



Report to the Secretary of State for Business Enterprise and Regulatory Reform

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ELECTRICITY ACT 1989

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION BY NPOWER RENEWABLES LTD FOR CONSENT TO CONSTRUCT AND
OPERATE A 75MW WIND TURBINE GENERATING STATION AT MIDDLEMOOR, NORTH
CHARLTON, ALNWICK, NORTHUMBERLAND

Inquiry began on 13 November 2007

File Ref: ELEC/2005/2004 – GDBC/001/00245C

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Middlemoor, North Charlton, Alnwick, Northumberland

- The application is for consent under section 36 of the Electricity Act 1989 and for deemed planning permission under section 90(2) of the Town and Country Planning Act 1990.
- The application, made by NPower Renewables Ltd, is dated 7 December 2005.
- The development proposed is the construction and operation of a 75MW wind turbine generating station.

Summary of Recommendation: The application be allowed subject to conditions

Procedural Matters

1. At the Inquiry an application for costs was made by Save Northumberland's environment (SANE) against NRL. This application is the subject of a separate report.
2. A pre-inquiry meeting was held on 11 September 2007. The Inquiry sat from 13 to 16, 20 to 23, 28 to 29 November, and 3 December 2007. Site visits were carried out on 27 November and on various other dates.
3. The Statement of Matters likely to be relevant to the Secretary of State's consideration of the proposed development is included as an Inquiry Document.¹
4. Proofs of evidence are included as Inquiry Documents. These are as originally submitted and do not take account of how the evidence may have been affected by questioning or other aspects of the Inquiry. Closing submissions are also included and have been amended in red to more accurately reflect their delivered content. Typographical errors to Inquiry Documents, where detected, have also been corrected in red.
5. A Statement of Common Ground (SCG)² has been agreed between the Applicant and Alnwick District Council. The SCG describes the Environmental Statement (ES) accompanying the application, and the submission of further information requested by BERR.³ Taken as a whole, the ES appears to fulfil the requirements of the EIA Regulations and is adequate for its purposes.

The Application

6. The application was submitted by NPower Renewables Ltd (NRL), the Applicant, on 7 December 2005, for consent under section 36 of the Electricity Act 1989 and for deemed planning permission under section 90(2) of the Town and Country Planning act 1990. The proposal is to construct and operate a wind farm comprising 18 wind turbines with a maximum height to blade tip of 125m and associated infrastructure including unit transformers, upgrading of existing and construction of new access tracks, a new substation and two long term meteorological masts. One borrow pit would also be excavated within the site boundary as a source of road stone for the proposed development.

¹ GEN3.1

² GEN1.1

³ GEN1.1 paras 3.3-3.6

7. The total area of the wind farm site is approximately 730 hectares, some 295 hectares of which comprise the area in which the turbines would be installed. Access to the site would be by one of two possible routes. The preferred option would be to construct a new access from the A1 and the alternative would be to use the existing North Charlton junction off the A1 and the C47 minor road.
8. The rated capacity of the wind farm would be between 54 and 75MW. It would connect into the existing 66kv electricity distribution system at the existing substation at Denwick near Alnwick. The connection would be entirely underground and would run in the service corridor along the A1 and then along the B1340 minor road to Denwick.

The Site and Surroundings

9. The site, whose boundary extends eastwards to the A1, is located approximately 10km north north west of Alnwick.⁴ It is to the north west of South Charlton, the core of the village being approximately 1.6km from the nearest turbine, and to the west of north Charlton, the nearest turbine being some 1.3km from the centre of the village.⁵ It lies both sides of the minor road which runs from North Charlton to Chillingham.
10. The site is part of the Charlton Ridge, rising gently from approximately 90m AOD in the south east next to the A1, to approximately 180m AOD in the north west corner of the site. The turbines would be set broadly between 135m and 175m AOD. The site is lightly to mildly incised by the Shipperton Burn running east, through the middle of the site, and mildly incised by the Washingpool Burn running south along the western boundary of the site. Slopes tend to be mainly gentle.
11. The site comprises primarily arable and grazing agricultural land with conifer shelter belts and plantations. Areas of semi-improved neutral grassland, scattered scrub, hedgerows and other treescapes are also in evidence.⁶ Watercourses drain ultimately into the River Aln or Beadnell Bay.
12. The site is located in an Area of High Landscape Value (AHLV) designated in the 1997 Local Plan within Regional Landscape Character Area (RCLA) 2, the Northumberland Sandstone Hills.⁷ The south eastern boundary abuts RLCA1, the North Northumberland Coastal Plain.⁸ The boundary of the Northumberland National Park, containing the Cheviots, lies about 13km to the west of the site and that of the Northumberland Coast Area of Outstanding Natural Beauty (AONB) some 7km to the east.⁹
13. The turbines and track would be located within the Foothill Farming and Estates landscape type identified in the Benson et al Report Landscape Appraisal for Onshore Wind Development, and described and illustrated in the

⁴ CD2(b) Environmental Statement Fig1.1

⁵ CD2(b) Fig 6.1

⁶ CD2(b) Figs 9.1 to 9.3

⁷ CD2(a) para7.3.14

⁸ CD2(a) para 7.3.31

⁹ NRL3.3 Appendices 8 and 9

Environmental Statement (ES).¹⁰ The site overlaps the Open Rolling Farmland type to the east, but no turbines would be built there.¹¹

14. In terms of the Axis Landscape Character Assessment (Draft), prepared for Alnwick and Castle Morpeth Councils, which is intended to form the basis of the Alnwick District Landscape Character Assessment, the site is located in Character Area 11, the Charlton Ridge.¹² Its key characteristics are :
- Open upland ridge
 - Moorland and rough pasture with little enclosure
 - Simple composition fragmented by blocky conifer plantations
15. The Report's description of Character Area 11 can be précised as: '...large tract of open upland landscape.....gently rolling at the north west and becomes more dramatically undulating towards the south east... Extensive pasture.....enclosure is infrequent and often consists of only wire fences.....the area is crossed by a small number of single track roads and footpaths.....expansive views across to neighbouring uplands.....the quality of this landscape has been compromised by two principal forces, these being conifer planting and agricultural intensification...'
16. The Report goes on to say that the Character Area coincides with the Foothill Farming and Estates character type identified by Benson which has a sensitivity to onshore wind energy development of 4 (medium-high). It notes, 'The reasoning given for this rating is that this is unspoilt traditional farmland which lacks industrial features and that wind energy development would significantly affect the diversity, strong enclosure pattern and intimate scale of the landscape character type. These are characteristics that do not apply to this character area and it may be that this (is) due to an anomaly or error in the study.....The simple composition and large scale of this landscape would seem to have potential to accommodate wind energy development.'
17. The site is broadly consistent with the strategic positioning of a medium scale 'W' (Wind Resource Area – an area of search (or an area of least constraint) where wind turbines may be built subject to planning permission) in the Structure Plan, with equivalents in the emerging RSS and the LDF Core Strategy. A medium scale 'W' development is defined as one of 10 to 25 turbines.

The Policy Framework

18. The development plan comprises Regional Planning Guidance for the North East (RPG1),¹³ published in November 2002 and adopted as Regional Spatial Strategy for the region in September 2004; the Northumberland County and National Park Joint Structure Plan 2005 (SP),¹⁴ adopted by the Park Authority on 26 January 2005 and by the County Council on 2 February 2005, policies

¹⁰ CD78 Section 5.7; CD2(a) para 7.3.54; CD2(b) Fig 7.6

¹¹ CD78 Section 5.20; CD2(a) para 7.3.56; CD2(b) Fig 7.6

¹² CD54 pages 90 to 93

¹³ CD9

¹⁴ CD10(a)

saved in September 2007;¹⁵ the Alnwick District Wide Local Plan 1997 (LP) adopted in April 1997,¹⁶ policies saved in September 2007; and the LDF Core Strategy (CS) adopted 16 October 2007.¹⁷ The following policies are the most relevant to the proposal:

19. RPG1:

- Policy EN1 – Energy, advises that development plans and other strategies should, amongst other points, support action to meet targets for carbon dioxide reduction and greater use of renewable resources.
- Policy EN2 – Renewable Energy, says that development plans and other strategies should identify general locations where positive consideration will be given to major wind energy developments and prepare formal assessments of the capacity of landscapes to accommodate different types and scale of scheme.
- Policy EN3 – Assessing Renewable Energy Applications, requires consideration to be given in development plans to, amongst other things, the impact on sensitive habitats; the appropriateness of the location in relation to the landscape; and operational effects.

