy EV22, existing vegetation and landscape features to be retained and removed and areas of new planting; and

(ii) – (v) ...

(vi) Identifies the routing of proposed underground and overground functional services, particularly in relation to existing vegetation and landscape features which are to be retained and any which are proposed

4.21 Policy EV29 is broadly consistent with paragraph 56, 58 and 109 of the NPPF.

4.22 **Policy EV31** is also of some (limited) relevance to the appeal. The policy relates to overhead lines, public utility equipment and telecommunications installations. It states that overhead lines will be permitted provided that they are not visually intrusive or detract significantly from existing landscape features. In this instance, however, the appeal proposal is clear that all cabling within the site will be installed underground.

4.23 The NPPF states that Local Plan policies should not be considered out of date simply because they pre-date the Framework (para 211). Paragraph 215

gives further guidance as to the weight that should be attached. Its states weight should be given to policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- 4.24 In light of their broad consistency with the NPPF, I consider that full (or at least significant) weight should continue to be given to these relevant policies of the SNLP. It is relevant to note the previous Inspector also found the policies of SNLP to be consistent with the broad policy principles of the NPPF (**CD 6.16**, para 13).

OTHER MATERIAL CONSIDERATIONS

The Draft Joint Core Strategy ("JCS")

- 4.25 The West Northamptonshire Joint Strategic Planning Committee has responsibility for preparing a Core Strategy which (if and when adopted) will form part of the development plan for the area in which the appeal site is situated.
- 4.26 The most recent version of this emerging Core Strategy (the version, submitted 31st December 2012) [**CD 4.6 and 4.7**], is capable of being a material planning consideration, the weight to be attached to it being contingent upon the stage it has reached in its preparation and progress towards finality.
- 4.27 The submission version is quite well advanced. It was amended to reflect the publication of the NPPF and then was subject to public examination between 16th April 2013 and May 1st 2013. The Examination Inspector has requested that the Joint Planning Unit undertake a fresh assessment of the objectively assessed needs for new housing and prepare a Sustainability Appraisal/ Strategic Environmental Assessment (SA/ SEA) Addendum Report. However, with regard to the parts of the Plan relevant to this appeal, ie: those relating to renewable energy there are no outstanding objections and they are not subject to additional work and are not subject to the need for main modification. The following policies can therefore be accorded significant weight in my view applying paragraph 216 of the NPPF as to the weight to be attached to emerging policy (see below).
- 4.28 The relevant policies of the JCS are Policies S1 (distribution of development), S10 (sustainable development principles), S11 (renewable energy), BN5 (historic environment), and R1 (spatial vision for rural areas). Of these the proposal is considered to be contrary to policies S1, S11 and BN5.
- 4.29 **Policy S1** focuses on the Distribution of Development. The policy states that:
"Development and economic activity will be distributed on the following basis:
A) – C) ...
D) *New development in rural areas will be limited with the emphasis being on:*

- *Enhancing and maintaining the distinctive character and vitality of rural communities;*
- ...
- ...
- *Respecting the quality of tranquillity.”*

4.30 **Policy S10** outlines Sustainable Development Principles. The Policy states that “*Development will:*

- *Achieve the highest standards of sustainable design incorporating safety and security considerations and a strong sense of place;*
- ...
- ...
- *Protect, conserve and enhance the natural and built environment and heritage assets;*
- *Promote the creation of green infrastructure networks, enhance biodiversity and reduce the fragmentation of habitats, and;*
- *Minimise pollution from noise, air and run off.*

4.31 **Policy S11** specifically relates to Low Carbon and Renewable Energy. This policy states that:

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.

...”[emphasis added]

4.32 **Policy BN5** relates to the Historic Environment. It states that:

“Designated and non-designated heritages assets and their setting will be conserved and enhanced in recognition of their individual and cumulative significance and contribution to West Northamptonshire’s local distinctiveness and sense of place.

...

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

- a. *sustain and enhance the features which contribute to the character of the area including:*
 - i. *conservation areas;*
 - ii. *significant historic landscapes, including historic parkland, battlefields and ridge and furrow;*
 - iii. *the skyline and setting of towns and villages;*
 - iv. *sites of known potential heritage or historic significance*
 - v. *locally and nationally important buildings, structure and monuments*
- b. *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; ...”*

4.33 In summary, these policies seek to protect the character of rural areas from intrusive developments, as well as preserving historic and natural landscapes and amenity. The policies emphasise that, while the Council is generally supportive of renewable energy developments, the support has to be qualified and balanced against other considerations

4.34 Paragraph 216 of the NPPF provides guidance as to the weight that may be given to relevant policies in emerging plans. It clarifies that weight depends:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given), and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan, the greater the weight that may be given).

4.35 As explained above, in this instance I believe the relevant policies in the emerging Joint Core Strategy can be given significant weight because the plan is at an advanced stage of preparation, there are no significant objections relating specifically to the policies relevant to this appeal, and the emerging policies are all fully consistent with the NPPF.

National Planning Policy Framework (the “NPPF”)

4.36 March 2012 the Government published the new National Planning Policy Framework (“**the NPPF**”) [CD 2.1] to replace the vast majority of the preceding suite of national planning policy statements and guidance notes (PPSs and PPGs, plus their companion guides). However, the companion guide for PPS22 was retained and did remain extant until it was recently cancelled and replaced by the new Planning Practice Guidance for Renewable and Low Carbon Energy in July 2013 (discussed in more detail below).

