

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

**Appeal by Broadview Energy Developments Limited against a  
refusal to grant planning permission by South  
Northamptonshire Council for five wind turbines on land to the  
north of Welsh Lane between Greatworth and Helmdon**

**PROOF OF EVIDENCE OF MICHAEL J MUSTON  
ON BEHALF OF THE HELMDON, STUCHBURY AND  
GREATWORTH WINDFARM ACTION GROUP**

**PINS Reference APP/Z2830/A/11/2165035**

**South Northamptonshire Council Reference S/2010/1437/MAF**

**1) INTRODUCTION**

- 1.1. My name is Michael John Muston. I am Director of Muston Planning, a position I have held since July 2002. Prior to setting up my own company, I had over 24 years experience in local government, 12 of which were at management level, and held the post of Head of Development Services with Stroud District Council until July 2002. I am retained by the Helmdon, Stuchbury and Greatworth Windfarm Action Group to give evidence in respect of this appeal. I have dealt with other applications and appeals for wind turbines, including giving evidence for Councils at public inquiries. These have included a wind turbine at Nympsfield, Gloucestershire (for Stroud DC) and 3 wind turbines at Beech Tree Farm, Kingsbridge (for South Hams DC).
- 1.2. I hold the qualifications of a BA (Hons) Geography from the University of Southampton, and a MPhil Environmental Planning from the University of Reading. I am a member of the Royal Town Planning Institute and have been for over 30 years.
- 1.3. The evidence I have prepared and provided for this appeal in this proof of evidence 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 in this proof are my honest professional opinions.

## **2) MAIN ISSUES**

2.1. I consider the main issues in the appeal to be

1. the impact of the proposal on landscape character and the historic landscape (including impacts on the setting of heritage assets);
2. the impact of the proposal on the amenity of local residents (visual and noise);
3. the impact of the proposal on the amenity of the locality and Public Rights of Way (visual and noise);
4. the effect of the proposal on highway safety;
5. whether any harm which results from the above and any other issues would be sufficient to outweigh the benefits, particularly in terms of climate change, which flow from renewable energy generation.

2.2 I have also considered the relevant planning policies in this proof of evidence in the light of the points made in the Appellant's Statement of Case about the weight to be given to the Development Plan policies, in the light of the National Planning Policy Framework (NPPF). I note however that the Appellant accepts in paragraph 10.1 of its Statement of Case that the policies in the Development Plan are compliant with the NPPF.

2.3 This appeal will be determined afresh, with this Inspector making up his own mind on the basis of all the evidence now before him. However, the factual conclusions of the previous Inspector are relevant to this inquiry. The Inspector's decision was quashed, and her approach to the Development Plan and the overall balance was impugned by the Court. However, her conclusions on the detailed issues must be accepted as being relevant as one expression of opinion on those issues.

2.4 The Action Group objected to the application, and appeared at the previous inquiry, when Fiona Davies gave evidence. The objection, dated January 2011, is included as Appendix 1 to this proof, and a copy of Fiona Davies' statement as Appendix 2.

### **3) THE APPEAL PROPOSAL**

3.1 A description of the appeal proposal is set out in Section 4 of the Statement of Common Ground signed by the Appellant and the Council. I am happy that this is an accurate description of the proposal and its surroundings.

3.2 I have had full regard to the characteristics of the development, including the duration of the proposed development and its reversibility, when assessing the proposal and weighing the benefits of the development against the harm caused.

3.3 The appeal site is evidently tightly constrained. As set out in Section 4 of the Statement of Common Ground, it is surrounded by villages, public rights of way, and heritage assets, including listed buildings, Scheduled Ancient Monuments, a Registered Park and Garden and Conservation Areas. There are also a number of dwellings not within villages around the site (including Stuchbury Hall Farm and Grange Farm). This high level of constraint has meant that it has not been possible for the appeal proposal to react appropriately to its neighbours, as moving a turbine or turbines to improve the impact on one constraint would result in exacerbating the impact on another (for example moving a turbine because of the impacts on bats bringing it even closer to Stuchbury Hall Farm).

#### **4) PLANNING POLICIES**

##### *South Northamptonshire Local Plan*

- 4.1 The statutory development plan for the District currently comprises the South Northamptonshire Local Plan 1997, adopted in April 2006. Policies from this plan have been saved beyond September 2007, and only those saved policies are referred to in this proof. They are therefore part of the Development Plan.
- 4.2 The relevant policies from the South Northamptonshire Local Plan are saved Policies G3, EV1, EV2, EV11, EV12 and EV31. Policy G3 is a permissive policy, which says that planning permission will normally be granted where the development meets certain criteria. These include that it is compatible in terms of type, scale, siting, design and materials with the existing character of the locality, that it will not unacceptably harm the amenities of any neighbouring properties, that it is sympathetic to the quality and character of any building listed as being of special architectural or historic importance, or its setting, and that it does not harm the character, appearance or setting of a conservation area. The policy therefore strikes a balance by allowing development to proceed where no harm to the important considerations in the list of criteria is caused. It does not go on to say that, should some harm be caused in respect of one of these considerations, that permission will necessarily be refused, but rather that, without any such harm, permission will normally be granted. The implication is therefore that any harm found contrary to the policy would need to be justified in some way, so that permission can be granted, perhaps by the scale of the benefits of the development..
- 4.3 Policy EV1 says that proposals for new development will be expected to pay particular attention to a list of elements of design. These are existing site characteristics, including landscape features and levels, the relationship with adjoining land and buildings, the scale, density, layout, height, massing, landscape and materials in relation to the site and its surroundings, and the appearance and treatment of the spaces between and around buildings. This policy reflects the Government's message (enshrined in the National Planning Policy Framework amongst other places) about

the importance of design. In short, the policy requires a development to be designed so as to produce the best fit with its setting.

- 4.4 Policy EV2 says that planning permission will not be granted for development in the open countryside. Exceptions are listed, but these do not include wind turbines.
- 4.5 Policy EV11 says 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. Paragraph 4.29 above the policy itself reminds readers of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and that the Council is required by that section to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. It goes on to note that this should also be a material consideration in the Council's handling of development proposals, which are outside the conservation area but which would affect the setting of or views into or out of the conservation area. This measured wording does not suggest that the Council intended in drafting this policy that any application would automatically be refused, just because some adverse effect on the setting of the conservation area was found.
- 4.6 As with all significant developments, when tested against the Development Plan, some policies will support the development and others will not (perhaps because criteria are breached). It is necessary under Section 38(6) of the Planning and Compulsory Purchase Act 2004 to have regard to all the relevant policies in the Development Plan and ask whether the development accords with the Plan, taken as a whole, or not. If for example the development does not accord with the majority of the relevant Plan policies it is likely that it would not be judged to comply with the Plan taken as a whole. Then of course one moves to the second part of Section 38(6) to ask whether other material considerations, not reflected in Plan policies, mean that the answer indicated by judging accordance with the Development Plan should be reversed or reinforced. These other material considerations in this case will include matters such as the emerging Core Strategy, the National Planning Policy Framework, other relevant policy, other land use planning impacts, and the benefits of the development, amongst other things.

- 4.7 Policy EV12 points out 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 and, where appropriate, by the preservation of trees and landscape features. This is another policy that gives recognition to a statutory duty (this time under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) but that again, with measured wording, suggests that any failure to preserve or enhance the setting of listed buildings would not automatically lead to the development being refused planning permission but that any breach of the policy would need to be weighed when testing compliance with the Development Plan as a whole, albeit by having special regard to it, as required by statute.
- 4.8 Policy EV31 says that *“proposals which require planning permission for the erection of overhead lines, telecommunications installations and public utility equipment will be permitted provided they will not be visually intrusive, detract significantly from any existing landscape feature and there is no reasonable possibility of sharing existing facilities.”* This Policy is agreed as being relevant to the appeal proposal in the Statement of Common Ground signed by the appellants and the Council. Whilst not expressly stated to apply to wind turbines (and the mention of sharing facilities is plainly irrelevant) wind turbines could be “public utility equipment”; wind turbines are clearly of the sort of development which would fall within the intention of Policy EV31. The message in the Policy to avoid being visually intrusive and detract significantly from existing landscape features is relevant to the appeal proposal. The Policy uses the word “intrusive” to show that not all visual impact is unacceptable and also the word “significantly” again to show that some adverse impact on landscape should be accommodated before the Policy is breached.
- 4.9 In my opinion, when the relevant Local Plan policies are looked at in the round and the Local Plan is taken as a whole, the picture is of a permissive Plan, which allows development to take place except where the harm caused by doing so would be unacceptable. It does not matter that there is no policy specifically on wind farms within the Local Plan. One should not expect a Local Plan to contain specific policies on every type of development. The reason there are criteria-based policies in local plans on general land use topics is precisely so there is no need for lots of policies to deal with specific types of development. More important is that the Plan contains, as it

does, reasoned and balanced policies dealing with harm to the character of the locality and the landscape, harm to the amenities of residential properties, and harm to the settings of conservation areas and listed buildings. The Plan is not silent or absent on any of these potential land use impacts from wind turbines and should not be considered to be so, just because it does not specifically address wind farms in a particular policy in the Plan. All the necessary policies are in place to allow a wind farm proposal to be assessed against the policies of the Development Plan. As I explain below, the Local Plan Policies are consistent with the NPPF and therefore should be regarded as being up-to-date and given full weight, notwithstanding their age.