20. SP:

- Policy M2 states that Major Developments will only be permitted where the benefits clearly outweigh any potential environmental damage, proposals being assessed against the impact on landscape character, visual amenity and areas of heritage and nature conservation interest, amongst other things.
- Policy M4 supports major development for the generation of electricity from all renewable resources except in the National Park, AONBs, the Heritage Coast, the Hadrian's Wall World Heritage Site, and sites of national and international importance for nature conservation. Criteria to be applied include, landscape character and capacity, visual amenity, archaeological and built heritage, nature conservation, living conditions, the local economy, cumulative impact, and the economic, social and environmental benefits of the development beyond the local area.
- Policy M5 aims to assist positively in contributing to national and regional targets to reduce emissions of greenhouse gases and to increase renewable energy generation. North/South Charlton is identified as a Wind Resource Area ('W' area) with potential for medium scale development.

21. LP:

- Policy CD35, Planning for Renewables, says that planning permission will be granted for proposals utilising renewable energy sources subject to criteria including satisfactory access for construction traffic; protection of Scheduled Ancient Monuments, National Nature Reserves, SSSIs or any other formally recognised area; there being no unacceptable intrusion into the landscape; cumulative effect; or harm to neighbours' living conditions

¹⁵ CD10(b)

¹⁶ CD12(a)

¹⁷ CD14(c)

- Policy RE17 aims to protect Areas of High Landscape Value (AHLV), Registered Parks and Gardens of Special Historic Interest or the fringe of the Northumberland National Park. The Policy's relevance in relation to AHLVs has been overtaken by advice in PPS7 and by LDF CS Policy S13.

22. LDF Core Strategy:

- Policy S13 – Landscape Character, aims to protect and enhance the distinctive landscape character of the district. Proposals should respect the prevailing landscape quality, character and sensitivity of each area as defined in the Alnwick District Landscape Character Assessment Supplementary Planning Document. This has not yet been issued, but will be based on the Axis Report.¹⁸
- Policy S21 – Renewable Energy, supports proposals for the generation of all types of renewable energy subject to the proposal:
 - (a) According with the RSS.
 - (b) Having no adverse impact, or an impact satisfactorily mitigated, on communities, residential amenity, the local economy and land use.
 - (c) Reflecting the Alnwick District Landscape Character Assessment.
 - (d) Being within the landscape's capacity to accommodate change and, neither individually or cumulatively, giving rise to a windfarm landscape.

The Policy encourages wind energy developers to seek opportunities in the Broad Areas of Least Constraint (BALCS) identified and notes that the wider environmental, economic and social benefits of all renewable energy projects will be given significant weight.

23. The emerging development plan includes the Regional Spatial Strategy for the North East (RSS). The Panel Report¹⁹ on the Submission Draft²⁰ was published in July 2006 following examination in public, and the Secretary of State's proposed changes issued for consultation in May 2007.²¹ The following policies are relevant:

24. RSS:

- Policy 40 – Renewable Energy Development, seeks to facilitate the generation of at least 10% of the Region's consumption of electricity from renewable resources within the Region by 2010; aspire to 20% by 2020; and facilitate minimum sub-regional 2010 targets, including 212MW in Northumberland.
- Policy 41 – Planning for Renewables, aims to support and encourage renewable energy proposals and identify renewable resource areas. Significant weight should be given to the wider environmental, economic and social benefits arising. Criteria to be considered include the effects of construction; acceptability of the location and scale of the proposal, and its visual impact in relation to the character and sensitivity of the surrounding landscape; effect on nationally and internationally designated sites; effect on nature conservation; accessibility; and cumulative impact.

¹⁸ CD54

¹⁹ CD16(a)

²⁰ CD15

²¹ CD16(b)

- Policy 42 – Onshore Wind Energy Development, seeks to provide a positive policy framework to facilitate such development within BALCs, including North/South Charlton which has potential for medium scale development.
25. National policy guidance of direct relevance includes PPS1: Delivering Sustainable Development and its supplement Planning and Climate Change; PPS7: Sustainable Development in Rural Areas; PPS9: Biodiversity and Geological Conservation; and PPS22: Renewable Energy and its Companion Guide.

Planning History

26. The application was submitted on 7 December 2005, accompanied by an Environmental Statement ²² and a Planning Statement, a report dealing with the scope of the Environmental Impact Assessment having been considered by the Council on 25 November 2003. On 26 June 2006, further environmental information was requested by BERR. This was submitted on 29 September 2006 and included an archaeological evaluation report and an ornithological report.²³
27. Northumberland County Council considered the application on 6 February 2007 and resolved not to object.²⁴ Alnwick District Council considered it on 27 February 2007 and, despite a positive recommendation, resolved to object on the following grounds:²⁵
- Dominance in the wider landscape affecting the Coast AONB.
 - Harm to the Landscape Character Area.
 - Failure to demonstrate that alternative locations, number, distribution and height would not have lead to a more acceptable impact on landscape setting and residential impact.

THE CASE FOR THE APPLICANT, NPOWER RENEWABLES, LTD (NRL)

The material points are:

28. In the Applicant's view, the key issues comprise:
- The effect of the development on the character and appearance of the area (landscape and visual effects).
 - The effect of the development on the cultural heritage of the area.
 - The effect of the development on the operation of the air defence radar at RAF Brizlee Wood. The Applicant invites a condition on this issue.
 - The extent to which the need for the development (in terms of environmental and economic benefits, and in terms of meeting Regional and Northumberland renewable energy targets) outweighs any local environmental disadvantages.

²² CD2

²³ CD3

²⁴ CD4

²⁵ CD5

29. Each of the matters in the Secretary of State's Statement will be addressed, but not necessarily in the sequence set out. Of the issues discussed at the Inquiry, outside these matters, only television interference is relevant. Mr Ainslie, on behalf of NRL and Mr Grant gave evidence. NRL takes this issue seriously, and has experience of dealing with it satisfactorily on other projects. A condition could be attached to the deemed planning permission, requiring attention in due course to such adverse effects on television interference as might arise. Mr Grant has suggested a number of measures and a condition has been discussed which would ensure that any issues would be properly addressed. Mr Grant has agreed with the approach and wording of the condition.

Of the matters on which the Secretary of State requires to be advised:

Matter 2 – The extent to which the proposed development is consistent with the objectives of HM Government's policy on energy as set out in the Energy White Paper 2003, the Energy Review Report 2006 and the Energy White Paper 2007.

30. Mr Ainslie sets out in his evidence numerous formal expressions of concern about the impacts of climate change, and responses to this threat at international, EU and UK levels.²⁶ He also describes the UK's energy policy response to climate change issues. He covers in particular the Energy White Paper 2003, the Energy Review Report 2006 and the Energy White Paper 2007. He describes the Renewables Obligation and, more generally, the need emphasised by Government to achieve diversity and security of domestic energy supplies.
31. Mr Stewart describes the response of the planning system to the drivers outlined by Mr Ainslie,²⁷ notably in terms of PPS22 and its Companion Guide²⁸ and the draft supplement to PPS1 on climate change.²⁹ Particularly important are:
- The IPCC Fourth Report of January 2007.³⁰
 - The IPCC Summary of Issues for Policy Makers of the IPCC Fourth Assessment Report (November 2007).³¹
 - The Stern Report³² which looks at solutions to the climate change challenge.
 - Numerous statements about the vital role of renewables in achieving diversity and security of UK energy supplies and in combating climate change, for example in the White Papers;³³ the Energy Review Report 2006;³⁴ and in the House of Lords Select Committee on the importance of onshore wind in meeting 2010 targets.³⁵ The documents contain clear statements about the vital role of onshore wind in meeting the climate change challenge.³⁶

