

Electricity Act 1989

Applications by Amec Project Investments Ltd and Steadings Wind Farm Ltd.

Land at Ray Estate, Kirkwhelpington and the Steadings, near Kirkwhelpington

Appeal Reference no: APP/R2928/A/ 07/2039188/NWF

AND

Town and Country Planning Act 1990

Appeal by Wind Prospect Developments Ltd. Land at Green Rigg Fell, Birtley Parish, Northumberland

Appeal Reference no: APP/R2928/A/ 07/2039188/NWF

**CLOSING SUBMISSIONS ON BEHALF
OF NORTHUMBERLAND COUNTY
COUNCIL
(‘NCC’)**

1. These submissions relate to the applications for a proposed wind turbine generating station at Ray Estate, Northumberland (‘Ray Wind Farm’) and; the proposed wind turbine generating station at land at Kirkwhelpington, Northumberland (‘Steadings Wind Farm’), (both submitted pursuant to the Electricity Act 1989); along with an appeal for planning permission for the

erection and operation of wind turbines and associated infrastructure at land at Green Rigg Fell, Birtley Parish.

2. It is worth noting, as I did in opening, that NCC is not and was not the decision making body in respect of any of the applications/appeals. NCC as Strategic planning Authority is a statutory consultee in respect of all three developments and as such its involvement at this inquiry has been commensurate with such a consultation role. However, we hope we have offered positive and helpful contributions to the process and assisted the inquiry wherever able. To that end NCC have concentrated upon presenting its views and evidence to the inquiry, on matters relevant to NCC's areas of objection, rather than participating fully throughout the inquiry. However, such a pragmatic and reasonable approach should in no way be taken as lessening the weight which should attach to NCC's focused evidence and views expressed. NCC's objections are based on a sound understanding of the policy frameworks and the significant weight attached to the environmental and economic benefits of such developments.
3. For clarity, I also set out in opening the original stated objections of NCC. However, due to the amended proposals, with respect to the Ray application, it is correct to record that NCC's formal objections have been withdrawn during the course of the Inquiry. Such withdrawal came about entirely as result of the amended Ray proposals to remove the four turbines, in closest proximity to Great Wanney Crag. NCC therefore withdrew all of its reasons for objection, to the Ray proposal, as set out and explained in NCC/0/3, dated 18th April 2008. These submissions therefore do not deal any further with matters solely relating to the Ray revised proposal.
4. Consequent to the above, NCC resolved to amend its reasons for objection in respect of the Green Rigg application and in particular relating

to its cumulative impact on the historic environment when considered alongside the revised Ray Application. Again, such amendment to its reasons for objection were set out and explained in NCC/0/3. Objections in relation to the Steadings proposals remain unchanged from that set out in opening.

5. The withdrawal of objections to Ray and the amendment of objections to Green Rigg, is further evidence of the reasonable and consistent stance taken by NCC. From the outset, NCC has been clear that in essence it is the scale and form of the proposals which it took objection to and in modified scale and form the proposals could be acceptable. This is demonstrated by the view of NCC expressed in its initial objection (May 2007 NCC/1/3.1), where amongst other matters it stated that the removal of the 'Wanney Four' from Ray would reduce the impact of that scheme to acceptable levels, in the balancing exercise. Those four turbines were removed by the promoter (during the course of the inquiry) and NCC duly reconsidered its objections, concluding in the removal of objection.

6. The above shows that NCC has taken a reasonable, consistent and authorised approach throughout to find the correct balance between benefits and harms. For ease, the following submitted documents and reports set out NCC's consideration, re-evaluation and authorisation process [*NCC/1/3.1-Planning and Regulatory Committee Report on Ray Wind Farm, 1st May 2007; NCC/1/3.3-Planning and Regulatory Committee Report on Steadings Wind Farm, 1st May 2007; NCC/1/3.6-Planning and Regulatory Committee Report on Green Rigg Wind Farm, 5th December 2006; NCC/1/3.18-Appendix to Proof: Record of Decisions by Chief Officers in consultation with Executive member; NCC/1/3.19-Appendix to Proof: Record of Decisions by Chief Officers in consultation with Executive Member – Wind Energy Development in Northumberland –*

Landscape Capacity Study – Least Constraint Areas; NCC/0/3-amended position on Ray set out to the Inquiry]. NCC submit that by having taken such a reasonable, independent, balanced and consistent approach, significant weight should therefore attach to its views in respect of those matters where objection is still maintained.