#### *Draft Core Strategy*

- 4.10 The Council has been involved in the preparation of the West Northamptonshire Joint Core Strategy. This is a joint Core Strategy covering the areas of Daventry District, Northampton Borough and South Northamptonshire Councils. As set out in the Statement of Common Ground, agreed between the appellants and the Council, it was first published in February 2011 and an amended version was published on 31 December 2012. It was the subject of an examination in April/May 2013. The Inspector requested, in the light of the revocation of the East Midlands Regional Spatial Strategy, and in the light of evidence considered at the hearings, that a fresh assessment of objectively assessed housing needs for the area be prepared. Hearings are likely to continue in October 2013. Relevant policies from the Core Strategy include S11 and BN5.
- 4.11 Policy S11 deals with renewable energy. There was only one objection lodged to Policy S11 and no debate about it at the examination. The Inspector at this appeal can therefore accord it significant weight as an emerging planning policy, which is making good progress through the examination process.
- 4.12 Policy S11 says that applications for proposals to generate energy from renewable sources will be expected to bring wider environmental, economic and social benefits and contribute to national renewable energy production targets in terms of addressing climate change, have no significant adverse impact on the historic and natural landscape, landscape character, townscape or nature conservation interests, and have



no significant adverse impact on the amenity of the area in respect of flicker, glare, noise, dust, odour and traffic generation. This policy is therefore supporting renewable energy but also balancing the wider benefits against any significant adverse impact that is identified in any particular case. The word “significant” again shows that some adverse impact should be accommodated before the Policy is breached. This is in line with the approach taken in the National Planning Policy Framework (the NPPF). I consider emerging Policy S11 to be compliant with the NPPF.

- 4.13 Policy S11 is a policy dealing specifically with wind farms (and other applications for renewable energy). In my opinion, this policy serves to add further detail to a policy position contained in the Local Plan, the Development Plan. It has a similar thrust to the policies in the Development Plan I set out above, but applies them specifically to wind farms.
- 4.14 If the Inspector does not agree with me that the South Northamptonshire Local Plan should be given full weight as part of the Development Plan, then I consider that the emerging Joint Core Strategy policies, and in particular Policy S11, should be given considerable weight. This policy has been formulated by three local Councils, to take appropriate account of local circumstances. The Action Group fully understands that “localism” does not mean doing everything local communities want to see happen and ignoring the national picture. However, in this case it must be more appropriate to give greater weight to the locally calibrated policies of the draft Core Strategy than the more general policies in the National Planning Policy Framework (NPPF), intended to apply over the whole country. Relying entirely on the NPPF would raise the questions, “what is the point of the Plan-led system?” and “what is the point of localism at all?”.
- 4.15 If the Inspector is concerned that the Local Plan does not include a specific policy on wind turbines, notwithstanding the views I have expressed above, then the emerging Policy S11 provides that development-specific locally-formulated policy which ought to be taken into account, even though it is not yet adopted. Both the emerging Core Strategy and the NPPF fall into the same category as “other material considerations” in terms of Section 38(6). One is adopted and the other one is not. One is local and the other one is general. There is no factor in this case which means that the NPPF

must be applied and the emerging Policy S11 set to one side. They are both relevant, but in my view emerging Policy S11 attracts significant weight in this case.

- 4.16 Policy BN5 says that designated and non-designated heritage assets and their settings will be conserved and enhanced in recognition of their contribution to west Northamptonshire's sense of place. Development will be expected to demonstrate an appreciation and understanding of impacts on surrounding heritage assets and their setting; be sympathetic to locally distinctive landscape features, design styles and materials in order to contribute to a sense of place. This policy echoes the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) and the provisions of the Local Plan and the NPPF.

#### *National Planning Policy Framework*

- 4.17 The National Planning Policy Framework (the NPPF) is a relevant material consideration that must be taken into account. Paragraph 215 says that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). In this case, the Inspector in the previous appeal (paragraph 13 or her decision letter), and the Appellant (paragraph 10.1 of its Statement of Case), concluded that the relevant policies in the Local Plan are compliant with the NPPF. I agree. As a result, they should be given the full weight of the Development Plan. I have included an assessment of the Development Plan policies against the policy base in the NPPF later in this section of my proof.
- 4.18 The NPPF reminds us that planning law requires that applications for planning permission must under Section 38(6) be determined in accordance with the development plan unless material considerations indicate otherwise. It also introduces a presumption in favour of sustainable development, comprising environmental, economic and social sustainability. However, this presumption does not apply to development that is not sustainable. Whether a development is sustainable or not is to be judged by testing it against the policies in the NPPF. I will show in this proof that the proposed development, of this scale, in this location, is environmentally unsustainable because of the degree of resultant conflict with the relevant policies in the NPPF (as well as the Development Plan and other policy). As a result, the

presumption in favour does not apply, whilst determining the application in line with Development Plan policies does.

- 4.19 In addition, paragraph 14, which introduces the presumption in favour of sustainable development, states that, for decision-making, the presumption means approving development proposals that accord with the development plan without delay. It goes on to say that, where the development plan is absent, silent, or relevant policies are out of date, this means granting permission unless any adverse results of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole, or where specific policies in the NPPF indicate development should be resisted. In footnote 9, it gives examples of such policies, which includes designated heritage assets, which are involved in this case. As in my judgement the development does not comply with policies in the NPPF on designated heritage assets, it means that even if the Local Plan is considered to be out-of-date permission should still be refused regardless of whether the “significantly and demonstrably” test is met.
- 4.20 I do not accept that the development plan should be regarded as absent, silent, or with relevant policies out-of-date. However, if the Inspector disagrees with me on this point, but still finds harm to designated heritage assets, contrary to the policies in the NPPF, then the test to be applied from the NPPF is not that of the adverse results of granting permission significantly and demonstrably outweighing the benefits.
- 4.21 Paragraph 17 of the NPPF sets out 12 core land-use planning principles should underpin both plan-making and decision-taking. These include that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it, support the transition to a low carbon future in a changing climate, encouraging the use of renewable resources (for example, by the development of renewable energy), contribute to conserving and enhancing the natural environment, and conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

- 4.22 The NPPF stresses the importance of good design in the planning process. In paragraph 56 it says that *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 64 says that *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
- 4.23 Paragraph 93 of the NPPF says that the delivery of renewable energy infrastructure is to be supported, and that it is *“central to the economic, social and environmental dimensions of sustainable development”*. Paragraph 97 seeks an objective of increasing the supply of renewable energy. Paragraph 98 of the NPPF says that, when determining planning applications for renewable energy, local planning authorities should approve the application if its impacts are (or can be made) acceptable. It makes it clear in a footnote that this is subject to the caveat *“unless material considerations indicate otherwise”*. In my opinion, when considering whether the impacts (note that this is expressed in the plural in the NPPF) would be “acceptable”, it must be right to consider the impacts caused together. The test must be whether all the impacts caused by a particular scheme, taken together, are acceptable.
- 4.24 The NPPF stresses the importance of conserving and enhancing the natural environment. In paragraph 109 it says that the planning system should contribute to this by, amongst other things, by *“protecting and enhancing valued landscapes”*. In paragraph 123 it says that planning policies and decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. It also says that planning policies and decisions should aim to, amongst other things, *“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”*.
- 4.25 Paragraph 129 of the NPPF says that *“local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking*

*account of the available evidence and any necessary expertise. They should take this assessment 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".*

- 4.26 Paragraph 132 of the NPPF says 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. 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, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."*
- 4.27 The NPPF does not go on to consider how substantial harm to conservation areas should be treated, and whether this should also be *"wholly exceptional"*. The statutory requirement under Section 72 to *"pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area"* suggests that this must be the case. If substantial harm were to be allowed to a Conservation Area as a reasonably commonplace occurrence, this would be wholly incompatible with the statutory requirement to pay special attention to the desirability of having a neutral or positive effect. In my opinion, allowing a proposal to proceed that caused substantial harm to the character or appearance of a Conservation Area should at least be *"exceptional"*.
- 4.28 Paragraph 133 of the NPPF says that *"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 other circumstances apply, which are not relevant in this case. Paragraph 134 says 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, including securing its optimum viable use.”*

- 4.29 In my opinion, in putting the policy tests in paragraphs 133 and 134 into practice, you cannot look at each heritage asset in isolation, conclude there is no substantial harm and move on. Rather after considering each it must be necessary to stand back and look at the collective harm to heritage assets together as a whole and ask whether that causes substantial or less than substantial harm to the local historic environment.
- 4.30 Paragraph 135 says that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 4.31 Paragraph 139 says that *“Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.”* I have seen the evidence produced by Alison Farmer and in my opinion the earthworks she describes have been demonstrated to be of equivalent significance to scheduled monuments and should therefore be considered subject to the relevant policies for designated heritage assets.