²⁶ NRL1.2

²⁷ NRL2.1

²⁸ CD20

²⁹ CD21

³⁰ CD51; NRL1.2 para 3.2

³¹ CD168

³² CD46

³³ CD35; CD49

³⁴ CD45

³⁵ CD39

³⁶ NRL1.2 para3.24; CD45 Annex D; CD49

- The draft supplement to PPS1 on climate change³⁷ contains a clear statement on the national need for renewable energy technologies, and advice that this need not be questioned in a planning context. The draft PPS1 supplement also advises (in the same terms as Energy White Paper 2007³⁸) that developers should not be required to show the need for a proposed development to be sited in a particular location. The draft PPS1 supplement also makes it clear that if there is found to be a difference in emphasis within statements on climate change between PPSs, then the approach in the draft PPS1 supplement on climate change should take precedence.
32. Overall, the messages are very clear. Climate change and its effects are of central importance, representing a fundamental challenge. Renewable energy development (and notably onshore wind in the short to medium term), is seen as a central plank in the Government's response to the climate change challenge. Moreover, the need for adequate quantities of secure domestic supplies of energy must be seriously considered since the UK is now, or is about to be, a net importer of oil and gas.³⁹
33. Futile and irrelevant attempts have been made by some witnesses to question the role and effectiveness of wind energy development. This approach is crystallised in the evidence of Dr. Constable and Mr Sinclair, both for SANE. Dr. Constable's approach has already been condemned by previous Inspectors.⁴⁰ Conversely the approach taken by Mr Ainslie and Mr Stewart has received express approval in a variety of appeal decisions, whether or not permission was granted in a particular case.⁴¹
34. The lengthy discussion by Dr. Constable of the load factor for Middlemoor and other sites, of emission savings, and so forth may be superficially attractive. However, there is no requirement in PPS22 or elsewhere to provide precise calculation of load factors or of energy yields from a particular development. The position advised in PPS22 is supported by the Renewables Statement of Need in the 2006 Energy Review.⁴²
35. PPS22 Key Principle 1(iv) advises that the, 'wider environmental and economic benefits of all proposals for renewable energy development, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.' Key Principle 1(viii) indicates that development proposals 'should demonstrate any environmental, economic and social benefits ...', but Dr. Constable is wrong to suggest that this has been neglected here.
36. Indeed in his evidence Mr Ainslie addresses these matters carefully.⁴³ He is cautious in claiming precise emission savings, for reasons eloquently set out by Inspector Lavender in the Den Brook decision.⁴⁴ It is not possible to calculate actual yield from a development until the scheme is in operation. It is also

³⁷ NRL1.2 para 3.26

³⁸ CD49 para 5.3.67

³⁹ NRL1.2 para 3.14

⁴⁰ CD32(r) and (z) for example

⁴¹ CD32

⁴² CD45 Annex D

⁴³ NRL1.2 para 4.6-4.12

⁴⁴ CD32(r)

clear that precise emission savings will change with time, depending on the then current generation mix.⁴⁵

37. Given that significant emission savings and other benefits⁴⁶ would arise from the proposal, on national advice the matter need be taken no further. Dr. Constable's excursions do not help. The proposal benefits from the full weight of Government energy and planning advice.

Matter 3 – The justification for the site and what other sites were considered and why they were discounted.

38. In the light of relevant advice in the draft supplement to PPS1⁴⁷ and in the Energy White Paper 2007,⁴⁸ little or no weight should attach to this issue. In the context of an environmental impact assessment, as well as the planning policy context, there is no requirement to examine alternative sites. Rather, if alternative sites are examined, then the main reasons for the choice made must be given.⁴⁹
39. Mr Ainslie sets out the reasons for the selecting Middlemoor, while noting that NRL are also pursuing other schemes in Northumberland.⁵⁰ He notes that much more than one scheme will be needed to achieve the challenging 2010 minimum RSS target.
40. Therefore, there is no requirement to address alternatives or to justify the need for development on this site. However, Mr Ainslie's material is useful in indicating why Middlemoor was selected. Beyond this, the real issue is the acceptability of Middlemoor on the basis of other evidence.

Matter 5 – Noise generated from operation of the proposed development

41. Dr Bullimore provides evidence on this topic.⁵¹ There was no opposing evidence, and no one indicated a wish to cross examine Dr Bullimore. The conditions relating to noise emissions have been discussed.
42. Noise emission conditions have been addressed in relation to both Middlemoor, and Middlemoor combined with Wandylaw. Allowance has been made in the latter case for both wind farms to operate within the advised rating limits in the ETSU document.⁵² In other words headroom has been left for Wandylaw.

Matter 6 – The implications of the proposed development for areas of nature conservation interest and on fauna, particularly ornithological and protected species.

43. Here NRL relies on material in the Environmental Statement, and in the written evidence of Dr Percival.⁵³ No party wished to cross examine Dr Percival and therefore he was not called. No opposing evidence was given orally and, although there were some observations in writing, these comprise anecdotal

⁴⁵ NRL1.2 para 4.9 and 4.11

⁴⁶ NRL1.2 Section 4

⁴⁷ CD17 para 22

⁴⁸ CD49 para 5.3.67

⁴⁹ XX Mr Sinclair

⁵⁰ NRL1.2 para 4.15 et seq

⁵¹ NRL5.2

⁵² CD92

⁵³ NRL6.2

material with no analysis of observations of relevance to the proposed development.

44. The site is not situated in a Special Protected Area (SPA), or any other statutorily protected area, but the Lindisfarne SPA and the Holburn Lake and Moss SPA are designated for the Greylag Goose. Although the site may lie within the feeding range of birds roosting in these SPAs, Dr Percival assesses the collision risk as very low or negligible and the level of disturbance as insignificant, because of the low numbers of birds involved and the widespread resources available nearby. Likewise, he calculates that the risks of collision or disturbance involving wintering or breeding birds to be very low.
45. Neither Natural England nor the RSPB objected to the proposal. In addition weight should be given to the Habitat Management Scheme,⁵⁴ which proposes improvements to habitats within the application site, in turn benefiting flora and fauna. The Habitat Management Scheme should also attract weight in a local policy context.

Matter 7 – The impact of construction traffic on the local highways, including users and safety

46. Mr Bennett provides written evidence.⁵⁵ He was not called because no-one wished to cross examine him. There is no objection from the Highways Agency or from Northumberland County Council, subject to detailed provisions regarding access which can be secured by conditions already discussed.
47. Mr Sinclair offered some thoughts on driver distraction, but these were circumstantial. Had SANE been serious on this topic, Mr Bennett could have been questioned.

Matter 9 – The impact on public rights of way and bridlepaths

48. Mr Stevenson provided evidence on amenity issues, and Miss Stafford gave evidence on bridleways.⁵⁶ Miss Stafford referred to the policy of the British Horse Society (BHS) on separation distances between wind turbines and bridleways.
49. The minimum separation distance recommended is 200m. This would be achieved except for Turbines 9 and 13, which would both be 175m from bridleways. However, the Companion Guide to PPS22⁵⁷ notes that the BHS has 'suggested' a 200m exclusion zone and, 'Whilst this could be deemed desirable, it is not a statutory requirement, and some negotiation should be undertaken if it is difficult to achieve this.'
50. In the circumstances, little weight should be given to the marginal breach of a non-statutory policy published by the BHS. No safety issue arises in this case and amenity effects will be covered within landscape and visual effects (Matter 4).