4.37 In considering the new NPPF it is noted that at its heart is “a presumption in favour of sustainable development” (para 14). ‘Sustainable Development’ is

defined in paragraph 7 of the NPPF as having three key dimensions: an economic role, a social role and an environmental role.

- 4.38 With regard to its social role (2nd bullet), the planning system is suppose to support “*strong, vibrant and healthy communities ... [by] creating accessible local services that...support [their] health, social and cultural well-being*”. The harm which the appeal proposal would cause to the landscape, historic environment and public rights of way network would only have an adverse effect in this regard. Consequently, the proposal is not ‘socially sustainable’.
- 4.39 With regard to its environmental role, the planning system’s role is to “*contribute to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity...*” (3rd bullet). As explained elsewhere in my proof, and by the Council’s other witnesses, the proposed development would be incongruous in its setting and would have negative visual impact on the surrounding open countryside and historic environment to the extent that this would outweigh the wider benefits of providing renewable energy. In that sense, the proposal is not ‘environmentally sustainable’.
- 4.40 It is significant that paragraph 8 of the NPPF stresses that “*These roles [economic, social, and environmental] should not be undertaken in isolation, because they are mutually dependent... Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.*” It is reasonable to interpret that all three ‘limbs’ of sustainability should be equally applicable as one another and that development can only be considered to be sustainable where all three are satisfied. In other words, regardless of however ‘economically sustainable’ the proposal may be, it cannot be *sustainable* if it fails in either its social and/or environmental role(s).
- 4.41 Application of the presumption in paragraph 14 of the NPPF requires assessment against the policies in the Framework ‘*taken as a whole*’. This echoes the wording in paragraph 6 of the NPPF, which explains the Government’s view as to what sustainable development means in practice: “*The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system*” [emphasis added].
- 4.42 With regard to decision taking paragraph 14 goes on to explain that this means:
- Approving development proposals that accord with the development plan without delay;
As I explain below, the appeal proposal does not accord with the development plan
- And
- Where the development plan is absent, silent or relevant policies are out of date, grant permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;
- Or
- Specific policies in this Framework indicate development should be restricted

- 4.43 On the second bulletpoint, the Development Plan is not absent because the saved policies of the SNLP remain in place. The SNLP does not have any policies that specifically refer to renewable energy. However, it does have policies considering all relevant land-use impacts to allow the proper assessment of a wind energy proposal (for example, visual impact, residential amenity, cultural heritage). Therefore, it cannot be considered silent. The relevant policies of the SNLP, although 'of an age', also are not out-of-date because their wording is of general application and can often be applied to any type of development.
- 4.44 In light of the above the most that can be said is that the Development Plan is partially silent on the matters relating to this appeal. Equally, the statutory test for decision making in section 38(6) of the PCPA 2004 does give primacy to the Development Plan and I do not consider that just because a Development Plan is partially silent in one respect it should therefore be cast aside in favour of the NPPF.
- 4.45 With specific regard to the Core Principles of the NPPF (para 17) it is acknowledged that planning should support the transition to a low carbon future and the use of renewable resources. However, there are 12 core principles in total, of which none are given any greater status or prominence over any other. In addition to supporting a low carbon future and renewables its is also required that planning should (amongst other things):
- Always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings;
 - Recognise the intrinsic character and beauty of the countryside
 - Contribute to conserving and enhancing the natural environment [emphasis added]
 - Conserve heritage assets in a manner appropriate to their significance
 - Actively manage patterns of growth to make fullest possible use of public transport, walking and cycling [emphasis added]
- 4.46 Clearly a balance needs to be struck in each case, depending on the context and the level of conflict between the core aims.

Section 10 - Meeting the challenge of climate change, flooding and coastal change

- 4.47 It is acknowledged that planning plays a key role in helping and supporting the delivery of renewable and low carbon energy (para 93). It is also accepted (para 97) that to help increase the use and supply of renewable energy, LPAs should recognise the responsibility on all communities to contribute towards energy generation from renewable sources by (amongst other things):
- Having a positive strategy to promote energy from renewable sources
 - Design policies to maximise renewable energy development, while ensuring that adverse impacts are addressed satisfactorily. [emphasis added]
- 4.48 However, this is expressly qualified in paragraph 98 (bulletpoint 2) where it states that any individual application/proposal for renewable energy development should only be approved "*if its impacts are (or can be made) acceptable*". Consequently, as with PPS22 before it, the NPPF by no means gives blanket approval for all renewable energy developments.