### *Comparison of Development Plan policies with advice in the Framework*

#### *Policy G3*

- 4.32 Policy G3 is a general policy, dealing with a number of issues applicable to many proposals. I have considered above what the policy means and how it is to be applied. It is essentially a permissive policy, which says that planning permission will normally be granted where the development meets certain criteria. This is similar to the message in the NPPF, that sustainable development should be permitted, but that lack of compliance with specific policies in the NPPF (as set out in paragraph 14 and footnote 9) may mean that permission should be refused. The Policy sets a test of acceptability of impacts. The criteria in Policy G3 are also reflected in the NPPF. For

example, Policy G3(A) on compatibility with the character of the locality in terms of type, scale, siting, design and materials reflects the NPPF at for example paragraphs 17, 56, 57, 58, 59, 64 and 65. Policies G3(I) and G3(J) on the setting of listed buildings and conservation areas echo the policy in EV11 and EV12 which I consider below. I consider Policy G3 to be compliant with the policy in the NPPF and can be afforded the full weight of a development plan policy.

### *Policy EV1*

4.33 Policy EV1 sets out areas where proposals will be expected to pay particular attention to a list of elements of design. This policy accords with the NPPF's advice on design, although it does not go as far as the advice in the NPPF, which stresses the indivisibility of good planning and good design (paragraph 56) and says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64). I consider Policy EV1 to be compliant with the policy in the NPPF and can be afforded the full weight of a development plan policy. To the extent that there is a difference between Policy EV1 and the NPPF it gives the benefit to the Appellant by not going as far as the NPPF.

### *Policy EV2*

4.34 Policy EV2 says that planning permission will not be granted for development in the open countryside, other than for a list of exceptions. I consider that this policy, which effectively seeks to prohibit much development in the open countryside, is not in line with the more permissive stance in favour of sustainable development set out in the Framework and consequently cannot be afforded the full weight of the development plan. It is however necessary to look at the development plan as a whole and discern the overall thrust of the plan in relation to the appeal proposals. Just because one policy would not allow a wind farm development in the countryside does not mean that the development plan as a whole excludes such development.

### *Policy EV11*

4.35 Policy EV11 says 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. I have considered above what this policy means. As I set out above, the measured wording in the supporting text to this policy does not suggest that the Council intended that any application would automatically be refused, if any adverse effect on the setting of the conservation area was found. The Policy sets a test of acceptability of impacts. Not only are conservation areas protected by the statutory duty in Section 72, but they are also protected by the NPPF's policy. The NPPF defines "designated heritage asset" to include conservation areas and then gives those protection in policy by means of footnote 9 and paragraphs 132 to 134, including in relation to settings. I consider Policy EV11 to be compliant with the policy in the NPPF and can be afforded the full weight of a development plan policy.

#### *Policy EV12*

4.36 Policy EV12 points out that the Council will 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. This is another policy that reflects a statutory duty (this time under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990). I have considered above what this policy means. The Policy sets a test of acceptability of impacts. The policy in the NPPF protects listed buildings and their settings by means of footnote 9 and paragraphs 132 to 134. I consider Policy EV12 to be compliant with the policy in the NPPF and can be afforded the full weight of a development plan policy.

#### *Policy EV31*

4.37 Policy EV31 is a policy dealing with a specific type of development. I have considered above what this policy means. It is not replicated in the Framework. However, the supporting text acknowledges that the Policy is dealing with a necessary form of



development. The Policy therefore seeks to balance the need for the development against the harm that might be caused and seeks to prevent the development from detracting significantly from any existing landscape feature and being visually intrusive. The policy is therefore seeking to judge whether harm is acceptable or not and to balance the need for the development against the harm it might cause, in a similar way to that carried out in the NPPF. The Policy sets a test of acceptability of impacts similar to that for example in paragraph 98 of the NPPF. I consider Policy EV31 to be compliant with the policy in the NPPF and can be afforded the full weight of a development plan policy.

*Supplementary Planning Document on Low Carbon and Renewable Energy*

4.38 This SPD was adopted by the Council in July 2013 and is a relevant material consideration in this appeal. This document points out that the Council aims to preserve the character of the District, recognising that there is much about the area that is special, notably its significant historical assets, attractive villages and market towns and landscape quality. One of the stated purposes of the SPD is to support renewable energy developments that are consistent with pursuing Council priorities. The SPD states that it does not provide guidance on large scale wind farm development, as that is the subject of a separate SPD. Its general thrust is still relevant however. In paragraph 6.8, it says that the Council will expect that renewable technology is appropriate to the location in question in terms of any visual or amenity impact it may have, and is of a high quality design.

4.39 From paragraph 6.12 onwards, the SPD deals with the impact on landscape character and visual amenity. It says that planning applications for renewable development will be judged for their impact on visual amenity and the quality of the District's landscape. It says that, "*Whilst renewable and low carbon energy development should be maximised there is a need to ensure that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.*"

*Supplementary Planning Document on Wind Turbines in the Open Countryside*

4.40 Another material consideration in this appeal is the Supplementary Planning Document adopted by the Council in 2010 entitled "Wind Turbines in the Open

Countryside”. Paragraph 5.3 says that *“careful consideration needs to be given to any effects that may arise from renewable energy schemes. Wind energy schemes are no exception to this. Schemes need to be well designed, reflect local circumstances and demonstrate how any environmental, social and economic impacts have been minimised through careful site selection, design and other measures. These are also material planning considerations and as such, these issues will need to be addressed on a site by site basis to determine the most acceptable scheme for a site.”*

4.41 Paragraph 5.4 says that *“In South Northamptonshire renewable energy developments will be favourably considered if a number of requirements are met. These relate to the effect on landscape character, biodiversity and the natural and built heritage, green infrastructure, the effect on local amenity, economy and highways, aircraft operations and telecommunications; and that the proposals 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 operation ceases.”*

4.42 The SPD notes that a balance must be struck between benefits and harm in many cases and that this is only possible if the electricity produced and CO2 saved is known. 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.

4.43 The SPD goes on to note the importance of landscape impacts and to set out requirements for landscape impact assessment. It also includes a section on cultural heritage and notes that *“Key considerations are the impact of proposals on Scheduled Ancient Monuments, other archaeological features, Conservation Areas and Listed Buildings, historic parks and gardens and other cultural designations and whether the impact arising from proposed turbines either directly or on the setting of these features has been avoided where possible.”*

4.44 Paragraph 11.10 of the SPD reminds readers of the English Heritage advice on wind energy and the historic environment. This includes the visual dominance of wind turbines, whereby they are far greater vertical scale than historic features such as a church spire, the scale of the wind farm and the movement generated by the turning

blades. The guidance goes on to examine the impact of wind farms on the settings of conservation areas and listed buildings.

4.45 The SPD also deals with impacts on local amenity, including noise. The SPD says that the Council will need to be satisfied that the living conditions of local residents would not be unreasonably affected.

4.46 The SPD quotes from the Highways Agency advice note on wind turbines, SP12/09, about driver distraction, as follows:

*“15. Any potential for visual distraction should be minimised, not by screening but rather by the provision of a clear, continuous view of the wind farm that develops over the maximum possible length of approach carriageways. The potential for distraction may be greater than other roadside features – advertisements, etc, do not generally rotate – but a clear view from distance will considerably reduce the temptation for drivers to turn their heads when passing the towers.”*

*“16. Sites where the topography, vegetation or buildings might conceal the view of the turbines until the last minute should be avoided as drivers may be distracted suddenly and take their attention from the road and other traffic.”*

*“17. Wind farms should not be located where motorists need to pay particular attention to the driving task, such as the immediate vicinity of road junctions, sharp or unexpected bends and crossings for pedestrians and cyclists. Therefore, the associated road network should be reviewed with particular attention being paid to the complexity of junctions, traffic flows and the possible presence of short headways between vehicles.”*

4.47 Paragraphs 17.22 – 17.28 deal with the lack of research into distraction from wind farms but liken them to other forms of distraction, where research has frequently shown a correlation between distraction from moving objects and an increased risk and/or incidence of accidents. In this respect I note that the former Companion Guide to PPS22 (now revoked) said that wind turbines should not be treated any differently from other distractions a driver must face.

4.48 The SPD adopts a similar tone overall to the NPPF. It accepts the importance of providing wind turbines in order to maximise the use of renewable energy and minimise CO2 emissions. However, it also points out, as does the NPPF, that wind turbines have the potential to cause harm to a number of planning interests. It suggests that wind turbines will be acceptable in the open countryside, if the level of

harm is acceptable and is outweighed by the benefits in any particular case. This is a similar message, albeit in more detail, to that contained in the NPPF. In my view, the SPD is compliant with the NPPF.