⁵⁴ CD158

⁵⁵ NRL7.2

⁵⁶ KS1.1

⁵⁷ CD20 page 172 para 56

Matter 10 – The impact on tourism and local businesses

51. Here the principal evidence came from Mr Stewart.⁵⁸ SANE's witnesses, and others in writing, contend that the proposal would adversely affect tourism. However, Mr Stewart was not cross examined on tourism issues.
52. There is no evidence that any wind farm anywhere has had a demonstrably adverse effect on any tourist enterprises, or on tourism generally. There are suggestions, based on one or two surveys, that a small minority of tourists might not return to a given area if a wind farm were constructed, but there is no hard evidence of real effect. Little weight can be given to these suggestions. To achieve RSS renewable energy targets⁵⁹ there will be additional wind farms in Northumberland and the LDF⁶⁰ envisages that developments such as Middlemoor will be in Broad Areas of Least Constraint (BALCs). Middlemoor is in a BALC.
53. Mr Stewart notes that the principal tourist attractions in Northumberland are within the coastal strip (the coastline itself and its castles) and within the fringes of the National Park.⁶¹ Arup,⁶² in considering appropriate areas for wind energy development, concluded that areas closest to the coast and the National Park were best avoided.
54. In his survey of tourism, Mr Stewart found that accommodation for visitors is primarily concentrated on the coast and in locations such as Rothbury, Wooler Ford and Etal. Tourist accommodation is not concentrated around Middlemoor.⁶³ Moreover, Mr Stewart drew attention to the findings of Inspectors on other wind farm proposals.
55. Ultimately, one cannot prove that wind energy development would not harm tourism. Equally, if there were clear evidence of harm, then it would presumably have been brought to the Inquiry. In the absence of any such evidence, and in the absence of any challenge to Mr Stewart's evidence, there is no basis to find against the proposal on this matter.

Matter 12 – Any other matters that the Inspector considers relevant

56. Apart from television reception, there are no matters requiring consideration other than those listed in the Statement of Matters.

Matter 11 – The impact of the proposed development on aviation interests

57. The MoD objects to the proposal because of impact on the operation of the air defence radar (ADR) at Brizlee Wood. NRL does not ask for Mr Ainslie's evidence to be preferred to that of Squadron Leader Breedon on the operation of the T93 ADR system. Rather, NRL invites the imposition of a Grampian condition to the effect that no wind turbine should be erected until the Secretary of State is content that any impacts on the ADR are acceptable.

⁵⁸ NRL2.1 Section 10; NRL2.3 Appendices 4 and 5

⁵⁹ CD16(b)

⁶⁰ CD14(b)

⁶¹ NRL2.3 Appendix 4 para 2.5

⁶² CD88

⁶³ NRL2.3 Appendix 4 para 2.3

Squadron Leader Breedon confirmed that the position of the MoD would be adequately protected by such a condition.⁶⁴

58. Therefore the issue is whether or not the condition offered can and should be imposed on the Section 36 consent. The law relating the imposition of Grampian conditions is clear. As determined in the British Railways Board case⁶⁵ there is no requirement to show that such a condition would have reasonable prospects of being discharged within the lifetime of the consent.
59. However, paragraph 40 of Circular 11/95 sets out the position of the Secretary of State. As a matter of policy, it should be demonstrated that there are reasonable prospects of a Grampian condition being satisfied within the lifetime of the consent. For the avoidance of doubt, NRL accepts that the advice from BERR on s.36 applications⁶⁶ is that the provisions of Circular 11/95 are material to s.36 proposals.
60. Nevertheless, paragraph 40 of C.11/95 is no more than a material consideration, and is therefore capable of being outweighed by other material considerations. This was made clear in the Merritt case.⁶⁷ Paragraph 40 of C.11/95 is rehearsed in the judgement and also the principal findings of the British Railways Board case.
61. The Judge set out the principal submissions of Counsel for the Secretary of State in terms of the claimed objectives of the C.11/95 policy: the accumulation of unimplemented permissions, and the need to avoid conferring a benefit on land which is dependent on something which does not have a reasonable prospect of fulfilment within the lifetime of a planning permission. In accordance with the position articulated by the Judge,⁶⁸ if planning permission for the proposed development were to lapse without the condition being satisfied, there would be no clear adverse implications for the underlying objectives of policy.
62. The MoD made submissions in relation to British Airways Authority, British Airways Helicopters Limited and Bristow Helicopters Limited v Secretary of State for Scotland and City of Aberdeen Council (1978).⁶⁹ This case is wholly irrelevant. The condition imposed in that case was positively phrased,⁷⁰ and not in the form of a 'negative condition precedent'. (The Grampian case was not decided until 1984.)
63. In the BAA decision the positive condition required something that was outside the power of BAA and its fellow applicants to secure. In the present case a Grampian condition is being advanced. The MoD submissions did not engage at all on the issues of paragraph 40 of Circular 11/95 and the Merritt case. This is clear evidence that the MoD has simply not considered the merits of the imposition of a Grampian condition. This must be so if the only authority referred to deals with a different kind of condition altogether, to which different law and policy apply.

⁶⁴ In XX

⁶⁵ British Railways Board –v- SoS and Hounslow LBC (1994 GPL 32)

⁶⁶ CD164

⁶⁷ CD170, judgement begins at page 14.

⁶⁸ CD170 page 24A to page 25D

⁶⁹ MoD3.2

⁷⁰ MoD3.2 page 260

64. In a case brought to the Inquiry by SANE,⁷¹ the Judge made reference (paragraph 13) to the British Railways Board and Merritt cases. In the same paragraph the Judge referred to a letter written by Ministers to Chief Planning Officers on 25 November 2002 (not reported in the Encyclopaedia of Planning Law) to the effect that paragraph 40 Circular 11/95 should be read in terms that ‘.. when there are no prospects at all of the action in question being performed within the time limit imposed by the permission, negative conditions should not be imposed. In other words, when the interested party has said that they have no intention of carrying out the action or allowing it to be carried out, conditions prohibiting development until the specified action has been taken by the third party should not be imposed.’
65. However, the Secretary of State’s policy, whether it relates to reasonable prospects or to no prospects, is still a material consideration capable of being displaced by other material considerations. The MoD does not say that it has no intention of cooperating in a process that may lead to a solution. Moreover, there is certainly no evidence to suggest that it would be impossible to reach a solution within the lifetime of the consent. Therefore, SANE’s case does not advance matters.
66. In this case, the principal material consideration to set against any finding that there are no reasonable prospects of the condition being satisfied derives from the need for renewable energy development in terms of policy and targets in the RSS.⁷² It is clear that with less than 10MW of renewable energy development in Northumberland to date, meeting the 212MW target for Northumberland by 2010 will be a supreme challenge. The challenge will not be met without Middlemoor and a number of other on shore wind projects. It will certainly not be met without Middlemoor because of the construction timing issues outlined by Mr Stewart in his evidence relating to the time that it takes to implement projects once consented.
67. It is also clear that almost all wind energy schemes within the planning system in Northumberland are affected by aviation objections, particularly by the MoD.⁷³ It is vital, to meet targets, to allow developments subject to aviation objections to proceed where otherwise acceptable, and where the sort of condition proposed in this case would enable solutions to be worked out within the lifetime of the consent. Therefore, noting the findings of the Merritt case, very significant weight should be given to the need for schemes such as this, outweighing any adverse finding in terms of the reasonable prospects test. It is important that solutions should be allowed to evolve to overcome acknowledged difficulties.
68. In essence the MoD stated that the T93 ADR at Brizlee Wood is to be replaced well within 5 years by a T102 ADR, and that the improved performance might enable the objection to Middlemoor to be withdrawn.⁷⁴ This evidence was not specifically addressed, nor withdrawn, by Squadron Leader Breedon in his second proof when discussing shadow and dead zones. However, in evidence

⁷¹ It is entitled R (on the application of Orchard (Development) Holdings Plc) v The First Secretary of State and Boston Borough Council. It was decided on 1 July 2005 under the neutral citation number 2005 EWHC 1665.

⁷² CD16(b) Policy 40

⁷³ AC2.6

⁷⁴ MoD1.2 para 48

only introduced in re-examination, the MoD now says that because of its proximity to the ADR at Brizlee Wood, the T102 solution is not suitable for Middlemoor. It asserts that the radar beam from the ADR would have an insufficient distance to properly form before encountering the wind turbines.

69. In closing submissions, the MoD sought to argue that its case was based not only on the claimed impacts of the proposed development on the ADR at Brizlee Wood, but also on its impacts on the UK ADR system as a whole. This does not in fact expand the MoD's position, which is wholly related to impacts on the Brizlee Wood ADR, even though unacceptable impacts might have implications for the general ADR system.
70. NRL answers what is now being said in the following ways:

(i) There was no chance for NRL to properly evaluate the MoD's evidence on the dead zone at this Inquiry. NRL's approach to the inquiry was properly based on the position known from pre-Inquiry documents, and which was vindicated in the evidence submitted by the MoD before the Inquiry. Had NRL known of the dead zone argument it could have addressed this in technical evidence. Therefore it would be quite wrong to condemn the proposal on the reasonable prospects tests in these circumstances.