- 4.49 Consequently, whilst the provision of renewable energy is a clear national priority, each site and proposal must be assessed on its own merits and, given the qualifications, there are clearly expected to be instances where development is not appropriate or acceptable.
- 4.50 In any event, the Development Plan applicable to the appeal site *is* considered to represent a positive strategy towards promoting energy from renewable sources. The SNLP has nothing which in any way expressly relates to or obstructs renewables. The SNLP is in turn 'backed up' by the Council's adopted Supplementary Planning Document (SPD) entitled 'Wind Turbines in the Open Countryside' (adopted December 2010).
- 4.51 With regard to paragraph 97, it should be noted that while all communities have a responsibility to contribute, the appropriate level (or type) of contribution by each individual community does not have to be the same or to the same extent. Indeed, there is no requirement for every community to have to meet a certain level of provision and, in some instances, certain types of contribution (or even any contribution at all) will not be appropriate given the impacts.
- 4.52 Interestingly, there is no repeat in the NPPF of key principle (iv) from PPS22, which stated that "*the wider environmental and economic benefits of all proposals for renewable energy project, whatever their scale, are material considerations that should be given significant weight [emphasis added] in determining whether proposals should be granted planning permission". This specific and deliberate reference could have been interpreted previously as elevating the wider environmental and economic benefits of renewable energy proposals above other material considerations. The NPPF, however, does not give any specific mention or indication as to the amount of any special weight to be given to the wider environmental and economic benefits renewable energy proposals, as opposed to any other planning consideration (such as visual impact or impact upon heritage assets).*

Section 11 – Conserving and enhancing the natural environment

- 4.53 Paragraph 109 advises that the planning system "*should contribute to and enhance the natural and local environment by [amongst other things] protecting and enhancing valued landscapes*" (bullet 1).
- 4.54 Paragraph 123 (bullet 4) adds: "*Planning policies and decisions should aim to... identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason*".
- 4.55 When applying the adopted NPPF, it is therefore necessary to place considerable weight on the negative impacts that the proposed development would have on its setting.

Section 12 – Conserving and enhancing the historic environment

- 4.56 Paragraph 126 requires LPAs to “set out a positive strategy for the conservation and enjoyment of the historic environment”, recognising that “heritage assets are an irreplaceable resource”.
- 4.57 The NPPF advises that in developing a strategy and determining planning applications, LPAs should take account of *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring*. Obviously, in this instance these benefits have to be weighed against the wider benefits of renewable energy developments.
- 4.58 It goes on to say that LPAs should also account for “*the desirability of new development making a positive contribution to local character and distinctiveness*” (para 126 bullet 3; and para 131 final bullet). The fact that this same point is made twice can only emphasise its importance. It is considered that the appeal proposal in this instance would have a significant negative impact on local character and distinctiveness, by causing harm to the setting of a number of heritage assets.
- 4.59 It goes on to say that “*when considering the impact of a proposal development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation [and] ...Any harm or loss should require clear and convincing justification*” (para 132). As pointed out in paragraph 4.43 above, it is interesting to note that the NPPF specifically mentions the need to apply ‘great weight’ to historic conservation, but does not do so for the wider benefits of renewable energy (as PPS22 did previously).
- 4.60 Where a proposal will cause less than substantial harm to the significance of a designated asset (as the appeal proposal would do) paragraph 134 outlines that the harm “*should be weighed against the public benefits of the proposal*”. In this instance, however, given the cumulative harm to the historic environment, the landscape and visual impacts and the impacts to the PROW network, the harm caused will outweigh the public benefits.

Decision Taking

- 4.61 Paragraph 196 reiterates that planning law (Section 38 of the PCPA 2004) requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise and that the NPPF constitutes a material consideration in this regard.
- 4.62 Paragraph 197 repeats paragraph 14, that LPAs should apply the presumption in favour of sustainable development. However, as discussed above, ‘sustainability’ can mean many different (and sometimes conflicting) things on many different levels.
- 4.63 The NPPF provides advice in Annex 1 on the weight to be attached to Development Plan policy and emerging policy. This has been analysed and taken into account above.

Conclusions on the NPPF

- 4.64 In summary, the NPPF gives no elevated status to climate change and renewable energy provision over and above other planning considerations. Climate change and renewable energy provision are recognisably a core principle of the NPPF, but they are only one of twelve such principles, with equal priority given to the other eleven, which include (amongst other things):
- Always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings;
 - Recognise the intrinsic character and beauty of the countryside
 - Contribute to conserving and enhancing the natural environment
 - Conserve heritage assets in a manner appropriate to their significance
 - Actively manage patterns of growth to make fullest possible use of public transport, walking and cycling
- [emphasis added]

Supplementary Planning Documents (“SPDs”)

- 4.65 Given the age of the SNLP (adopted 1997) and its lack of any policies specifically relating to renewable energy generation, the Council has consulted on and adopted a Supplementary Planning Document (SPD) entitled ‘Wind Turbines in the Open Countryside’ (adopted December 2010). This is document **[CD 4.1]**.
- 4.66 This guide applies solely to wind energy schemes of less than 50MW and sets out the generally positive approach that the Council will take in supporting initiatives to promote renewable energy generally.
- 4.67 Paragraph 4.4 outlines that responding to the threat of climate change [through the ‘South Northamptonshire Climate Change Strategy’] meets with the Council’s priority to *“preserve what is special about the District so that it can be enjoyed by future generations”*.
- 4.68 More recently, the Council has adopted another SPD entitled ‘Low Carbon and Renewable Energy’ (adopted July 2013). This document focuses on other renewable technologies and on improving energy efficiency in construction, etc. The document acknowledges that the principal technologies likely to be applicable in the district are wind turbines and biomass. In line with the NPPF, the document has been written to assist applicants in making successful applications for renewable energy schemes and gives guidance on the types of issues that will usually need to be assessed.
- 4.69 Both these documents are a material consideration of some weight, but are not part of the Development Plan.