#### *Planning Policy Statement 5 : Practice Guide*

- 4.49 Whilst Planning Policy Statement 5 has been cancelled, the Practice Guide that accompanied it remains extant. This contains much useful guidance. I would particularly like to draw the Inspector's attention to the section on additional policy principles guiding the consideration of applications for development affecting the setting of a designated heritage asset. In paragraph 121, this says that *"The design of a development affecting the setting of a heritage asset may play an important part in determining its impact. The contribution of setting to the historic significance of an asset can be sustained or enhanced if new buildings are carefully designed to respect their setting by virtue of their scale, proportion, height, massing, alignment and use of materials."*
- 4.50 In this case, the impacts on the setting of the heritage assets discussed by Alison Farmer in her proof are made particularly harmful by the fact that the new structures have not been carefully designed to respect their setting and are alien in terms of scale, proportion, height and use of materials.

#### *Energy Policy*

- 4.51 The Government's approach to renewable energy is set out in the Statement of Common Ground agreed by the Appellant and the Council. I am happy to agree that the summary of national energy policy contained in Appendix 2 to the Statement of Common Ground is a reasonable summary of the position. I have taken energy policy and the renewable energy benefits of this scheme fully into account in considering this scheme and have given it great weight, including the National Policy Statements EN-1 and EN-3, designated by Parliament in July 2011. The Government's current energy policy is an important material consideration in this case. I do not consider it at length in my proof of evidence because it is common ground. The lack of discussion of it in my proof should not be taken to suggest that I have not taken it into account or given it great weight.

*Recent Ministerial Statement and Guidance on Wind Turbines*

- 4.52 On 6 June 2013, the Government issued a Ministerial Statement about onshore wind farms. It suggested that many wind farms are proposed and developed with insufficient engagement with local communities. This is very true in this case. The appeal proposal is a classic case of a proposal being developed in isolation from, and with scant regard for, local people. The statement concludes by saying that “communities will have a greater say over proposed onshore wind development”. This statement is a material consideration and one that should be given weight in this case, where the local community are overwhelmingly opposed to the proposals embodied within the appeal scheme.
- 4.53 The Ministerial Statement also recorded the Secretary of State’s view that “*current planning decisions on onshore wind are not always reflecting a locally-led planning system*”. This statement is relevant here in relation to the weight to be given to the Local Plan and the draft Core Strategy Policy S11.
- 4.54 In July 2013, the Government followed up this Ministerial Statement by releasing a document entitled “*Planning practice guidance for renewable and low carbon energy*”. The guidance points out in 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*”. It stresses the impact of renewable energy schemes on local residents and says in paragraph 8 that “*The views of local communities likely to be affected should be listened to*”.
- 4.55 Paragraph 11 makes it clear that “*the expectation should always be that an application should only be approved if the impact is (or can be made) acceptable*”.
- 4.56 Paragraph 15 sets out some of the considerations when considering applications for renewable energy, and points out that the need for renewable or low carbon energy does not automatically override environmental protections, and that local topography is an important factor in assessing whether wind turbines could have a damaging effect

on landscape, with the impact being potentially as great in predominantly flat landscapes as in hilly or mountainous areas.

- 4.57 Later paragraphs deal specifically with proposals for wind turbines. Paragraph 34 makes it clear that wind turbines are capable of causing harm to the setting of a heritage asset to the extent of “substantial harm”, within the meaning of paragraph 133 of the NPPF:- *“Depending on their scale, design and prominence a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset”*.
- 4.58 Paragraph 38 points out that the energy generated by a particular turbine or wind farm can vary for a number of reasons. It points out that knowledge of the ‘capacity factor’ can be useful information in considering the energy contribution to be made by a proposal, particularly when a decision is finely balanced. This makes it clear both that the energy capture at a particular application site is a relevant consideration and that the onus is on the developer to provide this information (as it is the developer which holds it). Without this, one piece of “useful information” which would help to consider the energy contribution made by a particular proposal is missing. This is of course different to not requiring applicants to demonstrate the overall need for renewable energy as said in paragraph 98 of the Framework.
- 4.59 Paragraphs 39 to 44 give helpful practical guidance about landscape and visual impact assessment.
- 4.60 The Ministerial Statement of June 2013 remains as a statement by the Government of the day of their views on how wind turbine applications should be considered. This concluded that *“communities will have a greater say over proposed onshore wind development”*. This is a statement regarding process (how applications and appeals should be determined) rather than technical guidance about how wind farm applications should be considered. It suggests a change in the weight to be given to different factors in the overall balancing exercise, compared with how it has been undertaken in the recent past. This theme was not developed any further in the July 2013 guidance but in my opinion remains as a statement of Government policy, and is a material consideration in its own right.

4.61 In the press release from CLG dated 29 July 2013 which accompanied the publication of the new planning practice guidance, the Secretary of State said that the guidance *“makes clear the importance of environmental protections in deciding applications”* and that it *“ensures environmental considerations like landscape and heritage are given proper weight when determining applications”*. The Secretary of State also said that *“this new guidance is an important step in ensuring that... landscape and heritage are properly considered and protected”*.

#### *Conclusion on Policy Framework*

4.62 In my opinion, all the various parts of the policy framework, including the Local Plan, the draft Core Strategy, the NPPF, the SPDs, and the recently produced guidance, all deliver a similar message. That is that wind turbines will generally be allowed in the countryside, subject to the cumulative land use impacts in any given case being acceptable and being outweighed by the benefits in any particular case. Section 38(6) says that development should be determined in accordance with the development plan unless material considerations indicate otherwise. That means that the development plan (in this case the Local Plan) must be the starting point, with other elements of the policy framework, including the draft Core Strategy, the NPPF and the SPDs, being material considerations. In this case these material policies reinforce the approach of the development plan.

**5) IMPACT ON LANDSCAPE CHARACTER AND THE HISTORIC LANDSCAPE**

- 5.1 Alison Farmer is considering the impact of the appeal proposal on the character of the landscape and the historic landscape, including on the setting of heritage assets. On landscape character, she has concluded that the impact on landscape character of the valley in which the turbines would sit would be major adverse and substantial. She considers that here the turbines would appear conspicuously out of scale and would become a dominant feature as confirmed by the Appellants' acceptance of the creation of a wind farm landscape. The large scale of the turbines relative to other landscape features including trees and historic buildings and features, field enclosure patterns and the vertical scale of the valley, would be of a wholly different order and at odds with the current composition and qualities of the valley. The moving presence of the turbines, their scale, noise and shadows, all of which would be experienced in the valley, would undermine the current rural character and tranquillity of the area.
- 5.2 Alison Farmer concludes that, more widely a local landscape with wind farm sub-type would be created, which would extend further to the north into the Sulgrave Valley. Here the presence of the turbines would be prominent on the skyline and would undermine the current rural character and perceptions of scale and distance.
- 5.3 I agree with Alison Farmer's conclusions on the impact of the proposal on landscape character. The impact would be unsatisfactory and unacceptable. The proposal would therefore in my opinion be contrary to Policy G3 of the Local Plan, as it would be incompatible in terms of type, scale, siting, design and materials with the existing character of the locality. It would be contrary to Policy EV1 of the Local Plan as it does not pay particular attention to existing site characteristics, including landscape features and levels, the relationship with adjoining land and buildings, or the scale, layout, height, massing, and materials in relation to the site and its surroundings. It would be contrary to Policy EV31 as it would be visually intrusive, and detract significantly from existing landscape features. It would therefore be contrary in terms of impact on the landscape to three important development plan policies.



- 5.4 The proposal would be contrary to Policy S11 of the draft Core Strategy in terms of the impact of the proposal on landscape character as it would have a significant adverse impact on the natural landscape and landscape character.
- 5.5 The proposal would be contrary to the NPPF in terms of the impact of the proposal on landscape character as it would fail to recognise the intrinsic character and beauty of the countryside (paragraph 17), fail to take any opportunity available for improving the character and quality of an area (paragraph 64), have an unacceptable impact on the landscape (paragraph 98), fail to protect or enhance a valued landscape (paragraph 109), harm an area of tranquillity which has remained relatively undisturbed by noise and which is prized for its recreational and amenity value for this reason (paragraph 123). The proposal would therefore be contrary to specific advice in the NPPF and cannot therefore be considered to be sustainable development.
- 5.6 The proposal would be contrary to the SPD on renewable energy in terms of the impact of the proposal on landscape character as it would harm the landscape quality of the area, be inappropriate to the location in question in terms of the visual impact it has, and would fail to address satisfactorily adverse impacts on the landscape.
- 5.7 In respect of the same subject area, it would be contrary to the SPD on “Wind Turbines in the Open Countryside” as it would not be well designed, or reflect local circumstances, nor does it demonstrate how any environmental, impacts have been minimised through careful site selection, design and other measures. It would also harm landscape character, contrary to paragraph 5.4 of that SPD.
- 5.8 By harming the landscape, it would also be contrary to the recently published planning practice guidance.
- 5.9 In respect of the impact of the appeal proposal on the historic landscape, Alison Farmer concludes, having considered the various heritage assets within 4km of the proposed development, that in many instances the impacts are considerable and that the impact on the Stuchbury earthworks and the Sulgrave Conservation Area would constitute substantial harm. She further says that the significant adverse effects on a large number of heritage assets of high importance should result in collective weight against the scheme. She points out that this collective impact should be an important

factor in the final balancing exercise required in NPPF para 134. She considers that the number of important assets significantly affected should be considered as a collective impact against the scheme. I have considered the matter for myself as a planner and agree with Ms Farmer's conclusions. The impact would be unsatisfactory and unacceptable.