The appropriate way forward in these circumstances might be to adjourn the Inquiry to allow NRL to counter the new evidence brought by the MoD. NRL declined the chance to seek an adjournment because the new MOD position does not remove the reasonable prospect of satisfying the condition. Furthermore, it does not counter the rationale of the Merritt case.

(ii) As Mr Ainslie made clear, evidence in relation to the dead zone is not convincing. Firstly, in Squadron Leader Breedon's second proof, there was no reference to the distance between the ADR at Brizlee Wood and Middlemoor. Nor was there any generic reference to the distances between ADRs and wind energy development which would trigger the proximity concern.

Secondly, the MoD's own evidence⁷⁵ shows that any minimum distance there might be between wind turbines and an ADR has not been crystallised. The slides presented by Wing Commander Loveday at the British Wind Energy Association conference make it clear that such a 'keep out' zone might be between 5 and 10kms, and the consultation response of the MoD⁷⁶ indicates a likely zone of 5kms. Middlemoor is 7.7kms from the ADR. It is certainly not clear from the Inquiry evidence that it would be too close to the ADR. Nor did Squadron Leader Breedon present any reasoned evidence that Middlemoor is necessarily in a dead zone. His generalised contention is not supported by any technical analysis.

(iii) Therefore it would be quite wrong to find against NRL on the basis of this late evidence. There is no clear indication that, at 7.7kms, Middlemoor could not be accommodated in terms of the T102 upgrade.

71. Against this background, the MoD is confident⁷⁷ that a solution to the acknowledged difficulties can be achieved through T102 radar deployment.

⁷⁵ CD115(e)

⁷⁶ MoD1.3 Appendix 10

⁷⁷ CD115(e) and (f)

Moreover, e-mail exchanges have taken place between NRL and the MoD which reveal positive discussions between BERR and the MoD on the imposition of conditions such as that proposed here, to allow consents to be issued for the Greater Wash offshore wind projects.⁷⁸

72. The MoD put forward a quite extraordinary condition compared with that suggested by NRL. If the condition which has clearly been discussed between BERR and the MoD in relation to the Greater Wash is considered to be suitable in that context, it should also be suitable for Middlemoor. The MoD has offered no explanation.
73. Wing Commander Loveday's slides⁷⁹ show that the MoD believes the T102 solution for offshore developments can also work for onshore projects. Moreover, the Ministerial letter of June 2007⁸⁰ confirms that positive discussions have taken place in relation to the potential arising from the T102 deployment. The MoD does not argue that wind energy development should have no effect on ADR whatsoever, but rather that any effect should be acceptable. Clearly, the intention is to achieve an acceptable position, whilst acknowledging that effects on radar may still arise.
74. The evidence is far from convincing that there are no reasonable prospects of achieving an acceptable position within the lifetime of the Middlemoor consent. Indeed the evidence of both NRL and the MoD suggests the opposite. Nor does the new, late evidence of the MoD displace this view, although it introduces an element of prejudice in terms of NRL's ability to prove a reasonable prospects case now as opposed to during the lifetime of any consent.
75. Even if a view contrary to that of NRL on reasonable prospects is taken, compelling weight should be given to the Merritt case. The urgent need to achieve renewable energy targets must mean that it is right to allow every opportunity to a developer in NRL's position to overcome current concerns. This urgent need is a material consideration of clearly greater weight in this case than the policy position of the Secretary of State on the imposition of Grampian conditions, itself a clear departure from the legal position set out in the British Railways Board case.
76. Finally, Air Commodore Stinton's letter dated 15 October 2007 refers to aviation issues.⁸¹ However, it is clear that the substance of his evidence relates to visual effects, and has nothing to do with the MoD's position.

Matter: 8 – The impact on archaeology and the historic environment, including listed buildings, registered parks and gardens and ancient roads.

77. The Council is solely concerned with effects on the Alnwick Castle Parks, including Hulne Park. Ms Campbell appears to address Hulne Park from a cultural standpoint, but raises no cultural heritage issues in respect of Bamburgh Castle or Holy Island, only evidence on landscape and visual affects.⁸² Mr Sinclair, for SANE, engages only with Hulne Park, whilst Mr

⁷⁸ CD115(d)

⁷⁹ CD115(e)

⁸⁰ CD115(b)

⁸¹ GEN4.1

⁸² AC1.2A paras 6.16 and 6.17

Coupe for SANE addresses wider cultural heritage effects. Cultural heritage is distinct from landscape and visual effects. The skills and experience required to address these separate topics are quite different.

78. Regarding effects on the settings of cultural heritage features, following advice in PPG15,⁸³ Dr Edis is quite correct in his approach to assessment. He defines the setting of the feature which he is addressing, then assesses the effects of the proposed development on that setting. Separately he assesses whether or not harm would arise because of any effects on setting. Mr Stewart addresses the fourth stage, the planning balance.
79. Dr Edis engages with setting from both visual and functional perspectives. He takes a realistic position in terms of defining setting. With regard to landscape and visual effects it is quite proper to assess distant views of the Middlemoor site. However, from a cultural heritage perspective, it is clear that setting does not extend as far as the eye can see. It extends to a distance which cannot be defined without individual assessment, and only Dr Edis gives detailed evidence on this issue.
80. Ms Campbell does not define the setting of Hulne Park. In response to questioning she firstly indicated that the setting extended to the whole of the land of Northumberland Estates and then deferred the whole issue to SANE. In NRL's view, she offers no proper cultural heritage evidence as opposed to a landscape and visual perspective.
81. Mr Sinclair is an expert on Alnwick Castle Park, and his evidence and his book are fascinating. However, he is an historian and an archivist, not a field archaeologist or an experienced cultural heritage assessor for planning purposes. His opinions on the extent of available views which should be taken into account in a cultural heritage assessment do not carry real weight.
82. Ultimately he has adopted Ms Campbell's approach, that is, the protection of all views which might have been valued by the 1st Duke, extending to the horizon. However, following Inspector Lavender's rationale in the Shooters Bottom decision,⁸⁴ there is clearly a need for realism in a country where the evidence of our cultural heritage is so pervasive.
83. Mr Coupe's approach is commendably thorough in providing a view of a wide variety of cultural heritage features. However, in cross examination it became clear that, from a number of the locations identified by him, there could be no views of the wind farm, and again Mr Coupe does no more than equate a potential view of the wind farm with an unacceptable effect.
84. Dr Edis provides the detailed assessment of effects on Listed Buildings, Scheduled Ancient Monuments, and the HPG of Hulne Park which is needed to reach a conclusive view. In all cases he has found that what is proposed will cause no harm to the setting of any of the features discussed in detail. Mr Stewart deals with other elements.⁸⁵
85. Finally, whether it would be appropriate to take into account awareness of a development, out of sight but within recent memory, was raised at the Inquiry.

⁸³ CD22

⁸⁴ CD32(q) para 39 and (r) para 76

⁸⁵ NRL4.3 Appendix 12

It was also canvassed by the Inspector in the Lamerton appeal decision.⁸⁶ No national advice accommodates this approach to assessment. Having regard to Inspector Lavender's views on the pervasiveness of cultural heritage remains, an approach to assessment which allowed for non-visual awareness would give rise to difficult consequences for development as a whole. It would certainly be a novel approach in the cultural heritage context, where the concept of setting is fundamentally visual.⁸⁷

86. No evidence has been put forward by any party on the subject raised by the Secretary of State of 'ancient roads', nor have any ancient roads been identified.

