



Banks Developments

Development With Care

**ELECTRICITY ACT 1989 (SECTION 36 AND SCHEDULE 8)
TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 90)
THE ELECTRICITY GENERATING STATIONS AND OVERHEAD LINES
(INQUIRIES PROCEDURE)
(ENGLAND AND WALES) RULES 2007**

**PUBLIC INQUIRY TO CONSIDER SECTION 36 ELECTRICITY ACT 1989
APPLICATION BY STEADINGS WIND FARM LIMITED FOR CONSENT AND
DEEMED PLANNING PERMISSION TO CONSTRUCT AND OPERATE A WIND
FARM AT KIRKWHELPINGTON, NORTHUMBERLAND
(KNOWN AS STEADINGS)**

SUMMARY PROOF OF EVIDENCE - STEWART PROVAN BSC (Hons) MRTPI

BERR REFERENCE: GDBC / 001 / 00278C

TYNEDALE COUNCIL REFERENCE: 20060540

NORTHUMBERLAND COUNCIL REFERENCE: 06 / 00023 / CPC

3 DECEMBER 2007 FOR INQUIRY COMMENCING 15 JANUARY 2008

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1. SUMMARY

- S1.1 I am Alexander Stewart Provan. I have a BSc (Hons) in Town Planning and I am a Member of the Royal Town Planning Institute. I have worked as a town and country planner for 20 years and am employed by Banks Developments, the development arm of The Banks Group. In giving my evidence here, I present my own personal opinion as a Chartered Town Planner.
- S1.2 I first became involved in the Steadings Wind Farm development in 2004, and I was responsible for supervising the preparation of the Scoping Report, the Section 36 and deemed planning consent applications and Environmental Statement. I have been responsible for the planning aspects of the Steadings project since then, including the preparation of the Regulation 13 submission in February 2007 and the more recent SEI submission in September 2007.
- S1.3 Steadings Wind Farm Limited (SWFL) is a wholly owned subsidiary of The Banks Group and will own and operate the proposed Steadings Wind Farm on behalf of The Banks Group. The Group's business model is to build and operate its own wind farms. The Group is currently completing procurement of turbines and balance of plant contracts to commence construction of its first project, the West Durham Wind Farm at Tow Law, with completion anticipated for November 2008.
- S1.4 In section 2 of my evidence I explain that the structure of my proof reflects the approach set down in relevant planning guidance to the way in which proposals for renewable energy developments should be assessed. Other witnesses appearing on behalf of SWFL identify and examine potential environmental effects of the proposed development both singly and in combination with other proposed developments. The aim of my proof is to examine the planning balance which must be drawn, taking into account all relevant material considerations. In doing so I draw on the conclusions of the witnesses and the findings of the Environmental Statement (as amended by subsequent submissions).

- S1.5 My evidence also draws on the broader energy policy picture in the UK by reference to documents such as the Energy White Paper 2007 [SWF 11.17] and the Energy Review of 2006 [SWF 11.13] and explains how national planning guidance in relation to renewable energy set down in PPS22 provides the link between energy policy and land use planning policy in the UK.
- S1.6 I consider whether the proposal complies with the overall policy matrix including the policies of the development plan as a whole and also whether there are material considerations which justify a different approach. In doing so, I comment on the approach taken by the Local Planning Authorities to the application of national, regional and local policy statements.
- S1.7 I note that the prevailing policy matrix, including the criteria of development plan policy specifically relating to renewable energy development is comprehensive in nature. I explain that my approach is therefore likely to pick up all of the matters notified by the Secretaries of State in the Statement of Matters.
- S1.8 I explain that Section 38(6) of the 2004 Act has no application to the main decision here to be made, namely that under the 1989 Electricity Act. I explain that even were the provisions of Section 38(6) engaged, the approach to determination should be to identify and apply the dominant theme or policy approach from the development plan and to bring in and weigh any other material considerations as relevant. I conclude that irrespective of whether Section 38(6) is or is not engaged, the development plan remains a material consideration. I explain that given the approach I have taken, even if one assumes that it is engaged, the conclusions I reach are no different. [2.13-2.18]
- S1.9 Given the conjoined nature of this inquiry, I tackle the question of whether the sites are competing against each other. The approach I note being adopted by TDC. I note that the Statement of Matters correctly refrains from using the word “alternatives” because national and regional policy makes it quite clear that the targets being set for renewable energy

provision are not caps but minima to be aimed for, and once attained, raised further. Therefore, insofar as any concept of 'need' can be applied to the planning balance in the case of renewable energy, need must be seen to be unconstrained. It therefore follows that no one site or proposal can logically be regarded as an "alternative" to another. I note this point is recognised and affirmed at paragraph 8.18 of the 2007 Energy White Paper [SWF11.17]. [2.19-2.20]