National energy policy

- 4.70 I acknowledge and have familiarised myself with the national energy policies set out in the Statement of Common Ground (SoCG - Appendix 2). I fully appreciate that, in broad terms, these policies encourage and promote renewable energy development. However, it should be noted that the policies

listed in Appendix 2 of the SoCG are not expressly land use planning policies. They focus only on the narrow issues of climate change and energy production. They do not, nor do they need to, consider all other material planning considerations.

- 4.71 National Energy Policy does not constitute part of the Development Plan in a planning sense. The documents comprising the energy policy represent '*other material considerations*' to which some weight must clearly be attached. However, in the first instance primacy must continue to be given to the Development Plan (i.e. the SNLP). When determining any planning application or appeal there is always a responsibility to balance all material considerations against one another, many of which will often be in conflict.
- 4.72 The third bullet in para 97 of the NPPF (via footnote 17) advises that, when determining planning applications, LPAs should follow the approach for assessing likely impacts as set out in EN-1 and EN-3. It should be noted, however, that both these documents were expressly targeted at large, strategic scale renewable energy developments over 50MW. Therefore, the appropriateness of their direct application to smaller schemes must be considered. It is perhaps for this reason that the footnote directs LPAs to follow the 'approach' of those documents, rather than the detail of their content. In planning policy terms it is also interesting to note that reference to EN-1 and EN-3 is only via a footnote in the NPPF, and that the Government did not take the opportunity to incorporate this requirement into the main text.
- 4.73 **Overarching National Policy Statement for Energy (EN-1)** sets out the role of large scale renewable energy generation in meeting the national commitment (from the 2009 Renewable Energy Strategy) for sourcing 15% of total energy from renewable sources by 2020.
- 4.74 Section 4 of EN-1 deals with assessment principles. Amongst other things, EN-1 mentions the need for applicants to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation (para 4.5.3). Generic impacts common to many energy developments are considered in Section 5. For example, the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets and the contribution of their settings (para 5.8.13); minimising harm to the landscape having regard to siting, operational and other relevant constraints (para 5.9.8); and mitigating noise (para 5.11.4).
- 4.75 Paragraph 5.9.18 of EN-1 states that all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. In assessing whether the visual effects on sensitive receptors, such as local residents, and other receptors such as visitors to the local area, outweigh the benefits of the project (para 5.9.18), applicants are encouraged to draw attention to schemes they may be aware of that have a similar magnitude of impact on sensitive receptors. This may assist the decision-maker in judging the weight it should give to the assessed visual impacts of the proposed development (para 5.9.19). Adverse landscape and visual effects may be minimised through appropriate siting of infrastructure, design, and landscaping schemes (para 5.9.22). Depending on local topography and areas of population, EN-1 suggests off-site landscaping may be appropriate to mitigate impact when viewed from a more distant vista (para 5.9.23)

- 4.76 Section 2.7 of the **National Policy Statement for Renewable Energy Infrastructure (EN-3)** (2011) concerns on-shore wind-farms and the assessment principles amplify those set out in EN-1. Paragraph 2.4.2 states that proposals should demonstrate good design in respect of landscape and visual amenity.
- 4.77 EN-3 advises that appropriate distances should be maintained between wind turbines and sensitive receptors to protect amenity (para 2.7.6). It advises that the arrangement of wind turbines should be carefully designed within a site to minimise effects on the landscape and visual amenity, while meeting technical and operational siting requirements and other constraints (para 2.7.49). It refers to the fact that a number of existing operating wind-farms are sited close to residential dwellings, and that any evidence on the experience of similar scale turbines at similar distances to residential properties should be considered (para 2.7.50). In terms of mitigation, EN-3 advises that it is unlikely that the number or scale of wind turbines can be changed without significantly affecting the output of the wind farm. Therefore mitigation in the form of reduction in scale may not be feasible (para 2.7.51).
- 4.78 In my view these policies should not be read as a substitute for the advice contained in the NPPF and whilst their approach should be followed as a material consideration, it should always be borne in mind that their focus is at a much larger, nationally strategic level. The approach in these documents should also be considered against the more recent Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013) which is considered below.
- 4.79 Policy guidance relating to energy development is also contained within the UK Renewable Energy Strategy 2009, the 2007 Energy White Paper (and 2008 Act), the Low Carbon Transition Plan 2009 and the UK Renewable Energy Roadmap (2011) and update (2012).
- 4.80 The Energy White Papers of 2003 and 2007, together with the Energy Review of 2006, contained the UK targets for electricity generation from renewable sources, namely 10% by 2010 and 20% by 2020. The UK Renewable Energy Strategy 2009 set out a path for meeting a legally-binding target to ensure 15% of energy comes from renewable sources by 2020. In relation to planning, the UK Renewable Energy Strategy 2009 emphasised that renewable energy development must be in appropriate places with continuing protection for the environment and natural heritage, whilst responding to the legitimate concerns of local communities (Executive Summary para 3.6 (1)).