Matter 4 – The visual impact of the proposed development, including the impact on the Northumberland National Park and the Northumberland Area of Outstanding Natural Beauty

87. Ms Campbell for the Council confirmed in cross examination that she adopted Mr Stevenson's definitions of descriptors of magnitude of effects.⁸⁸ For SANE, Mr Sinclair took an individual approach in, for example, his concept of quantifying potential visual impacts through a calculation of blade swept area. This is an unhelpful tool, given the number of improbable assumptions required to make the mathematics of the approach work.
88. It also became clear in cross examination of Mr Sinclair that he had made mistakes of significance in reading the Environmental Statement (ES). For example, his mistaken criticism of Mr Stevenson's approach to assessment of landscape impacts through viewpoint analysis.⁸⁹ Mr Sinclair also did not appear to have realised that no less than 9 of the photomontages were presented in the ES at a viewing distance of nearly 50cm.
89. Dealing with various matters before key topics are addressed:
- Mr Coupe indicated in cross examination that he and his fellow assessors had used a tall mast some distance from the site as a surrogate for the Wind Farm. This is not a satisfactory approach as there is clear capacity for error in judging whether views of the Wind Farm would be available from a particular viewpoint.
 - Mr Coon contends that the Wind Farm would dominate an area of land up to 150sqkm, although in cross examination he sought to double this area. His written evidence refers to the wind farm being seen as the centre of a circle with a radius of 6.9kms, giving approximately 150sqkm. This radius does not extend to the boundary of AONB.
 - It became clear in cross examination that most of the Wandylaw site and most of the Arup Scenario C land comprises open access land under the Countryside and Rights of Way Act 2000.⁹⁰
 - A potential wind farm site on Bewick Moor was referred to in evidence. There are two anemometry masts on the site, and no planning application has

⁸⁶ CD32(m)(i)

⁸⁷ C.f.: PPG16 para 27 on the effects of development on the setting of archaeological features.

⁸⁸ CD2(c) pages 34 and 36

⁸⁹ SANE3.2 para 4.8.3 compared with CD2(c) pages 34 and 36

⁹⁰ CD88

been made for wind farm development. This scheme is thus at an early stage and should not be taken into account in a cumulative assessment, since there is no scheme to assess.

- The policy of concentrating wind energy development in Northumberland in a few strategic areas (Broad Areas of Least Constraint, in the context of meeting RSS Policy 42 and LDF Policy S21 targets) means that there will inevitably be cumulative landscape and visual effects of development. It is important to calibrate the evaluation of evidence accordingly. The fact of likely significant cumulative effects should not itself be held as a factor against the Middlemoor proposal. Advice within PPS22 and its Companion Guide on renewable energy development indicates that the Government acknowledges that wind turbines are inevitably tall, rather difficult to conceal, and that the blades of wind turbines move. These are factors which must be regarded as a starting point for any wind energy development, and should certainly not be used as an argument against a particular development.
- Regardless of location, no witness has criticised the design and layout of the proposed development. This is an important topic, which has been given great attention, the present layout being the eighth examined by NRL.⁹¹ Six of the iterations were published after the South Charlton public exhibition, in response to public opinion. NRL insists that it was not asked to reduce the scale of the proposal prior to the publication of the committee report.⁹² To maintain that NRL was given any kind of opportunity to respond to the Council's views expressed in the committee report is fanciful. In any event the scheme has been reduced from 26 to 18 turbines, hardly a rigid attitude on the part of NRL.
- Regarding the proximity to North and South Charlton, both Mr Stewart and Mr Stevenson⁹³ have given attention to the distinction between the impact on visual amenity and on residential amenity. The distinction between private rights and public interest is drawn in PPS1, General Principles.⁹⁴ The distances of the closest turbines to South Charlton (T16, 1.68kms; T17, 1.8kms; and T18, 1.46kms) and North Charlton (T16, 1.6kms; T17, 2.46kms; T18, 2.2kms; with the closest turbine being T14 at 1.5kms) have been agreed. The various appeal decisions,⁹⁵ as well as Mr Stewart's evidence,⁹⁶ show that there are many wind farms closer to dwellings than would be the case here. Significant visual effects would arise, but the effects would not be oppressive or intimidating. The separation distances achieved are more than adequate, and the visual effects acceptable. Such effects do not remotely approach the threshold above which issues of residential amenity come into play.
- Mr Stevenson discusses the relationship between climate change and the appearance of the landscape.⁹⁷ Moreover, Ms Campbell, in cross examination, acknowledged that the effects of climate change on the landscape are material considerations. It is not possible to properly assess the landscape and visual effects of proposals such as this without having regard to the changes to the

⁹¹ CD2(a) page 39

⁹² AC2.4

⁹³ NRL3.2 para 7.8

⁹⁴ CD17

⁹⁵ CD32

⁹⁶ NRL2.1

⁹⁷ NRL3.3 Appendices 4 and 5

appearance of the countryside which are beginning to be seen, and which will continue to occur, because of climate change.

- There is substantial support for the scheme with no less than 400 letters expressing support. In cross examination Ms Campbell said that she had not read these letters.

Turning to particular themes:

Wandylaw

90. Beyond general observations, no evidence on the individual merits of the Wandylaw scheme has been put to the Inquiry. The Scott Wilson Report⁹⁸ provides inadequate material for the assessment of Wandylaw. However, additional baseline information, provided by Mr Stevenson, allows the incremental effects of Middlemoor to be assessed, from a baseline which assumes that Wandylaw has been built. This is the correct approach to assessment of cumulative effect.
91. Ms Campbell takes the wrong approach in her proof.⁹⁹ Rather than regarding Wandylaw as part of the baseline, she assesses both projects together on the basis on the material in the Scott Wilson Report and the ES. The weight given to the cumulative effect must be considered carefully. As far as we know, the Wandylaw scheme has not yet been appealed and it will not necessarily proceed. Furthermore, in cross examination, Ms Campbell agreed that there were deficiencies in the assessment of Wandylaw which mean that, on landscape and visual grounds, great care should be taken in giving weight to the recommendation for approval.

Landscape Character of the Area of Middlemoor

92. Here the chief material comprises Benson's Study,¹⁰⁰ the Alnwick District Landscape Character Assessment (Axis)¹⁰¹ and the evidence of Ms Campbell and Mr Stevenson. Ms Campbell agreed in cross examination that the Middlemoor area comprises open upland,¹⁰² and that there is little enclosure. She also agreed, in contrast to the position adopted in her proof,¹⁰³ that on the reasoning of the Axis Report,¹⁰⁴ Middlemoor is in the northern part of LCA Unit 11 (Charlton Ridge) where there appear to be opportunities for wind turbine development. The Axis report says, 'The simple composition and large scale of the landscape was seen to have potential to accommodate wind energy development.'
93. There may still be some difference between the landscape witnesses since Ms Campbell said in re-examination that about half the wind farm would be in the northern part of Unit 11. In Mr Stevenson's view, the whole of Middlemoor would be there, and would be less sensitive to wind energy development than if the site was in the southern part of Unit 11. Mr Stevenson also maintains

⁹⁸ CD91

⁹⁹ AC1.2A para 8.11

¹⁰⁰ CD78

¹⁰¹ CD54, particularly pages 90-93

¹⁰² AC1.2A para 4.7 and CD54 page 90

¹⁰³ AC1.2A para 4.11

¹⁰⁴ CD54 page 93

that the road which divides the two halves of the proposed wind farm is in no way a boundary between areas with different key characteristics. Furthermore, the FFE landscape character type covers a very large area which sees variations in characteristics¹⁰⁵ not taken into account at the level of Benson's Study.¹⁰⁶

Landscape Capacity

94. The issue of landscape capacity was explored in Ms Campbell's cross examination, in which she was taken to the landscape capacity assessment flow chart.¹⁰⁷ She agreed that a landscape capacity assessment is not a sensitivity assessment, but expands findings of sensitivity to take into account landscape value and perceptual characteristics.
95. The issue of landscape capacity took us in turn to the Arup Report.¹⁰⁸ NRL does not rely on the Arup Report, but notes that it was influential in taking forward regional renewable assessment work to more local levels in the context of draft RSS targets.
96. It is clear from Ms Campbell's written evidence that she regards the Arup Report as a skewed landscape capacity study. However, in cross examination, she acknowledged that, taking into account the worksheets in the 'A' series at the end of the Report, it contains a landscape capacity study. Ms Campbell objects to the commentary added to the Report following the capacity assessment.
97. The study confirmed that Scenario B,¹⁰⁹ having development in a number of areas, including Middlemoor, would be within the carrying capacity of the landscape. Further, the bolder Scenario A would also be within the carrying capacity, without Zone 2.¹¹⁰ In e-mails, Arup confirmed its view to the Council that Scenario B would be within the carrying capacity of the landscape.¹¹¹
98. The scale of development envisaged by Arup is 'medium', defined as, 'between 26-49MW or 9-16 turbines approx.'¹¹² Ms Campbell for the Council and Mr Arnold on behalf of SANE say that the proposal exceeds this level and is unacceptable. However, it would be absurd to claim that a development of any given capacity (given the lack of any relationship between capacity and landscape or visual impact), or one of 18 turbines, would breach the envelope envisaged by Arup.