- 5.10 The proposal would be contrary to Policy G3 of the Local Plan in terms of the impact of the proposal on heritage assets, as it is not sympathetic to the setting of a number of buildings listed as being of special architectural or historic importance, and it would harm the setting of conservation areas. The proposal would be contrary to Policy EV11 as it would have an adverse effect on the setting of more than one conservation area and on views into and out of such areas. It would be contrary to Policy EV12 as it would harm the setting of a number of listed buildings.
- 5.11 The proposal would be contrary to Policy S11 of the draft Core Strategy in terms of the impact of the proposal on heritage assets as it would have a significant adverse impact on the historic landscape.
- 5.12 The proposal would cause substantial harm to the significance of a designated heritage asset, contrary to the advice in paragraph 133 of the NPPF, and substantial harm to a non-designated heritage asset, contrary to the advice in paragraphs 135 and 139 of the NPPF. Causing such substantial harm such as this should be, following the advice in in paragraph 132 of the NPPF, at the very least "exceptional". As set out in paragraph 133 of the NPPF, it would need to be "*demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss*". I do not consider that substantial public benefits have been demonstrated, and certainly not of a level that would outweigh the substantial harm identified by Alison Farmer, the occurrence of which should be exceptional.
- 5.13 In addition, the less than substantial harm to other heritage assets identified by Alison Farmer needs to be added in to the balance, thereby adding to the unacceptable impacts on heritage assets caused by the appeal proposal. Even though in most cases the impact Alison Farmer has identified falls below the substantial harm test set out in the NPPF, I consider that it is necessary to look at all the impacts together and as a whole and not artificially split them up by looking at each asset in isolation. I

considered this in my paragraph 4.29 above and argued that it must be necessary to stand back and look at the collective harm to heritage assets together as a whole and ask whether that causes substantial or less than substantial harm to the local historic environment. In my view, the collective impact of the appeal scheme on the local historic environment must be considered as substantial and cannot be considered “acceptable” within the meaning of paragraph 98 of the NPPF.

- 5.14 The proposal would be contrary to the SPD on renewable energy in terms of the impact of the proposal on the historic landscape as it would harm significant historical assets. In respect of the same subject area, it would be contrary to the SPD on “Wind Turbines in the Open Countryside” because of the impact on archaeological features, Conservation Areas and Listed Buildings, and other cultural designations.
- 5.15 The proposal would be contrary to the Practice Guide to Planning Policy Statement 5, because of its adverse impact on the setting of designated heritage assets.
- 5.16 It would also be contrary to the message contained in the recently published planning practice guidance, by harming the setting of heritage assets.

**6) IMPACT ON THE AMENITIES OF LOCAL RESIDENTS**

- 6.1 Alison Farmer is considering the impact of the appeal proposal on the landscape and the visual impact of the proposal on the amenity of local residents and their homes. Robert Davis is considering the impact of noise from the appeal proposal on local residents. I will sum up the totality of those impacts as experienced by local people living in close proximity to the wind farm. It is important to remember that this is how the impacts will be experienced by local residents, with both the visual and the noise impact combined. The two aspects cannot be considered in isolation.
- 6.2 The property most damagingly affected by the appeal proposal would be Stuchbury Hall Farm. The farm sits on the northern (south-facing) slope in a secluded valley. The proposed wind turbines would be from just over 750 metres to about 1000 metres away, set at a similar height, on the southern (north-facing) slope of the valley. The owners of the farm have farmed the land in a way that retains its intimate small scale qualities. As a result, it has a character which is very much the essence of rural England. This is set out in Edward Tims' statement to the inquiry.
- 6.3 If the appeal proposal is allowed to go ahead, this would completely change. As set out in Alison Farmer's proof, the owners and occupiers (the Tims) of Stuchbury Hall Farm would be living and working within a landscape dominated by the 5 wind turbines on the opposite side of the valley. The Inspector is invited to consider the views of these turbines from all over the Tims' land. The proposed location of the 5 turbines would mean that at least one would be visible from most points on the farm. The Tims would have great trouble escaping from the impact of the turbines wherever they were in their house, their gardens or at work on their farm. Alison Farmer shows in her evidence the impact that the turbines would have on this landscape and on those living and working within the landscape. In addition, Robert Davis's evidence shows that, as well as the unacceptable visual impact, there would also be an unacceptable impact from the noise that these turbines would make.
- 6.4 The property at Stuchbury Hall Farm is particularly severely affected. The nearest turbine would be within 780 metres of the property. Turbines would be visible when approaching the property along the access path from the north. The property's garden

area is on its southern side and faces south, towards the turbines. There are significant views to the south of the property towards the appeal site from the main living room (with French windows facing south), an upstairs bedroom, and from the garden area. The turbines would be directly in view from the south facing parts of the property (not in oblique views). The cattle sheds between the garden and the turbines are low level and would only screen the rotors of the turbines when close up to them. There are deciduous trees in the distance which provide some degree of screening, depending on the season. However, the turbine blades would rotate and would appear above that screening in places. At least two of the turbines would be in full view between the trees. Two others would be partially screened by the trees. The spread of the turbines would be over a wide arc.

- 6.5 The Tims have applied for planning permission to convert the barn at the southern end of the farm into a dwelling. This would be used by Michael and Joan Tims, to allow Edward to live on and work the farm and stay in the main house. This is vital if the long-standing family business is to continue to thrive. This new dwelling would be slightly nearer the appeal site than the existing house and would also suffer from the presence of the turbines in the same way as Stuchbury Hall Farm. In addition, in order to provide the new dwelling with some amenity space not totally shaded by the large adjoining trees, some of these would have to be felled. If the appeal proposal goes ahead, this would mean that less screening would be available between Stuchbury Hall Farm and the new dwelling, and the turbines.
- 6.6 The Tims would get up in the morning and see the turbines dominating their southerly outlook across the valley. They would go to work in the farmyard and the fields and work all day in the shadow of the turbines. If the turbines are operating, and particularly on days when the farm is downwind from any of the turbines, they would also be constantly aware of the swish of the rotating blades. In summer, they might finish work and relax in their garden, where again their outlook would be dominated by the turbines and, when the turbines are operating and are upwind of the farmhouse, the noise of the turbines would be all pervading. Finally, they would retire to bed. On a warm night, they might leave the windows open in order to cool the bedrooms down.

Even then, the noise of the turbines might disturb them. There would be no respite from the turbines throughout their working and home lives.

- 6.7 Policy G3 of the Local Plan says that proposals will be permitted as long as they do not unacceptably harm the amenities of any neighbouring properties. In addition, Policy S11 of the emerging Core Strategy says that proposals should have no significant adverse impact on the amenity of the area. This proposal would cause considerable unacceptable harm to the occupiers of Stuchbury Hall Farm and would as a result be contrary to both these policies and paragraph 98 of the NPPF. The proposal would also be contrary to the advice in paragraph 123 of the NPPF, that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. In addition, the proposal would be contrary to advice in the SPD on wind turbines, which says that the Council will need to be satisfied that the living conditions of local residents would not be unreasonably affected.
- 6.8 The previous Inspector found that *“the proposed development would be unpleasantly imposing and pervasive”* (para 62) on the occupiers of Stuchbury Hall Farm. She went on to conclude that it *“would not be so overwhelming as to make the property unattractive and/or an unsatisfactory place in which to live”*. I accept that the farm would not become uninhabitable. However, in my opinion, the impacts on its occupiers would be profound and would amount to a totally unacceptable diminution of their living conditions. I do not consider that any family should have to suffer to that extent. In my opinion, this impact alone is sufficient to outweigh the benefits that the proposal would bring in relation to the generation of renewable energy and for the appeal to be dismissed. Put simply, this is the wrong place for this proposal and the decision on this appeal should reflect that.
- 6.9 Grange Farm, to the east of the appeal site, has been converted into four properties; the Granary, the Old Farmhouse, Orchard End and Grange Barn. At present, these dwellings are in a peaceful rural location, set away from roads or indeed any urban features. The tranquillity of the area is its characterising feature. These dwellings would be just over 850 metres from the nearest turbine. From here, the turbines would be less overpowering than when seen from Stuchbury Hall Farm. However, as set out

in Alison Farmer's proof, they would still totally dominate the view in a westerly direction and would be seen one behind the other, thereby creating a confusion of moving blades, which would be very distracting and annoying. In addition to the visual impact of the turbines, the occupiers of the Grange Farm properties would also be affected by the noise from the turbines, as set out in Table T 7.22 of Robert Davis' proof. The Inspector in the 2012 decision concluded in relation to Grange Farm that "the impact on some properties would be likely to be substantial and unpleasantly imposing". I agree. The current tranquil peaceful character, so much a part of living here, would be seriously harmed.