- S1.10 In relation to the EIA regulations I note there is no requirement for the applicant to prove that there are no alternative sites or that the proposed site represents the least environmentally damaging. [2.21-2.23]
- S1.11 In section 3 I explain how the Steadings proposal has been the subject of a comprehensive site selection process, how additional information has been submitted at the request of the Secretary of State (The Regulation 13 Submission) and how the proposed layout has been refined further in response to consultation responses (The SEI submission).[3.4-3.23]
- S1.12 I explain the site finding process used by SWFL to identify the Steadings site which has, as its starting point, work on landscape capacity undertaken in support of the Regional Renewable Energy Strategy and the emerging RSS. I highlight the fact that there are major constraints to wind energy development in the County which lend weight to the spatial clustering approach advocated by the emerging RSS and adopted Structure Plan and that the Steadings site lies in the least constrained part of the County. [3.24-3.37]
- S1.13 In section 4 I explain the background to UK government policy on renewable energy. By reference to, among other things, The Stern Review, I explain that the environmental and economic effects of climate change are now well understood and are recognised as a major threat. [4.1-4.4]
- S1.14 I refer to a series of recent government policy pronouncements which started with the Review of the Energy White Paper in 2006 . I explain how the government wishes to see the amount of energy generated from renewable sources significantly increased and I explain the use of targets

as a policy tool to drive this forward. I explain how the government also wishes to see an increase in indigenous energy production to tackle concerns about security of energy supply and highlight the fact that the government see renewable energy playing a significant role in achieving these aims. I further highlight that the government recognise that wind energy is the most advanced and proven technology in its field and is therefore best placed to meet immediate targets. I also note however that it is now acknowledged by the government that progress towards its overall policy aims in relation to energy is inconsistent and on current progress, the earliest targets are not going to be met unless there is a significant increase in the number of renewable energy schemes receiving consent. [4.5-4.42]

- S1.15 At section 5 I review the planning policy matrix within which the determination must be made. I explain that at national level planning policy advice is clear and expects a positive approach to be taken to the consideration of renewable energy schemes in order to promote the development of renewable energy resources. I explain that at development plan level, there are elements of the development plan which have not been monitored and are now out of date. [5.8-5.12] I explain that the overall approach in the current development plan is nevertheless positive and has a spatial dimension to it with the identification of areas with the potential for wind energy development. [5.45-5.89] I explain that the Steadings site lies within the Knowesgate/Harwood Forest Area and that the areas and the work undertaken to identify them has been the subject of formal examination. [5.45-5.89]
- S1.16 In section 5 I also comment on the status of landscape capacity studies undertaken by Ove Arup and highlight their informal status, the fact they sit outside the development plan and their incompatibility with national and local policy on the development of renewable energy. I note that the capacity studies do not go into the detail of assessment needed in an EIA process, recognised by the government as the most appropriate way to assess the suitability of a renewable energy development. [5.90-101]

- S1.17 In section 6 I examine the principle policy considerations. I start by examining the contribution the Steadings proposal will make towards the delivery of national, regional and sub-regional renewable energy targets. I note that the north east region is generally performing poorly relative to other regions of the country and has a long way to go to meet the 2010 target. [6.6-6.15] I further note a difference in approach within the region and that Northumberland as a county has met less than 15% of its 2010 target while the neighbouring County has met its 2010 target and is well on its way to meeting its 2020 target. I note that given the long lead times for renewable energy developments, the 2010 target for the region and the sub region cannot be achieved without the approval of the Steadings scheme. [6.6-6.15] I conclude that there is an urgent need for well located schemes in Northumberland which meet technical and environmental criteria to be approved.
- S1.18 In section 6 I summarise the contribution the Steading wind farm will make towards addressing climate change, noting that the estimated 143 to 161 GWhrs per year of clean energy generation would be eligible for the government's Renewables Obligation.[6.23-6.30]
- S1.19 On landscape and visual effects I refer to the findings of the ES and SEI and the evidence of my colleague Colin Goodrum and note that his conclusions would indicate that the policy requirements of the development plan concerning the acceptability of wind farms in terms of landscape and visual impacts and effects on landscape character are satisfied. In doing so I note that in relation to landscape character and appearance, the introduction of wind turbines into a landscape, by their very nature, will inevitably result in significant effects. I note that whether a person viewing the wind farm regards the change to be positive or negative will be a subjective judgement and I note that elsewhere in my evidence I highlight the findings of extensive research which seems to demonstrate that people are generally well disposed towards wind turbines [6.30-6.42]