7. I also record for formality that throughout this inquiry reference has been made to the Emerging RSS and Secretary of State's proposed changes; however on 15th July 2008, the final published North East RSS was adopted. The result of such adoption has been that the renewable energy policy framework for the Development Plan now consists of the RSS, Local plan and LDF; the Joint Structure Plan is now no longer strictly relevant, these submissions therefore refer predominantly to the RSS.
8. NCC submitted the evidence of four witnesses to the inquiry. Ian Campbell, Team Manager Strategic Policy and Initiatives, in respect of Planning and Energy Policy; Simon White of White Consultants in respect of the landscape and visual impacts of the proposed developments; Peter Rogers, Historic Buildings Advisor of the County Council, in respect of the impact of the proposed developments on listed buildings; and, Nick Best, Assistant County Archaeologist in respect of the impact of the proposed developments on the historic environment; (Whilst Nick Best's oral evidence was presented to this inquiry by TDC, solely to avoid the duplication of witnesses and Peter Rogers was not called to give oral evidence, NCC place weight and reliance upon the evidence of all four).

In summary:

9. NCC has considered the national energy and planning policy framework as it relates to renewables development and the regional planning policy framework for renewables development.

10. National policy sets the strategic context, and acts as a driver for renewables development. All recent planning and energy policy statements repeat and reinforce key messages on renewables development, including the need to meet ambitious targets for carbon reduction and renewable energy generation. The development of renewables is now seen as a key part of Government strategy to tackle climate change and deploy cleaner sources of energy. The wider environmental and economic benefits of all proposals for renewable energy projects are material considerations that should be given significant weight in determining whether they should be granted planning approval. However notwithstanding this supportive planning framework for renewables development, national policies set out in other relevant statements of national planning policy also equally apply. In circumstances where renewable energy developments have potential to impact on the historic environment, relevant national policies are set out in PPG15 Planning and the Historic Environment and PPG16 Archaeology and Planning (both discussed in the evidence of Nick best and Peter Rogers). PPS1 similarly advises that development plan policies should take account of environmental issues including the impact of development on landscape quality and the preservation and enhancement of built and archaeological heritage.

11. In terms of regional policy, NCC has been actively engaged in putting in place a supportive policy framework for renewables development. NCC has participated and in and supported the development of the Regional Renewable Energy Strategy - this has provided the evidence base for the new RSS policy framework and a spatial framework for renewable energy development in the region. The regional framework is a positive response to the national policy context and complies fully with PPS22. The RSS is

- very recent and up to date and should therefore be afforded significant weight.
12. In the assessment of the applications, the significant contribution they can make towards renewable energy generation and wider environmental benefits has been recognised by NCC and given significant weight.
13. Notwithstanding the strongly supportive planning framework for renewables development other national policies must also be taken into account. For example:
- a. PPS1 advises that development plan policies (and development control decisions) should take account of environmental issues including the impact of development on landscape quality and the preservation and enhancement of built and archaeological heritage (in particular pp's.5,13,17 and 20).
 - b. PPS22 advises that renewable energy developments should be capable of being accommodated in locations where technology is viable and environmental, economic and social impacts can be addressed satisfactorily (pp.1(i)) and; in the case of national designations (including scheduled monuments) permission should only be granted where it is demonstrated that the objectives of designation will not be compromised by the development and any significant adverse effect on the qualities are clearly outweighed by the environmental, social and economic benefits (pp.11),
 - c. PPG16 notes the *presumption in favour* of the preservation of nationally important archaeological remains and their settings (PPG16 para 8), as well as the *presumption against* developments which would involve significant alteration, or which would have a significant impact on the *setting* of such remains (PPG16 para 27).

- d. PPS7 pp.16(iv) states that Authorities should provide for the SENSITIVE exploitation of renewable energy sources, in accordance with PPS22.

Therefore the framework for renewable energy developments, whilst clearly important, does not override other national planning policy objectives.

14. In considering the planning balance in respect of the developments (although a slightly different test is applicable pursuant to the Electricity Act applications) it is submitted that the principle of taking competing interests into account and weighing them all in the balance must still be at the heart of any determination. NCC has concluded that the scale and form of the developments are not acceptable and are not proposed in a manner which is SENSITIVE. However, this does not preclude the promoters from submitting revised schemes that are more in sympathy with their landscape and historic environment context (as has occurred with the Ray Scheme).
15. In reaching an overall conclusion on the acceptability or otherwise of the three proposals Ian Campbell set out that NCC took into account all relevant matters and considered that although both proposals are consistent with the locational guidance within (now) RSS Policy 41b, (in that they are located within the Knowesgate Broad Area of Least Constraint); matters of unacceptable landscape and visual impact, along with unacceptable harm being caused to the setting of the Scheduled Ancient Monument at Great Wanney Crag Hillfort and impact on the setting of the Grade II* Church of St Aidan, Thockrington, were not in accordance with (the then) Policies M4 and M5 of the JSP (and the now) RSS policy 40 (in particular criteria b, c and i). For ease, the relevant parts of Policy 40 are set out below:

'Strategies, plans and programmes should support and encourage renewable energy proposals and identify renewable resource areas. In assessing proposals for renewable energy development significant weight should be given to the wider environmental, economic and social benefits arising from higher levels of renewable energy, and the following criteria should be considered:

...

b. acceptability of the location and the scale of the proposal and its visual impact in relation to the character and sensitivity of the surrounding landscape;

c. effect on the region's World Heritage Sites and other national and internationally designated heritage sites or landscape areas, including the impact of proposals close to their boundaries;

...

i. cumulative impact of the development in relation to other similar developments.'

...

16. It is within the above context that one should view the issue of 'targets'.

Much has been made, by the Promoters, of the 'need' to attain the target for renewable energy generation and that without these applications such targets cannot be met. That may be the case; however NCC submits that the attainment of such targets cannot and should not ride roughshod over other legitimate interests. It is not a case of 'attain targets at all costs'; a balance of interests must still be struck.

17. NCC accepts that RSS Policy 39 sets out that the target of 212MW by 2010 applies to Northumberland, and that the proposals in their current form will make a significant contribution to that; but at what cost? Later in

this closing I set out the significant harms caused by these proposals and NCC submits that those harms are, on balance, of such weight and significance that they outweigh the accepted significant weight which must attach to the generation of renewable energy. NCC asks the inspector and Secretary of State to consider that were these proposals to be reduced in scale (as advocated by NCC), a significant contribution (albeit lesser) would still be made towards the attainment of targets as set out in RSS Policy 39. Such proposals, whilst still offering a significant contribution towards renewable energy generation would however be more in keeping with the carrying capacity of the landscape and would be more acceptable in terms of the planning regime, as a whole.

18. It is also correct to note that through the evidence of Simon White, Nick Best and Peter Rogers, those specific parts of the proposals which are particularly unacceptable and are of sufficient weight to justify objection to the proposals, are: turbines 2, 9, 10, 12, and 13, in respect of Green Rigg, and; Turbines 14, 16, 17, 20, and 22, together with the anemometer mast south of 22, in respect of Steadings.
19. In reaching the conclusion in respect of the landscape character and visual impacts generally, NCC relies upon the evidence of Simon White. It is clear through his evidence that NCC considers significant harm is caused both individually and cumulatively.
20. The GONE Study 2003 [CD142] had been undertaken in order to help inform the location of the Strategic Wind Resource Areas, it defines sensitivity of landscape types across the whole region to wind energy developments. The types directly affected include Outcrop Hills and Escarpments which are considered of Medium to High sensitivity with medium-small turbines [80-110m to blade tip] appropriate. Green Rigg lies within this area. Upland Fringe Farming is considered of low-medium

sensitivity with medium turbines generally appropriate [110m high to blade tip]. Steadings lies within this area.

21. The Arup study [CD104] was commissioned by the NEA with the County Council later formally approving its use in assessing the strategic implications of development proposals. The overall purpose of this study was to follow on from the GONE landscape study 2003, to develop and further refine the policy framework for wind energy development in the region and to provide an assessment tool for the interpretation of policy to better inform decision making; (In particular in relation to the capacity of landscape to accommodate a particular scale and form of development as well as the visual effects of such developments, both individually and cumulatively). The study further informed Structure Plan Policy M5 and helped to refine RSS 2002 Policy EN2. The Study refined the SWRA at Knowesgate and Harwood, identified a suitable technically feasible study area focusing on the 2 W's and; analysed this in more detail than the GONE Study (as set out in Simon White's evidence). For example by:

- Undertaking landscape sensitivity and capacity assessment of relatively small zones rather than an analysis of types which are large and cover a number of separate areas across the region as in the GONE study.
- Undertaking an assessment of the potential capacity of each zone in terms of number and size of turbines rather than height only in the GONE study.
- Undertaking a visual analysis to understand the relative visibility of each zone which was not undertaken in the GONE study.
- Analysing potential cumulative impact using scenarios to understand thresholds for acceptable quantity and arrangement of

windfarm development. This was not undertaken in the GONE Study.