- 6.10 The Old Farmhouse and The Granary lie on the western side of the complex. Occupiers of these houses would have views of turbines directly to the west. At least one turbine would be seen from all the main ground floor rooms. Turbines would also be visible from all the principal bedrooms at the rear of these properties. The extensive garden and paddock to the Old Farmhouse would provide a clear view of the turbines, slightly screened by a row of deciduous trees. Turbines 1, 2 and 3 would be seen more or less in a line, with irritating and conflicting rotating blades.
- 6.11 The orientation of Orchard End is such that no turbines would be seen from the principal rooms. However, the property has an extensive garden, from where the full extent of at least one set of rotating blades would be seen from a number of places. Views of the turbines from Grange Barn would be largely screened by the other buildings. However, there would be clear views of the nearest turbines, 4 and 5, from a number of places in its extensive garden.
- 6.12 The appeal proposal would cause unacceptable harm to the occupiers of these properties at Grange Farm. For the same reasons as set out above in relation to Stuchbury Hall Farm, the proposal would be contrary to Policy G3 of the Local Plan, Policy S11 of the emerging Core Strategy, the Framework and the SPD on wind turbines.
- 6.13 On the road out of Greatworth to the north-east are a number of terraced properties facing slightly south of east across the road. These are Nos 1-12 Astral Row. One of the main attributes of these houses, and that makes living here pleasant for the occupiers, is the outlook across open fields to the east. From these houses, turbine 1

would be some 850 metres away, in a slightly north of easterly direction. The other turbines would also be visible, albeit farther away. The main rooms of these houses are at the front, looking out across their small front gardens towards the proposed wind turbines. If the appeal proposal went ahead, the wind turbines would be a constant presence in the lives of the occupiers of these houses. They would wake up in the morning and draw the curtains and look straight across at the wind turbines. They would come downstairs and look out of the front window, straight towards the wind turbines. They would leave their houses by the front door and look across at the wind turbines. Their lives would come to be dominated by the turbines.

- 6.14 Astral House, at the northern end of Astral Row, would be slightly closer to the turbines than the houses in Astral Row. However, the problem would be a little less severe, as there is more screening between that house and the proposed turbines. Further to the south-west, a row of detached and semi-detached houses front Helmdon Road. These are Odds On, The Gables, Midway, Somerfields, Doralea, Witsend, Watendlath, Mountside, Four Winds, Hareth, Almond House (detached) and 1-8 Dering Cottages (semi-detached). These face in a slightly more southerly direction than Astral Row and so would not face directly towards the turbines. The occupiers of these properties would still be adversely affected, although less severely than those in Astral Row. Finally in Greatworth, the properties of Whitman's Farm, Mavis Bank and Bontiki are all accessed off Church Lane and lie to its northern or eastern side. There would be clear views from these properties, particularly towards turbine 4.
- 6.15 The visual impact from the properties in Greatworth would not be as great as from Stuchbury Hall Farm or from Grange Farm, but the turbines would still be dominant and intrusive features. In addition to the visual impact of the turbines, the occupiers of these houses in Greatworth would also be affected by the noise from the turbines, as set out in Table T 7.22 of Robert Davis' proof, thereby adding to the harm to the amenities of the occupiers of those houses.
- 6.16 The appeal proposal would cause unacceptable harm to the occupiers of these properties at Greatworth. For the same reasons as set out above in relation to Stuchbury Hall Farm, the proposal would be contrary to Policy G3 of the Local Plan,



Policy S11 of the emerging Core Strategy, the Framework and the SPD on wind turbines.

- 6.17 It is important to remember that, if the appeal scheme goes ahead, the same people would be experiencing two negative impacts (visual impact and noise) simultaneously. It is therefore not acceptable or appropriate to consider each in isolation. The cumulative impact of the effects on local residents must be considered. In my opinion, the combination of harmful visual impacts and unacceptable noise increases adds up to an overwhelming case against permitting the turbines in this location. This site is simply too close to residential properties for a development of this scale and number of turbines to lead to acceptable land use impacts in terms of noise and visual amenity.
- 6.18 This is a case where private interests and public interests coincide and where the planning system ought to act because of the unacceptable effect on amenity and the use of land, which ought to be protected in the public interest. It is not accepted that the so-called Lavender test is the appropriate way in which to approach consideration of impacts on amenity. The Lavender test appears to operate by saying that if harm caused does not cross a particular threshold, then it will be ignored. In my view this cannot be right. A series of harms caused under different headings to different occupiers collectively must surely be given as much, if not more, weight in a balancing exercise on a proposal than one identified harm to one individual, that just crosses a threshold. Impact must surely be seen as a gradation, from none to very serious, and given weight accordingly, rather than only being given weight if it crosses a particular threshold. It is not appropriate to say that because an adverse impact on amenity does not cross a particular threshold it must be left out of account.
- 6.19 I am aware of very large numbers of proposals of all types where the adverse impact on the living conditions of neighbours has been found to be sufficient reason to refuse permission, or to dismiss an appeal. This is the case even where the effects fall far short of being so unpleasant, overwhelming or oppressive that the house would become an unattractive or unsatisfactory place to live. Where a development will have such an impact on nearby houses that it is likely to have real-world land use consequences, that must be a relevant consideration, which weighs against the development. In this case, in the circumstances I have described above, it is very

likely that people at particular houses would after construction of the development not use or enjoy their gardens to the same extent as now, not open their windows as they do now, not use or enjoy particular rooms in their houses as they do now. It cannot be said that these real-world land use consequences of the development are irrelevant considerations. They go far beyond simply a change in the outlook from a house or a reduction in the pleasantness of a view.

- 6.20 Although neither remains extant, I note the following from previous planning guidance which supports my own professional opinion. The ‘General Principles’ document which accompanied PPS1 said at paragraph 29 that the question was *“whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest”*. The Technical Annex on Wind in the Companion Guide to PPS22 said that *“the material question is whether the proposal would have a detrimental effect ... on amenities that ought, in the public interest, to be protected”*.
- 6.21 It is necessary also to consider matters in terms of the Development Plan. Local Plan Policy G3(D) asks whether the development would *“not unacceptably harm the amenities of any neighbouring properties”*.
- 6.22 It is my firm view that these impacts on living conditions are relevant considerations, amount to impacts that are not “acceptable” within the meaning of paragraph 98 of the NPPF, do constitute matters of public interest and should be given substantial weight in the balancing exercise.
- 6.23 NPS EN-3, whilst endorsing ETSU-R-97 as the appropriate method of assessing noise from wind turbines, does not state that demonstration of compliance with the ETSU-R-97 noise limits is the sole test to be applied to a proposed wind farm when assessing the impact of the resulting noise levels, but clearly allows for flexibility (para 2.7.58). The scale of the increases in actual noise levels, and what they mean in terms of the actual effect on the living conditions and amenity of nearby occupiers, are relevant questions under planning policy and as material planning considerations. ETSU permits very substantial increases in actual noise levels and therefore adverse noise impact, as explained by Robert Davis in his proof.

6.24 The Inspector is entitled to find that, although a proposed wind farm may operate within the derived ETSU limits, local residents would experience unacceptable noise disturbance. It must be remembered that the adverse impacts of noise, as set out by Robert Davis in his proof, would be experienced by the same residents as the adverse effect on outlook and overbearing effect. In my opinion, when the two are considered together, as they should be, they amount to a significant factor against the proposal. Overall, the effects of the development on the amenity of nearby residential occupiers are unacceptable.