The UK Renewable Energy Roadmap

- 4.81 **The Renewable Energy Roadmap 2011** confirmed there was a healthy pipeline of renewable electricity developments, but because there was uncertainty as to whether all projects will go ahead, there was an urgent need, as set out in EN-1, for new large scale renewable energy projects to come forward to ensure the 2020 targets are met (para 2.21).
- 4.82 **The UK Renewable Energy Roadmap Update 2012** published by the Government at the end of December 2012, states that there was a healthy

pipeline of onshore wind projects in the formal planning system as at June 2012 (para 2.31). A total of over 11GW of on-shore wind capacity had either been built (5.3GW), or was under construction or consented (6.1GW) (para 2.10). A further 7GW was in the planning system (para 2.10). Whilst some of these could be lost at planning and construction stages (estimated to be at least 2.7GW based on past “attrition rates”), *“the pipeline is likely have the potential to provide the appropriate quantity of deployment to fulfil our ambition outlined last year”* (para 2.10) and *“is likely to represent the appropriate quantity of deployment to fulfil the central range in the 2011 Renewable Energy Roadmap for onshore wind development (about 10-13GW capacity)”* (para 2.33). In fact, from these figures, it is clear that, as at June 2012, only a further 1.6GW out of the 7GW in the planning system would need to be consented to achieve 13GW capacity by 2020.

- 4.83 I also note that the Update also states that the majority of future deployment will take place in Scotland (para 2.31).
- 4.84 In the Ministerial Foreword to the Roadmap Update, the Government recognises that some communities are uneasy about the pace of development of on-shore wind. It says that Government is sensitive to those concerns, and wants to ensure communities have more say over developments and can benefit directly from nearby schemes. It says that changes put in place through the Localism agenda will enable more communities to have a bigger say in planning decisions and ensure that renewables projects are well sited.
- 4.85 The Roadmaps are energy policies, not land use planning policies. They are clearly a material considerations, and can be updated by reference to more recent figures (such as those regularly published on the website for the Department for the Environment and Climate Change.

Previous Inspectors’ Decisions

- 4.86 I am aware of decisions made by Inspectors on appeals for similar wind energy development proposals elsewhere around the country and have taken this into account when composing my proof of evidence. I acknowledge that planning permission will have been granted in a significant proportion of appeals for wind energy developments. These decisions are material considerations. However, each and every proposal should be assessed on its own merits and the grant of permission elsewhere before does not automatically set a precedent in this instance. Importantly, those decisions should now be considered in light of the recent national planning policy guidance and the concerns raised as to how the balance had been struck previously.

Recent National planning policy guidance

- 4.87 On 6th June 2013 The Secretary of State for Communities and Local Government, Mr Eric Pickles MP, issued a Ministerial Statement entitled *‘Local Planning and Onshore Wind’* which announced that new planning practice guidance will be published to assist local councils, and planning

inspectors in their consideration of local plans and individual planning applications as to how the planning balance should be weighed relating to wind energy developments. This move appears to be in light of an acknowledgement that “*current planning decisions on onshore wind are not always reflecting a locally-led planning system*” and that “*action is needed to deliver the balance expected by the National Planning Policy Framework on onshore wind. We need to ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment.*”

- 4.88 The associated official press notice (No. 13/057) (a joint press notice by the Department of Energy and Climate Change and the Department for Communities and Local Government) entitled ‘*Onshore wind: communities to have a greater say and increased benefits*’ further frames the context by stating that “*Current planning decisions on onshore wind are not always reflecting a locally-led planning system. New planning guidance supporting the planning framework from DCLG will make clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. It will give greater weight to landscape and visual impact concerns*” [emphasis added]. The full press notice is contained in **APPENDIX 2**
- 4.89 The Ministerial Statement represents a material consideration in its own right and frames the context in which the subsequent guidance must be interpreted.
- 4.90 On 29th July 2013 the aforementioned guidance was issued with immediate effect. The document entitled ‘**Planning Practice Guidance for Renewable and Low Carbon Energy**’ applies to developments of 50MW or less and is clarified as replacing the Companion Guide to PPS22, which is now cancelled.
- 4.91 In my view the document represents something of a ‘levelling of the playing field’ with regard to weighing up the considerations relating to renewable energy developments when compared to its predecessor. It is the most recent national planning policy document relating to renewable energy and onshore wind energy developments and indicates a general reining in of the ‘direction of travel’ in which policy had been evolving.
- 4.92 Whilst repeating the benefits and importance of renewable energy (and planning’s central role in that) (para 3) the guidance makes it clear that the need for renewable or low carbon energy does not automatically override environmental protections and the planning concerns of local communities (para 5).
- 4.93 Paragraph 15 states that when considering planning applications it is important to be clear that (amongst other things):
- The need for renewable or low carbon energy does not automatically override environmental protections;
 - Local topography is an important factor in assessing whether wind turbines could have a damaging effect on the landscape;

- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting; and
- Protecting local amenity is an important consideration which should be given proper weight in planning decisions

[emphasis added]

- 4.94 Interestingly it makes the point relating to local topography completely separately from the bullet point relating to protected landscapes such as National Parks and AONBs, thereby strongly indicating that landscape and visual impacts in areas without national designations can still be sufficient to justify a refusal of planning permission. This specific reference goes beyond, and gives further clarification to the NPPF.
- 4.95 Overall, the guidance confirms a gradual and subtle change in the direction of travel from Central Government, 'levelling of the playing field' when weighing up the competing benefits and harms associated with renewable energy proposals.
- 4.96 Because of its recent nature, the guidance is a material consideration that must be given considerable weight.