- The study method built on the methods of other strategic studies undertaken by the team and others. It has been reviewed by CBA for the Countryside Agency and found to be built on good practice as well as winning a Landscape Institute Highly Commended Award in 2006.

22. Although initial assessment was based upon the Arup Study (as was entirely correct); at this Inquiry NCC **also** relied on the advice and evidence of Simon White as an expert landscape witness, who assessed the proposals again in detail and in light of all the information submitted by the promoters.

23. Turning to the key areas of landscape and visual concern for each proposal and considering **Steadings** first. It is considered that the proposed turbines, due to their scale, would have an adverse impact on the landscape character of the area. In terms of landscape character, the GONE study 2003 indicated that the Upland Fringe Farming area may be able to take a medium typology of 110m turbines. In the Steadings area the NEA study 2006 indicated that a medium small windfarm [4-9 turbines or upto 15 turbines 80m high] was possibly appropriate, away from settlement and crags with a limit of 100m maximum and preferably 80m to blade tip. The proposed development consists of 21 turbines at 125m in height. This exceeds both studies conclusions; the scale and form of development is therefore too large.

24. Further assessment of the proposals showed that the turbines will be seen in juxtaposition with Thockrington Church and with the Crags. The first

- element gives a human scale to the landscape and the crags are perceived to be significant features when approached. This sense of scale will be disrupted by the turbines. In his evidence and cross-examination, Simon White identified the key viewpoints which will be affected and from where the impacts will be most apparent; these included views from 'south of Ladywell', 'Kirkwhelpington (northern A696 junction)' and from the 'B6342 looking towards Thockrington Church and Knowesgate'.
25. When considering the acceptability or not of any development in a landscape such as this, it stands to reason that the decision maker must first look to the carrying capacity of that landscape and its ability to accept/absorb change. In the area of the Steadings proposal, the capacity is for medium small windfarm development. NCC submits that, as a matter of common-sense, this scheme (both individually and cumulatively) cannot be described as medium small (as set out in the Arup study). Simon White's evidence was clear that such a scale of development could not be accommodated in this landscape without significant (and in his view, unacceptable) change.
26. In respect of **Green Rigg**, it is considered that the windfarm will have an adverse effect on landscape character and capacity and on visual amenity. In terms of landscape impacts, although the existing landscape has a simple undulating form and simple land cover which lends itself to windfarm development; such is to be of limited size and scale. The NEA/Arup study 2006 suggests a medium-small typology [4-9 turbines or 15 turbines up to 80m] for the zone. The proposed 18 turbines at 100m, cover a significant proportion of the Fell and significantly exceed capacity. Simon White further confirmed that his view of landscape character and carrying capacity had not changed from the Arup study, following his own subsequent landscape assessment (xc). *[The exact same principle submissions as set out in pp.25 above are equally applicable to the Green*

Rigg Development and the landscape within which it sits; For ease I do not repeat them here but refer the Inspector to PP.24 above].

27. In terms of visual impact, the layout is such that at a significant number of viewpoints the windfarm appears cluttered with overlapping blades. Such view points include those from: Great Wanney Crag and Thockington Church. Simon White set out that the effect on GWC and its high receptor sensitivity of walkers was 'severe'. He stated that a number of the turbines were close to, highly visible and dominant from the Crag (being exacerbated by any future forest felling). With reference to the effect on the Church, Simon White also set out that there would be a 'Moderate effect' of 'major significance' due to the high sensitivity of the receptor, its remoteness and tranquility.

28. Having assessed the individual effects of each proposal it is also apparent that there will be cumulative effects of the proposals taken together. NCC considers that the cumulative effects it has identified would also cause unacceptable harm. The main characteristics of these effects are:

- a. The successive combined effect on Great Wanney Crag. The proposals would form a long, often unbroken stretch on the skyline from key viewpoints such as Corsenside Common because they are too close together. Knowesgate views also would see a long spread of turbines. The length of skyline between the furthest north and south turbines would be approximately 8km.
- b. The windfarms would cause clutter from a number of viewpoints such as Knowesgate, Corsenside Common and Winter's Gibbet.

- c. The design and layout of the windfarms conflict with each other. This is particularly striking between Ray which is spaced out and Green Rigg which is clustered. This would be particularly apparent at Corsenside Common. Other viewpoints where this effect would be apparent include Knowesgate and Kirkwhelpington. Such contrast leads to the schemes appearing as discordant rather than harmonious development.
- d. The windfarms together create a large area of windfarm landscape between them where the viewer will feel surrounded by turbines.
- e. These effects overall create an un-designed jumble of turbines which are unacceptable when taken together.