**7) IMPACT ON RIGHTS OF WAY AND AMENITY OF THE LOCALITY**

- 7.1 At present, the appeal site and its surroundings are appreciated as an area of high quality, ageless and tranquil English countryside from a number of public and private viewpoints. The B and C roads around the site provide numerous viewpoints from which the tranquillity of the countryside that currently characterises the appeal site can be appreciated. In addition, there are numerous locations, from individual properties and gardens, particularly in Sulgrave, Helmdon and Greatworth, from where this tranquillity can be experienced and appreciated.
- 7.2 What makes the area around the appeal site particularly unusual however is that it is crossed by a very high density of public rights of way. As the map attached as Appendix 3 shows, the appeal site itself is crossed by byway AN36 and footpaths AN7, AN8, AN9 and AN10. In addition, as set out in Alison Farmer's evidence, a network of other rights of way cross the northern slopes of the valley within which the turbines would be located, providing clear views of all 5 turbines.
- 7.3 It is important to remember that public rights of way in parts of rural England such as this are today not primarily used simply as a means of getting from A to B. They are used by local people as a way of enjoying the peace and quiet of the countryside, whilst at the same time providing a valuable form of exercise, both on foot and by riding horses. They will continue to fulfil this function as long as they are perceived by local people as places that they wish to visit, and routes that they wish to walk or ride horses along. If their attractiveness as places to visit and enjoy the countryside declines, local people are very likely to vote with their feet (or their horses) and take their exercise elsewhere, whether on other rights of way or in other ways entirely.
- 7.4 It therefore matters considerably if the public perception of the quality and amenity of a network of rights of way is diminished. The network would as a result be less used and a valuable resource would be significantly downgraded. These are land use impacts which must be considered. It is no answer to say that the rights of way will remain open and capable of being walked. Whilst they would remain available, their use would be very greatly reduced due to the radical change in the amenity of the rights of

way. The development will have the effect of sterilizing the rights of way network in this locality by removing the very reason why they are walked, their amenity.

- 7.5 The evidence of Alison Farmer demonstrates the impacts the turbines would have on the landscape and sets out the visual impacts the turbines would have on users of the public rights of way. The evidence of Robert Davis explains how the users of these rights of way would suffer from noise from the turbines.
- 7.6 The existence of so many public rights of way in the vicinity of the turbines means that the harmful effects identified by these two witnesses would be experienced from a large number of public viewpoints in the area. The previous Inspector notes in her decision (para 73) that she sees “*no reason to doubt that the majority in the vicinity of, and crossing the appeal site are well used with several included in promoted routes*”. I agree. As a result, not only are there more public viewpoints from which the turbines can be seen, but also, as these are well used, more members of the public whose quiet enjoyment of the countryside would be disrupted by the proximity of the turbines.
- 7.7 The evidence of both Richard Hall and Roger Miles to this inquiry further demonstrates that the public rights of way through and close to the appeal site are well used. The letter of objection from the County Council as highway authority also asks the Inspector to give weight to Richard Hall’s evidence and to note the adverse effect on horses, riders and walkers.
- 7.8 The previous Inspector concludes in paragraph 79 that “*the proposed development would be a visible presence in the area and result in the loss of a perception of tranquillity*” contrary to the aims of Local Plan Policy G3 and Core Strategy Policy S1. I agree. She goes on to conclude that the proposal would not result in any public right of way being inaccessible or unavailable. This may be true. However, their peacefulness and attractiveness would be substantially diminished. As a result, members of the public wishing to walk or ride in a peaceful part of the countryside would be very much less likely to use the rights of way in and around the appeal site. In addition, the fact that the adverse impacts on the landscape would be seen from such a wide variety of well used public viewpoints, some of which are in very close proximity to the turbines, is another factor weighing heavily against the appeal proposal.

- 7.9 The NPPF urges Councils 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. In my view, the valley in which the appeal site is located is just such an area. It is very tranquil and is well used by both local people and others for recreation and amenity, by walking or riding along the many rights of way. Tranquillity is made up of both visual and aural components. The appeal proposal would destroy, both visually and aurally, that tranquillity, contrary to the advice in paragraph 123 of the NPPF. In addition, in my opinion, this effect would not be “acceptable” as set out in paragraph 98 of the NPPF. By being incompatible in terms of scale, siting, design and materials with the existing character of the locality, the proposal would also be contrary to Policy G3 of the Local Plan.
- 7.10 The Inspector is urged to walk the network of rights of way now, without the turbines in place, and to fully consider the experience. Walking or riding these rights of way now is to experience the English countryside; tranquil and with the predominant sights and sounds being those of nature. Contrast that with the experience if the wind farm is erected. Walking or riding these public rights of way then would be to walk through a wind farm landscape. One would walk from one turbine to another and at different points on the walk a different turbine would tower above you. At the same time, the noise of the turning blades of the turbines would be all pervading and, as set out in Robert Davis’ proof, would mask commonplace country sounds such as birdsong. The harm caused would be considerable and would not in my view be “acceptable” as set out in paragraph 98 of the NPPF.
- 7.11 The public rights of way would mean that the impacts of the turbines would be experienced at very close quarters by those who continue to use them. However, the adverse impacts I have identified in respect of users of these rights of way would also be felt by those walking, cycling or travelling on the lanes around the site from where the turbines would be visible, and by those using their homes and gardens on the edge of the surrounding villages. These views would in my opinion add to the harm caused to users of the rights of way and make the impact of the proposal on the rural character of the area even less acceptable.

**8) HIGHWAY SAFETY**

- 8.1 The County Council is objecting to the proposal on the grounds of highway safety, as set out in its letter to the Planning Inspectorate dated 21 May 2013. Its letter of objection notes that the B4525 is used as a key route from Northampton to Banbury and is a designated red route. I understand that a red route is a road identified by the County Council as a route with a high number of accidents resulting in a fatality or serious injury. It is essentially a particularly dangerous road. The County Council's letter points out that this road has an unfortunate record of accidents, some of them fatal, and says that this is not a road where any encouragement should be permitted in terms of distractions to road users. Veronica Ward notes in her letter of objection to the inquiry, submitted on 22 May 2013, that since the last inquiry there has been another accident near the site at Spring Farm.
- 8.2 The B4525 to the south of the appeal site is well used, as noted by the County Council, and I observed on a site visit to the area that traffic tends to drive fast, probably because a lot of it is on a longer journey comprising mainly faster multi-lane roads. I observed on my visit examples of cars travelling at high speeds and overtaking in potentially dangerous locations, including on shallow bends in the road.
- 8.3 As pointed out by Veronica Ward in her objection, the section of the B4525 most affected by the proposed turbines lies between the Sulgrave to Marston St. Lawrence cross roads and the Helmdon to Radstone cross roads. As she points out, there are twelve junctions, including the cross roads, within this short stretch of the B4525. These are a mix of road junctions, farm entrances, driveways, a bridleway crossing, entrances to a small industrial estate and a farmyard office complex, two access roads to anaerobic digesters, and an entrance to a site for corporate entertainment. This collection of junctions means there is the potential for a large number of turning manoeuvres. Such manoeuvres involve vehicle movements across the path of other vehicles and must be undertaken with real concentration if accidents are to be avoided. In addition, the B4525 to the south of the appeal site undulates both horizontally and vertically. It requires considerable concentration to drive along it, particularly at speed. Any distraction of a driver making a turning manoeuvre, driving

fast, or executing an overtaking manoeuvre, all of which require high levels of concentration, could result in an accident, and potentially a serious or fatal one.

- 8.4 If the appeal proposal is allowed, 4 of the 5 turbines would be clearly visible from the B4525, in both directions. Particularly on a windy day, when the blades of the turbines are moving, they would represent a distraction to some drivers on the road. As Veronica Ward notes in her objection, the turbines would appear and disappear constantly along this stretch causing, because of their size, their alignment with each other and the movement of their blades, a dangerous distraction to drivers.
- 8.5 Veronica Ward draws attention in her objection to what she perceives as a particularly dangerous junction, the junction with the road to Greatworth to the west of the appeal site. As she says, when a driver approaches that junction from the west, all the turbines would suddenly become visible. Because of their alignment, they would appear behind each other and, in windy weather, as a mass of moving blades. They would act as a significant distraction to drivers approaching a junction where full concentration is needed, and would risk causing accidents as a result.
- 8.6 The Highways Agency advice note, SP12/09, quoted in the Council's SPD, says that "*Wind farms should not be located where motorists need to pay particular attention to the driving task, such as the immediate vicinity of road junctions, sharp or unexpected bends and crossings for pedestrians and cyclists.*" The appeal proposal would position wind turbines close to road junctions and bends in the road. The proposal is therefore contrary to that advice.
- 8.7 I consider that the turbines would distract some drivers on the B4525 and that this would materially harm highway safety. I consider this to be another element of harm to be weighed against the appeal proposal. It should also be borne in mind that the highway authority is objecting on highway safety grounds, which they were not at the time of the last appeal. The previous Inspector discounted highway safety concerns (her paragraph 83) on the basis that "*the local highway authority raised no objection in principle and did not consider distraction to be a cause for concern*". However, the highway authority is now objecting, which should be given appropriate weight when considering objections on highway safety grounds.