5 Benefits and harms of the proposal

Benefits of the proposal

- 5.1 Whilst there are undoubted benefits resulting from the proposal, they should not be overstated.
- 5.2 The Environmental Statement which accompanied the planning application stated a range of benefits which it said the overall proposal would deliver, notably the installed capacity of the overall scheme, electricity production and CO2 emissions savings. The proposal will also have an economic benefit in terms of investment in the renewable energy generation sector and additional income for the landowners of the appeal site.
- 5.3 As noted in the Statement of Common Ground, the installed capacity of the whole scheme would be 10-15MW. To place this contribution in context, in the East Midlands region there is currently a total of 174.7MW of on-shore wind capacity installed, or 327.9MW of renewable energy overall (all sources).
- 5.4 As mentioned above, the UK Renewable Energy Roadmap Update 2012 represents one of the most recent measures of national performance against renewable energy objectives. Here the Government expresses its confidence that the current pipeline will fulfil the central range in the 2011 Roadmap for onshore wind capacity (10-13GW) by 2020. The Roadmap Update itself indicated that, as at June 2012, 9GW was already built, under construction or consented, with a further 6.2MW comprising planning applications yet to be determined. Later RESTATS figures (**APPENDIX 3**) at July 2013 confirm that the position has significantly further improved, with some 13.4GW on-shore wind capacity already operational, under construction or awaiting construction (4.4GW, or 49%, up on the same time the year before), and some 6.1MW in planning and S36 applications awaiting determination. Therefore, as the 2012 Update confirms, a high "attrition rate" at planning stage could occur without compromising the overall national objective. In effect, more than enough permissions are already in place to secure the upper end of the 2020 objective range for deployment of on-shore wind. In my opinion, the rapidly accelerating performance of on-shore wind capacity provision is an important factor to be weighed in the planning balance.
- 5.5 Bearing in mind national policy, significant weight should be given to the potential contribution of the proposal to securing electricity from renewable sources. However, this should be tempered by the knowledge that the UK is already well on track for meeting its overall targets for installed on-shore wind capacity by 2020. The RESTATS figures (**APPENDIX 3**) referred to above confirm that nationally there is already 18.7GW of cumulative installed capacity from all forms of renewable energy, with a further 18.2GW either in construction or awaiting construction. This gives a total of 36.9GW, with a further 17.2GW at planning stage (potential total of 54.1GW).
- 5.6 The indicative target set out in UK Renewable Energy Roadmap (2011) is to have 29GW of installed capacity from all forms of renewable energy by 2020. This, combined with de-carbonising the heat, transport and energy sectors as a whole would ensure that 15% of the UK's energy consumption/demand (234TWh) is met from renewable sources by 2020.

- 5.7 In summary, therefore, despite the overall thrust of renewable energy policy, the weight which can be attached to it is lessened by reference to the overall position nationally that the central range for onshore wind capacity in the UK by 2020 is already close to being achieved, some 7 years ahead of schedule.
- 5.8 It is relevant to note at this point that the appellant proposes no other form of benefit from this development. In particular, the appellant proposes no form of local community benefit directly applicable to the site or to the adjacent communities most affected. In particular, no community fund, as set out in the on-shore wind industry's Community Benefit Protocol, is proposed here (despite the Ministerial statement by Edward Davey MP on 6th June 2013 entitled 'Onshore Wind', which called for communities to receive greater benefits for hosting wind farms in their area). Consequently the local economic benefits of the proposal are limited.
- 5.9 There are no other proposed benefits either, such as possible improvements to the public rights of way network within and surrounding the site (i.e. improvements above and beyond those necessary to prevent 'oversail').

Impact upon character and appearance of the area

- 5.10 As explained by the LPA's Landscape Consultant Witness (Kate Ahern) the proposal will result in a significant major adverse effect with relation to the highly valued character and appearance of the gently rolling, tranquil, agricultural landscape in which the site sits, and upon the nearby settlements of Greatworth, Helmdon, Sulgrave and Stuchbury. The impact of the proposal in terms of residential amenity at Stuchbury Hall Farm and Grange Farm will also be of such a degree as to render them significantly less attractive places in which to live.
- 5.11 I agree with her conclusions. Consequently, the proposal is clearly contrary to Policies G3 (A and D), EV2, and EV29 of the SNLP; the South Northamptonshire Wind Turbines in the Open Countryside adopted SPD and Policies S1 and S11 of the draft JCS.
- 5.12 The NPPF emphasises one of the sentiments of the old PPS7, which went before it, in that one of the 12 core principles of planning includes the requirement to recognise "*the intrinsic character and beauty of the countryside*" (para 17, bullet point 5). It goes on to say in section 11 of the NPPF that the planning system "*should contribute to and enhance the natural and local environment by [amongst other things] protecting and enhancing valued landscapes*" (para 109, bullet point 1). Although not designated either locally or nationally, the site and the surrounding landscape in which it sits is clearly an attractive, gently rolling, tranquil, undeveloped, valued rural landscape and recognition of that landscape, and protection of it, is underpinned by the recent publication of the NPPF and planning practice guidance.
- 5.13 The NPPF also provides that "*Planning policies and decisions should aim to... identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason*" (para 123, bullet point 4).