- S1.20 In relation to cultural heritage effects I note the main issues derived from planning policy relate to effects on the setting of the Hadrian's Wall WHS and local Listed Buildings. I note that the effects described in the ES and the evidence of Dr Simon Colcutt are not such that, when balanced against the significant contribution the proposal will make towards the achievement of renewable energy targets in the region and county, they can be overriding or unacceptable. [6.43-6.48]
- S1.21 In relation to effects on residential amenity I note this is an issue raised primarily by local residents and that concerns primarily relate to noise. I refer to the evidence of Malcolm Hayes and note that the proposed development accords with development plan policy and national planning guidance on noise contained in ETSU R 97. [6.49-6.50]
- S1.22 In relation to ecological effects, I refer to the findings of the extensive survey work undertaken in support of the proposal and reported on and assessed in the ES and SEI. I also refer to the findings of the evidence of my colleague William Latimer and conclude that insofar as a policy test is applied, the proposed development accords with development plan policy and national planning guidance on protection of ecological interests. [6.51-6.57]
- S1.23 In section 7 of my evidence I address other material considerations. I note the main one is likely to be perceived effects on the tourist industry and the economy of the area. I refer to the large body of research on public attitudes to wind turbines as well as research specifically dealing with effects on tourism. I note that the overall impression gained from the review of the substantial number of surveys undertaken is that the effect of wind farm development on tourism in their locality is negligible at worst. [7.1-7.14] I go on in section 7 to examine the distribution of tourist facilities in Northumberland and to examine the way in which the County is promoted. I conclude that the Steadings site is not located in a sensitive part of the County or District, and does not have an effect on the particular unique selling points of the County. [7.15-7.23]

- S1.24 In section 7 I deal, as far as I can, with effects of the proposal on aviation interests. I explain that the objections of the aviation interests are imprecisely made and all efforts by SWFL to clarify the grounds of objection have met with no substantive response. I note that the aviation industry is widely recognised as a major contributor to greenhouse gas emissions and a growing cause for concern. I note that any objection to a renewable energy development on the grounds that it will prevent an increase in air traffic numbers must overcome the significant weight to be attached in the decision making process to the wider environmental and economic benefits of all renewable energy developments. [7.33-7.46]
- S1.25 In section 8 I refer briefly to the other issues raised by third parties and in section 9 I state that planning conditions will be placed before the inquiry and that there are no matters of substance which require to be the subject of a legal agreement to accompany the schedule of conditions.
- S1.26 In section 10 I draw my conclusions on the planning balance. I note that the proposal complies with national guidance on renewable energy and sustainable development. I note that the proposal will make a significant contribution to delivery and exceedance of renewable energy targets and will deliver environmental and economic benefits. I note that the proposal accords with the spatial strategy for deployment of renewable energy in the north east region and with the criteria of development plan policy on renewable energy.
- S1.27 I note the development plan position is clearly supportive of wind energy development to achieve the minimum targets and advocates the clustering of developments in areas where constraints on wind energy development are least. I note the policy stance expects “formal assessments” to be undertaken of landscape capacity and conclude that the Arup report cannot reasonably be described as a formal assessment of the type envisaged by the development plan policy. [10.1-10.9]
- S1.28 Finally, I consider whether the proposal has been found to have any unacceptable environmental impacts either individually or in combination with other schemes, steered by the criteria of development plan policy. I

conclude that the proposal has not been found to have any unacceptable effect which, when set in the wider policy context, could be considered to be overriding. [10.14-10.26]

S1.29 Having considered all of the issues above, the detailed evidence presented by others, and the matters raised by objectors, I request that the Inspector recommends to the Secretary of State that the Steadings application be approved, subject to reasonable conditions, in order that this important project can proceed as quickly as possible, and can deliver its benefits to the local area and global environment.