8.8 The harm caused to highway safety would not in my view be “acceptable” as set out in paragraph 98 of the NPPF.

**9) BENEFITS OF THE PROPOSAL**

- 9.1 I accept that the proposal would generate renewable energy, which is supported in Government policy and for which there is an urgent need, and that it is right and proper to afford this great weight. I also note that the NPPF advises that we must recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- 9.2 However, paragraph 38 of the new planning practice guidance points out that the energy generated by a particular turbine or wind farm can vary for a number of reasons. As pointed out in the Council's adopted SPD on wind turbines, a balance must be struck between benefits and harm in many cases and this is only possible if the electricity produced and CO2 saved is known. The key issue here is whether the amount of CO2 saved from the scheme, compared to other energy sources, outweighs the local environmental disbenefits that arise from the proposal. Paragraph 98 of the Framework says that the appellant should not be required "*to demonstrate the overall need for renewable or low carbon energy*". However, part of the exercise in assessing the planning balance is deciding how much weight should be given to the benefits arising from the particular wind farm scheme. This can only be done if the renewable energy generated, and the CO2 saved, is known.
- 9.3 In the appeal scheme, it is not known whether each turbine would generate 2 or 3 MW. The total to be installed capacity would thus vary between 10 and 15 MW. This is a very great difference. If the installed capacity was 15 rather than 10 MW then the benefits would be 50% greater. Nor is anything known about the capacity factor for this site, which the planning practice guidance describes as "useful information" in relation to the balancing exercise. The only person that can provide the information as to how much electricity would be generated is the Appellant and it has failed to do so. The Inspector cannot therefore say with any certainty how much electricity would be generated or how much CO2 would be saved. It is therefore not possible to give weight to the benefits of the proposal on any informed basis.
- 9.4 In the circumstances, it is necessary to assume that the lowest amount of electricity generated (2MW per turbine and 10 MW in total) is what would actually be generated.

It is possible to make an accurate assessment of the adverse impacts of this development, but with such uncertainty about the installed capacity of the wind farm (let alone the capacity factor) it is not possible to make an informed assumption about whether the installed capacity would exceed 10 MW. To make a robust comparison of the benefits against the harm, it cannot be assumed that the capacity would be 15 MW rather than 10 MW.

- 9.5 A 10 MW total is not large; many wind farm proposals would generate far more than this. Whilst I do not dispute that considerable weight must still be attached to the generation of even this modest amount of renewable energy, I do think that this weight would be substantially less than would be the case were we here considering a large wind farm generating many times this amount of renewable energy.
- 9.6 At the time of the previous appeal decision, the Regional Spatial Strategy (RSS) for the East Midlands was still in place. In her decision letter, the Inspector noted the targets set out in the RSS and stated that *“There is a clear national and regional need for renewable energy which weighs heavily in favour of the development”*. The RSS has now been revoked. Whilst the national need still exists, a particular target in the East Midlands does not. A megawatt of renewable energy provided anywhere in the country should now be given the same weight, rather than the previous situation where more weight (sometimes described as “super weight”) was given to provision in areas where targets had been missed than in areas where they had been met or exceeded.

## **10) OTHER MATTERS – COMMUNITY ENGAGEMENT**

- 10.1 The June 2013 Ministerial Statement and July 2013 guidance issued by the Government stresses the importance of engaging with the local community. In this case, the level of engagement by the appellants with the local community has been minimal. In her statement to the last inquiry, Fiona Davies (Appendix 2 to this proof) described it as “academic”. As she points out in her statement, the consultations undertaken were the bare minimum and the impression given was that they were “standard” consultations, with only the name changed from a scheme elsewhere. The local community strongly feel that the attempts made to suggest that the impacts would not be as serious as was obviously the case were “ridiculous” (Fiona’s word).
- 10.2 In my opinion, the lack of adequate pre-application consultation and engagement with the community in this case is reflected in the quality of the development proposed. There was in this case no real attempt to engage with the local community, as opposed simply to providing information. As a result, the application proposal was not informed by local views, which might have allowed a more sensitive development to be brought forward. Instead, the changes to the scheme were all about one thing – trying to address individual constraints in a piecemeal fashion. As the design process progressed it became increasingly evident that the site was too constrained to allow the re-positioning of turbines to meet the many concerns of local people and effective community engagement became impossible.
- 10.3 This lack of engagement is both a material consideration weighing against the grant of permission, being contrary to the approach advocated by the Government (as very recently reinforced), and a reason why the development that has resulted is unacceptable in pure land use planning terms.
- 10.2 The level of community engagement undertaken was insufficient at the time it was undertaken. The expectation as to such engagement has now I understand that a red route is a road identified by the County Council as a route with a high number of accidents resulting in a fatality or serious injury. It is essentially a particularly dangerous road. The County Council’s letter, with the new guidance and statement produced in the summer of 2013. What was then already insufficient is now even

more evidently insufficient. Whilst not enough to dismiss the appeal in its own right, the failure to properly engage with the community is another matter to weigh in the balance against the proposal.

## **11) OVERALL BALANCE**

- 11.1 I have summarised in this proof the areas where the proposal would cause harm. I have identified considerable harm that would be caused, including in respect of the impact on the landscape, heritage assets, the amenity (both visual and from noise disturbance) of local residents, the impact on the tranquillity of the countryside, including as experienced from the many rights of way in the area, the impact on highway safety and the lack of community engagement.
- 11.2 In my opinion, this amounts to a very significant amount of harm that would be caused by the appeal proposal. I consider it necessary to take this harm into account cumulatively. After all, the impacts would all be felt, so should all be taken into account together. I consider they should be afforded very great weight because of their scale and nature in this case, as explained in this proof.
- 11.3 Government policy advocates an increase in renewable energy projects across the country. However, these are dependent on individual schemes not being unacceptable and in every case a weighing of the particular benefits of the particular scheme against any harm caused by that scheme. As I set out above, the benefits of this proposal are not especially great, and are difficult to quantify. I consider that they are very clearly outweighed by the harm that I have set out in this proof.
- 11.4 It is necessary in this case to apply the test in Section 38(6), giving primacy to the statutory development plan. In this case all the considerations point in the same direction as the development plan, to show that this is a development which has unacceptable impacts in its context and which ought not to be permitted.

## **12) CONCLUSIONS**

- 12.1 The starting point in this appeal is the position in relation to the Development Plan – the South Northamptonshire Local Plan. I have shown that the all but one of the relevant policies from the Local Plan are compliant with the National Planning Policy Framework and should therefore be given full weight. I have also shown that the proposal is contrary to NPPF compliant and saved Policies EV1, EV11 and EV12 of the Local Plan.
- 12.2 I have shown that the Development Plan is not out of date, silent or absent in relation to judging the appeal proposal. It may not contain a policy that deals specifically with wind farms, but it does contain all the necessary policies to allow the proposal to be considered and is consistent with the NPPF.
- 12.3 If the Inspector disagrees in relation to the status of the Development Plan policies, then I would comment that significant weight should be given to the policies of the emerging Core Strategy, in particular Policy S11. This policy is compliant with the NPPF and is a more appropriate and local expression of policy in relation to wind farms than simply falling back on the national policy stance contained in the NPPF. It is after all the Government's stated position that policies should be formulated and acted upon locally and this objective should be acted upon in this case.
- 12.4 The proposal is in any event contrary to specific guidance in the NPPF, notably on heritage assets, tranquillity and conserving the natural environment and landscape character. I have also shown that the proposal is contrary to other guidance, including the recently published central Government guidance, adopted SPDs, Highways Agency advice note SP12/09, and PPS5 Practice Guidance.
- 12.5 I have drawn on the evidence given by Alison Farmer, Robert Davis and affected local residents and shown that the proposal would be seriously harmful to the living conditions of a large number of local residents. The Tims at Stuchbury Hall Farm would be particularly severely affected, but other residents at Grange Farm and in Greatworth would also suffer serious negative impacts on their amenities.

- 12.6 I have drawn on the evidence to this inquiry from Alison Farmer, Richard Hall and Roger Miles to show that there would be a considerable adverse impact on the public rights of way in the vicinity of the site from the appeal proposal. The presence of so many public rights of way close to the turbines would mean that there would be a profusion of public viewpoints from where the adverse visual impact of the turbines would be appreciated. In addition, these rights of way are well used but would become much less attractive for use were the appeal proposal to proceed. The appeal proposal would therefore be very likely to reduce the use of the rights of way in the area.
- 12.7 I have noted that the highway authority do now object to the application on the grounds of highway safety. I have drawn on the evidence of Veronica Ward and on my own experience as a chartered town planner and concluded that the turbines would risk distracting drivers and consequently have a negative impact on highway safety.
- 12.8 I have noted the inadequacy of the community engagement pursued by the appellants and noted that the approach they took, which was always inadequate, is now, given the new advice published this summer, totally inconsistent with up-to-date Government advice.
- 12.9 Finally, I have given great weight to the fact that the proposal would provide renewable energy, in line with Government policy, and noted the limited duration of the development's life and its reversibility. However, I have noted that the amount of renewable energy generated, and the amount of CO<sub>2</sub> saved, is not known with any real degree of certainty. I have also pointed out the small scale of the proposed electricity generated compared with other larger wind farms elsewhere in the country.
- 12.10 I acknowledge that a balance must be struck between the benefits of the proposal and the harm it would cause. However, in my view the benefits are clearly outweighed by the significant harm that I and other witnesses have outlined. The adverse effects of the development are unacceptable and are not outweighed by the benefits. The appeal should therefore be dismissed.