- 5.14 Kate Ahern acknowledges that since the last appeal the tank driving enterprise on a small part of the south-eastern end of the site has been granted planning permission (S/2010/1117/MAF – Tanks A Lot). I agree with her conclusions that this use of the site does not have an impact on the overall tranquillity of the wider valley. Landscape conditions included as part of that planning permission seek to enhance local visual amenity by strengthening and replanting boundaries.
- 5.15 It is relevant to note that previous Inspector Elizabeth Fieldhouse (para 32 of **CD 6.16**) agreed with the Council that, with regard to landscape character and visual effects, the proposal was contrary to the relevant parts of SNLP policies G3 and EV2 and draft JCS policy S11.

Impact upon cultural heritage

- 5.16 The Council's Conservation Officer, Naomi Archer, identifies the significant and multiple-limbed harm that the proposal would cause to the setting of the historic and cultural environment around the site.
- 5.17 I agree with her conclusions and, therefore, the proposal is clearly contrary to Policies G3(I and J), EV11, EV12 and EV28 of the SNLP; the South Northamptonshire Wind Turbines in the Open Countryside adopted SPD and Policies BN5 and S11 of the draft JCS.
- 5.18 The NPPF requires LPAs to have "*a positive strategy for the conservation and enjoyment of the historic environment*" (para 126). In Naomi Archer's evidence she acknowledges that the harm to no single heritage asset is 'substantial' within the technical meaning of the word, as set out in para 132-134 of the NPPF. However, she does make clear that the harm in several instances is significant. With regard to para 134 of the NPPF it is the cumulative harm to heritage assets which must be weighed against the benefits of the appeal scheme.
- 5.19 The Council's original Reason for Refusal made reference to the proposal negatively impacting upon cultural heritage tourism to the area. The Council has since reviewed its own evidence to support that position and is not seeking to run this point as part of its case at this inquiry, although it should be noted that the Action Group and / or its residents may take up the point.
- 5.20 Again, it is relevant to note that previous Inspector Elizabeth Fieldhouse (para 32 of **CD 6.16**) agreed with the Council that the proposal was contrary to the relevant parts of SNLP policies G3, EV11 and EV12 and draft JCS policy S11.

Impact upon public rights of way ("PROW")

- 5.21 The Council's original refusal reason relates to two specific impacts of the development upon the local PROW network; an impact upon perceived safety and an impact upon outlook. These impacts relate primarily to the impact of the turbines themselves, although the access tracks and associated developments would also result in nuisance and inconvenience (where the

access tracks cross the alignment of the PROW) and would adversely affect the use and enjoyment of footpath AN10, in particular.

- 5.22 With regard to perceived safety, as is explained by Richard Hall from Northamptonshire County Council (“NCC”) Rights of Way, the proposal would cause significant harm to the perceived safety of the local bridleway and footpath network, particularly byway AM36 and footpaths AN9 and AN10.
- 5.23 With regard to outlook, as explained by Kate Ahern in her evidence, the turbines would clearly have a major adverse effect upon the character and amenity of the countryside landscape in which they would stand. Given the significant number of public rights of way within, and in close proximity to, the site, the sheer oppressive proximity of the turbines to footpaths AN8, AN9 and AN10 and byway AM36, and given the presently tranquil, unspoilt nature of the attractive valley in which the turbines would stand, the cumulative impact upon the outlook from these routes would undoubtedly be perceived by users to significantly harm the amenity of those routes and impede the right of passage because of their overbearing impact on the path user.
- 5.24 As stated in section 8 of the NPPF, “*Planning policies should protect and enhance rights of way and access*” (para 75). In this instance the proposal would do neither and the cumulative level of harm that would be felt by users of these PROW to both their safety and outlook would be particularly significant.
- 5.25 Again, it is important to note that previous Inspector Elizabeth Fieldhouse (para 79 of **CD 6.16**) agreed with the Council that the proposal was contrary to the aims of SNLP policy G3, and draft JCS policy S1.

Reversibility

- 5.26 It is contended by the appellant that due to the nature of the development any of the impacts are considered to be temporary, indirect and fully reversible.
- 5.27 Although it is generally acknowledged that wind energy developments are reversible in time, with the operational life of the wind turbines anticipated to be around 25 years, they still constitute a relatively long-term feature for the landscape and environment in which they are sited. This significant period of presence and operation (tantamount to a single human generation) means they cannot be considered ‘temporary’ in any real sense.
- 5.28 In this instance, with the significant level of harm that would result from the development, it is not considered that this harm should be dismissed because the development was in any way ‘temporary’ or ultimately reversible.
- 5.29 In particular, even if a 25 year period could be considered relatively short-term in relation to impacts landscape or the setting of heritage assets, it should not be considered as such on residential receptors, especially the occupiers of Stuchbury Hall Farm and Grange Farm (which would have become significantly less attractive and unsatisfactory places in which to live). The fact that these impacts might be reversible after 25 years amounts nevertheless to impact for at least a generation and that would be unacceptable in the public interest in my view.

Conclusions on benefits and harms

- 5.30 There are clear benefits resulting from the proposal, including the development's contribution towards mitigating the impacts of climate change, improving national energy security, and jobs and investment. Whilst those benefits are certainly very worthy, they should not be overstated (particularly given the UK's recent performance in significantly stepping up the deployment of renewables).
- 5.31 The Council clearly accepts the benefits of renewable energy developments and has adopted a positive approach towards them through the emerging policies, the adopted SPD, as well as its positive record on determining applications to date.
- 5.32 In this appeal, however, there are several significant harms that would result from the proposal. These include a significant major adverse visual effect (both on landscape and on residential amenity), a significant impact upon the setting of several heritage assets of some notable significance, and a perceived harm to the safety and outlook for users of the much valued local public rights of way network. These harms have to be weighed both individually and cumulatively into the planning balance.