29. As set out above NCC also consider that the Steadings proposal would have an unacceptable visual impact on the setting of the Grade II* Church of St Aidan, Thockrington. Peter Rogers set out that the Church is a building of outstanding architectural and historic interest and is of great importance to the nation's heritage; it is an embodiment of architectural detail from the Norman to Victorian periods. The church further has an historic and cultural relationship with its surroundings/setting. The setting of the church is an essential part of its character and the protection of such should be afforded weight in the determination of the proposal, in accordance with RSS Policy 40 (c), Local Plan policy BE22 and PPG15 pp2.16 and 2.17. Although many of the turbines will have an effect upon the church and its setting, NCC considers that unacceptable harm to result from the proposal is caused by the impacts of turbines 14, 16, 17, 20 and 22 (the western group) and the anemometer mast south of turbine 20. Such harm would be particularly apparent when viewed from the south (the main road, car park and walk up to the church) and when looking

- outwards towards the proposals from the south west corner of the church itself (View SEI 1).
30. Further in relation to the historic environment, and more specifically archeological matters, NCC considers that the proposal (Green Rigg) could have an unacceptable impact upon the setting of the scheduled monument of Great Wanney Crag Hillfort. Due to (amongst other matters) the purpose of the Hillfort, NCC considers that its positioning and setting (in a commanding and prominent position) is of critical significance to its appreciation. NCC accepts that, the development of **Green Rigg** would, *at present and in the early years*, be significantly screened so as not to unacceptably affect the setting of the Monument. However, such screening is only achieved as a result of a forestry commission plantation.
31. It has been confirmed that the relevant plantation is planned for felling (in part) well within the lifetime of the development, with the remaining part to be 'managed' to 2026. No evidence has been submitted to suggest the integrity of all the 'managed' trees will remain to 2026 and equally there is no evidence of retention thereafter. At a time when any further trees are lost (subsequent to those initially planned for felling), significant views of the development would be opened up and have an unacceptable impact upon the setting of the monument. At that time it is submitted that the windfarm would become a dominant feature in the landscape; diminishing the scale and prominence of the scheduled monument. In views from the Hillfort, the Turbines would become the dominant feature rather than the impression of the Hillfort commanding a dominant position over the landscape. Therefore, although the understanding and physical status of the Hillfort will not be harmed, the 'appreciation' of it and its setting will be.

32. NCC further considers that the Hillfort could be perceptibly enclosed/enveloped by the developments within its outward views. The Hillfort would become a monument within a windfarm landscape rather than a feature which dominates its own landscape.
33. The Hillfort is of national importance due to its designation as a Scheduled Monument; as such it **and** its setting are matters which national and regional policy and guidance require to be taken into account and afforded significant weight. It is a matter of Common Ground that the Hillfort (in physical terms) will not be directly impacted by the proposed development; in the strictest sense, the ability to 'understand' the physical component of the monument and any deposits it retains will not be harmed. Nevertheless, it remains that relevant guidance (in this instance PPG16), advocates *a presumption in favour* of the preservation of nationally important archaeological remains *and their settings* (PPG16 pp.8), and a *presumption against* developments which would involve significant alteration, or which would have a significant impact on the *setting* of such remains (PPG16 pp.27). The preservation of the setting of the monument is therefore not a subordinate or secondary objective, but an intrinsic (rather than optional) objective of the guidance. As a result, were the setting of the Hillfort to be harmed, this is a matter which should weigh heavily against the proposal.
34. Overall; National, Regional and Local planning policy on renewable energy, provides a positive and supportive planning policy framework context for renewables development. In particular when determining wind energy proposals, significant weight should be given to the wider economic and environmental benefits arising from such developments. NCC has no general objection to the 'principle' of windfarm development in this location. However in their current specific scale and form the

proposals are not considered an appropriate response to their landscape context, and they generate significant adverse impacts on landscape character and amenity and the historic environment. It is clear that there is a balancing exercise to be undertaken; NCC carried out that exercise having regard to the renewable energy policy framework and wider policy framework as submitted by Ian Campbell; the landscape advice and evidence of Simon White; the built heritage advice and evidence of Peter Rogers, and; the advice and evidence of Nick Best on archaeology; as well as all of those matters submitted by the promoters. As a result of the above NCC has concluded that the dis-benefits are of such sufficient weight to clearly outweigh any benefits alleged and thus their objections, as now stated, are reasonable and justified.

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31ST OCTOBER 2008

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