Landscape Character Effects

99. There is little between Mr Stevenson and Ms Campbell on this topic. The extent of the wind farm landscape that would be created by the Middlemoor development has been agreed.¹¹³ Mr Stevenson sees direct landscape effects

¹⁰⁵ CD54 pages 92 and 93

¹⁰⁶ CD78

¹⁰⁷ CD78 Page 9

¹⁰⁸ CD88

¹⁰⁹ CD88 page 46

¹¹⁰ CD88 Fig 10

¹¹¹ AC2.5

¹¹² CD88 pages 24 and A56

¹¹³ CD167

within Unit 11, the Charlton Ridge,¹¹⁴ but no indirect effects in other LCAs. Ms Campbell maintains that the direct landscape character effects within Unit 11 would extend rather wider, with significant indirect landscape character effects in Unit 6 (areas to the east of and bordering the A1). They agree that there will be no significant indirect effects within LCAs 7, 8, 9, 10 and 12.

100. The Middlemoor area is within Landscape Policy Zone 3 of the Alnwick District Landscape Character Assessment.¹¹⁵ Within this Policy Zone '...there may be scope to improve landscape character by bringing new investment alongside wind energy development either through planning gain or as an ongoing levy directed to landscape management.'
101. This approach is dependent on the landscape and visual impacts of the development itself being acceptable. In this case, the Habitat Management Scheme,¹¹⁶ whose approach is commended within the Alnwick District Landscape Character Assessment,¹¹⁷ proposes measures to improve not only the ecology of the area, but also the appearance of the landscape. It is a material consideration of some weight.

Visual Effects

102. NRL and Alnwick Council agree that no significant visual effects will arise within the National Park. They also agree that any significant visual effects within the AHLV may be accorded limited weight in policy terms. Ms Campbell finds a visual effect on The Cheviot but does not make a point regarding the National Park.
103. Mr Stevenson's evidence must be carefully calibrated against that of Ms Campbell for the Council and SANE's Mr Sinclair. In cross examination, Ms Campbell was taken to her assessment matrix.¹¹⁸ Since Mr Stevenson includes only high sensitivity visual receptors in his assessment, and Ms Campbell assesses all receptors to be of high sensitivity, we need look only at definitions of magnitude to explore what divides the witnesses.
104. Mr Stevenson finds significant effects within roughly 7kms of the site. Ms Campbell finds significant effects at VP16 (Bamburgh Castle, major effect, 11.6km away), at VP9 (Holy Island, moderate effect, 17.5kms away) and even at VP11 (The Cheviot, moderate effect, 22.3kms away).
105. To help define what Ms Campbell means by a moderate effect, using VP11 as an example, the ES¹¹⁹ gives descriptors of magnitude which were devised by Mr Stevenson and which Ms Campbell has adopted.¹²⁰ By comparing these with Ms Campbell's matrix of Significance of Effects,¹²¹ it is clear that significant effects could only be escaped if there were to be a negligible magnitude of change.

¹¹⁴ CD54 Unit 11

¹¹⁵ CD54 page 203

¹¹⁶ CD158

¹¹⁷ CD54 page 91

¹¹⁸ AC1.3A Appendix 2

¹¹⁹ CD2(c) Volume 3 page 36 Table 3

¹²⁰ Confirmed in XX

¹²¹ AC1.3A Appendix 2

106. This would be, in Mr Stevenson's ES description, a 'Very slight change in baseline, a change barely distinguishable from the surroundings. Composition in character substantially unaltered.' A low magnitude of effect, as described by Mr Stevenson, 'Minor change in baseline – change will be distinguishable from the surroundings whilst composition in character (although altered) will be similar to the pre-change circumstances,' would mean a significant effect according to Ms Campbell. This is an extreme and unrealistic position to take.
107. Furthermore, Ms Campbell deems all the significant effects adverse, without engaging in any kind of discussion over their value, or 'valency' in the visual environment. Mr Taylor, the Council's policy witness, then takes Ms Campbell's assessment of significant effects as indicating that the proposal would be unacceptable in policy terms. Given the acknowledged need to develop onshore wind projects in Northumberland, and also the Broad Areas of Least Constraint policy framework, this approach is especially unrealistic.
108. Even more caution should be exercised with regard to the Mr Sinclair's position. At his Appendix D¹²² it can be seen that it is almost impossible to escape significant effects which, like Ms Campbell, he always regards as adverse. On the other hand, Mr Stevenson acknowledges significant effects, but is careful not to impose personal valency views on the assessment. This approach is moderate and reliable, allowing considerable weight to be placed on his evidence.
109. Taking into account the need to carefully calibrate the evidence of Ms Campbell and Mr Sinclair, Mr Stevenson's assessment of the visual effects of the development in the AONB should be accepted. There would be no adverse effects.

Matter 1 – The extent to which the proposed development is in accordance with the relevant development plan for the area

110. The proposal should also be considered in relation to emerging plans. The elements of the development plan are likely to change by the time the Inspector's Report is complete. This should be taken into account in terms of the weight to be given to some of the documents.
111. The Development Plan currently comprises the Regional Planning Guidance (RPG1),¹²³ the Northumberland County and National Park Joint Structure Plan (SP) to the extent of its saved policies,¹²⁴ the Alnwick District Wide Local Plan (LP) to the extent of its saved policies,¹²⁵ and the LDF Core Strategy (CS).¹²⁶ The Regional Spatial Strategy (RSS) is expected to be issued in Spring 2008. When this happens, RPG1 will be withdrawn, and the SP will cease to be part of the development plan. The development plan will then comprise the RSS, the LP (pending the completion of the LDS process), and the LDF Core Strategy.

¹²² SANE3.2

¹²³ CD9

¹²⁴ CD10(a)

¹²⁵ CD12

¹²⁶ CD14(b)

112. Whilst section 38(6) is not engaged in this case, significant weight should be given to elements of the development plan, together with the RSS. Regarding individual documents:
- a) RPG1: Policies EN1 (Energy), EN2 (Renewable Energy), and EN3 (Assessing Renewable Energy Applications) are the key, and Policy ENV8 (Local Designations) was canvassed by Mr Arnold for SANE. Policies EN2 and EN3 presage Strategic Wind Resource Areas and criteria for the assessment of renewable energy proposals in the RSS and LDF.¹²⁷ Although the RPG is still part of the development plan, greater weight should, therefore, be given to the RSS. There are no conflicts to resolve between RPG1 and the RSS.
 - b) SP: A number of policies have been saved,¹²⁸ including Policy L2 (Coastal AONB), Policy M2 (Major Developments), Policy M4 (Renewable Energy) and Policy M5 (Wind Energy). However, criteria for the assessment of renewable energy developments (SP Policy M4) are now in RSS Policy 41 and the Wind Resource Areas (SP Policy M5) are now found within the RSS Policy 42 and CS Policy S21. Therefore, the value of the SP is now limited, and greater weight may be given to the RSS and CS. However, as with regional guidance, there are no conflicts of note to resolve between the SP, the RSS and the CS.
 - c) LP: The saved policies include Policy CD35 (Renewable Energy), Policy RE16 (AONB) and Policy RE17 (AHLV).¹²⁹ However the adoption of the LDF Core Strategy means that Policy CD35 is effectively redundant. It has been agreed with the Council that Policy RE17 should be regarded as of diminished weight, especially given the fresh approach to landscape assessment in CS Policy S13 which follows guidance in PPS7. It was agreed by Mr Taylor in cross examination that Policy RE16 (despite its appearance in the Form B objection by ADC) is of limited weight. In these circumstances, the LP should be treated lightly.
 - d) Although neither part of the development plan nor an emerging plan, the issues on which the AONB Management Plan advises, including the effects of development outside the AONB, are material. However, it is clear that its policies cannot apply outside the AONB and the Council has not adopted the plan for development control purposes. It is, therefore, of limited use in this case.
113. For the reasons given, the RSS and LDF Core Strategy are the key policy documents. Also, the approach to the development plan in decision making should be as rehearsed in *R v Rochdale Metropolitan Borough Council, ex parte Milne*.¹³⁰ The decision in the Rochdale case is contrary to Mr Arnold's alternative approach that, in cases where policies pull in different directions, a decision should be made in the light of all material considerations.