6 The Planning Balance and Conclusion

- 6.1 There is in my opinion little doubt about the seriousness of the impacts of climate change, and, in response thereto, the need to secure an increasing proportion of national energy supplies from renewable sources, and to meet national and international obligations. To that end, national policy in a large number of documents whether directly addressing climate change and renewable energy issues, such as the Renewable Energy Strategy, or the Renewable Energy Roadmap and its Update, or the planning system's response, as articulated in the NPPF or the National Policy Statements EN-1 and EN-3, sets a positive framework for the consideration of renewable energy projects. The JCS, which has reached an advanced stage of preparation, properly and fully reflects that overall approach through policies S1 and S11.
- 6.2 However, proposals of the nature and scale of this wind-farm scheme invariably give rise to significant impacts, and in this case, a significant detrimental impact on the visual appearance of the landscape and the visual amenities of the residential properties at Stuchbury Hall Farm and Grange Farm. These visual impacts result in the development being contrary to SNLP policies G3(A and D) and EV2.
- 6.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Inspector to determine this appeal in accordance with the development plan for the area of the appeal site, unless material considerations indicate otherwise. In this instance I do not consider that the other material considerations, including the NPPF, EN-1, EN-3, the Renewable Energy Roadmap, etc, outweigh the harm caused or the conflict with the Development Plan.
- 6.4 In addition, (as evidenced by Naomi Archer and Richard Hall) the proposal will cause a significant impact to the setting of several designated heritage assets and to the perceived safety and outlook for users of the public rights of way network within and surrounding the appeal site. There is therefore conflict with the Development Plan (SNLP policies G3(A, I and J) EV11 and EV12). However, the impacts on both cultural heritage and public rights of ways will not on their own be sufficient, in my opinion, to outweigh the strong policy support for installations of this nature. These impacts must collectively be put into the planning balance.
- 6.5 In the light of the conflicts with local plan policy I have identified, I consider there to be an overall conflict with the Development Plan.
- 6.6 What also must be weighed in the balance is the knowledge that, despite the strong support of energy policies, the UK is already well on track for meeting its overall targets for installed on-shore wind capacity (and renewable energy generation as a whole) by 2020, if not well before then. The rapidly accelerating performance of on-shore wind drastically reduces the weight to be attached to the urgency of approving additional projects. The weight that should be attached to the benefits of this wind energy development is qualified and tempered by the performance of the UK.
- 6.7 With regard to paragraph 14 of the NPPF, the Development Plan is not absent (it is still in place). The Development Plan also is not considered to be silent because, although the SNLP has no policies relating specifically and

expressly towards renewable energy, its policies are generally permissive and balanced and seek to allow development to take place (except where the harm would be unacceptable). There are sufficient policies considering all relevant land-use impacts to allow the proper assessment of a wind energy proposal. In addition, it should not be expected that Local Plans contain policies specifically addressing every type of development. However, if the Inspector considers that the lack of a specific policy(ies) relating to renewable energy development is of importance then I consider the Development Plan, at most, could only be considered partially silent as a result.

- 6.8 The policies in the Development Plan (the saved policies of the SNLP) are not considered out of date because they all echo the principles of the NPPF. Consequently, the bullet points at the end of paragraph 14 of the NPPF are not considered to be engaged. The proposal should be determined in accordance with the Development Plan.
- 6.9 Paragraph 211 of the NPPF makes clear that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.
- 6.10 However, should the Inspector conclude that the development plan is either absent, silent or out of date and, therefore, seek to determine the proposal against the bullet points contained in para 14 of the NPPF, the Council contends that the cumulative impact of the three issues (landscape and visual impact, cultural heritage and public rights of way) clearly and demonstrably outweigh the wider environmental and economic benefits of the proposal. With regard to paragraph 98 of the NPPF, the impacts of the development are not (and cannot be made) acceptable. Consequently, and in light of paragraphs 6 and 7 of the NPPF, the conclusion must be that the appeal proposal does not constitute sustainable development.
- 6.11 This conclusion would be fully consistent with the Government's new Planning Practice Guidance for Renewable Energy and Low Carbon Energy (published July 2013) which has to be interpreted in light of the Ministerial Statement made by The Secretary of State for Communities and Local Government, Mr Eric Pickles MP, (6th June 2013). At that time Mr Pickles was clear that *"current planning decisions on onshore wind are not always reflecting a locally-led planning system"* and that *"action is needed to deliver the balance expected by the National Planning Policy Framework on onshore wind. We need to ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment."*
- 6.12 Overall, and in light of all materials considerations I believe it is clear that, respectfully, the appeal should fail.
- 6.13 If, however, the Inspector is minded to allow the appeal the Local Planning Authority, without prejudice to its case, will seek to work with the appellant to agree a set of conditions that will be submitted prior to the inquiry.

Name: Daniel Callis MSc MRTPI

Position: Principal Planning Officer, South Northamptonshire Council

Date: 02 September 2013