¹²⁷ See RSS Policies 41 and 42; and CS Policy S21

¹²⁸ CD10(b)

¹²⁹ CD12(b)

¹³⁰ In that case Sullivan J., in considering how the development plan should be approached when attempting to reach a conclusion on development plan compliance, noted (paragraph 48) that it was not unusual for development plan policies to pull in different directions. He gave the specific example of policies which might on the one hand encourage development for employment purposes while other policies sought to protect the open countryside. He made it clear that in such circumstances the plan should be read as a whole, and decision makers should avoid (paragraph 49) finding that because one policy was breached a proposed development could not therefore be said to be in accordance with the plan.

114. The true position, however, is that the development plan should be read as a whole. The fact that policies may be seen to conflict does not prevent a decision on compliance with the development plan being reached. Against this background the correct approach is to look first at policies which advise on renewable energy development, and then to see how other policies may usefully inform an overall reading of the plan.
115. Whilst the focus will be on the RSS and LDF Core Strategy, it is necessary to consider matters within the other plans.
- 1) RPG: Policies EN2 and EN3 are geared to the preparation of policies and are not intended to advise on proposals. Policy EN3 exists in a more up to date form in RSS Policy 41. Policy ENV8 (Local Designations) is intended to advise on the drafting of the development plan and not on proposals, although Mr Arnold disagreed. In any event, the Policy is too general to be of practical use.
- 2) SP: The first sentence of Policy L2 advises on the 'conservation and enhancement' of the AONB, and therefore could only apply within it. The second sentence, at face value, applies to development outside but affecting the interests of the AONB. However, the third sentence explicitly hangs off the second sentence, and deals only with the development within the AONB. Policy L2 does not usefully add to RSS Policy 41(c). Policy M5 is now subsumed in substance within RSS Policy 42 and in CS Policy S21.
- 3) LP: Policy RE17 is still of weight regarding Historic Parks and Gardens. Policy CD35 has effectively been replaced by Cs Policy S21.
116. The Council and SANE attempted to accord diminished weight to renewables policies in the RSS and the CS because of the way in which the policies were finalised. They complain that RSS Policy 42 is ill-founded because of deficiencies in Arup's approach.¹³¹ Material within Mr Taylor's appendix¹³² includes attempts to persuade Arup to give evidence for the Council in support of a Scenario C approach. This merely shows the Planning Officer's lack of belief that an objection to the Middlemoor proposal could be sustained at inquiry. In the end, Arup simply confirmed that a development scenario within North and South Charlton, which included development in the Middlemoor area, would be within the carrying capacity of the landscape.
117. The Council and SANE's comments on the weight to be given to the RSS should be disregarded for the following reasons:
- a) The RSS has been published with the Secretary of State's proposed modifications and is shortly to be issued. Despite its concerns, the Council appears to accept that the RSS will be issued in early 2008.
- b) Despite concerns about the RSS, the Council has now adopted CS Policy S21, which precisely mirrors RSS Policy 42. The LDF Core Strategy was adopted on 16 October, less than one month before the start of this inquiry.
- Regarding the NRL challenge to the LDF Core Strategy, the presumption of regularity applies. Until action by NRL is successful, the LDF Core Strategy has

¹³¹ CD88

¹³² AC2.6

full development plan status, including the criteria of which NRL complain. Whilst it is entitled to distance itself from the LDF, SANE was represented at the LDF examination and has had full chance to feed its thoughts into the process.

RSS

118. Policies 40 to 42 are key. Policy 40 sets targets for onshore renewable energy generation in the north east to 2010 and 2020. The 2010 targets have been disaggregated to a county level, with a Northumberland target of 212MW by 2010. Four points can be made in relation to Policy 40:
- a) Claims were made by SANE that growing opportunities for offshore wind energy development reduce the need for onshore wind. This is a fatally flawed argument for two reasons:
 - (i) Paragraph 4 of PPS22¹³³ advises that an RSS should indicate the output that might be expected to be achieved from offshore renewables. However, the potential to generate substantial quantities of renewable energy from offshore projects should not be used as a justification to set lower targets for onshore projects.
 - (ii) The RSS makes it clear¹³⁴ that beyond current interest it 'seems unlikely that further commercial offshore wind sites, or sites for wave energy generation will come forward in the Region before 2010.'
 - b) Targets are very important both in themselves and as a means of measuring progress in the deployment of renewables. They are the ultimate expression, through UK energy policies and national planning policies, of the need to step up to the climate change challenge and to meet the UK's international obligations contained, for example, in the Kyoto Treaty. Moreover, paragraph 3 of PPS22 makes it clear that progress towards achieving targets should be monitored by regional planning bodies. The achievement of targets should be given significant weight.
 - c) The application site is within the North and South Charlton BALC, set out in Policy 42. NRL's approach to this Policy is reflected in LDF CS Policy S21 below. There is clear regional support for the principle of wind energy development in an area which includes Middlemoor.
 - d) Policy 41, which is criteria based policy, will be addressed in conjunction with CS Policy S21.

LDF CORE STRATEGY

119. Policy S13 is the only policy in the plan to advise on landscape character issues.¹³⁵ It says nothing more than criterion (c) of Policy S21. To the extent that Policy S13 appears to advise a sterner test for proposed development than S21,¹³⁶ three points can be made:
- a) The District Character Landscape Assessment referred to in Policies S13 and S21 has yet to be published and, therefore, precisely what it will say is not

¹³³ CD20

¹³⁴ CD9 para 3.16.3

¹³⁵ '...should respect the prevailing landscape quality, character and sensitivity of each area.'

¹³⁶ Support for a scheme which, 'reflects the Alnwick District Landscape Character Assessment.'

clear. However, from cross examination of Mr Taylor, it appears that it will follow closely the approach of the Axis Report.¹³⁷

b) Mr Stevenson gives evidence to show that the development would adequately safeguard the landscape quality and character of the area, and respect its sensitivity.

c) Wind energy development is not currently one of the prevailing key characteristics of the Charlton Ridge LCA.¹³⁸ However, reading the development plan as a whole, it would be wrong to allow Policy S13 to defeat the clear intentions of Policy S21 regarding wind energy development of the scale of the proposed development in the area of the application site.

120. The CS Policy S21 criteria will be dealt with within the RSS Policy 41 criteria, where they say much the same thing. However, a preliminary point should be made. These criteria indicate the issues to be addressed, and do not themselves set development control tests.

Turning to RSS Policy 41 criteria in turn:

a) Development construction and operation effects: Only noise emissions require consideration. As noted above, Mr Bullmore's evidence covers the relevant issues.¹³⁹

b) Acceptability of the location and scale of the proposal and its visual impact: (CS Policy S21 Criteria (c) – reflects the Alnwick District Landscape Character Assessment, and (d) – is within the landscape's capacity, are also covered.) The proposal accords with one qualification, relating to the phrase 'windfarm landscape' within criterion (d) of CS Policy S21. Taking the meaning of 'windfarm landscape' defined in the glossary within the LDF Core Strategy, it is inevitable that any wind farm development will create a windfarm landscape to some extent. It is agreed that this would occur, in this case, within the Wind Farm site and within a buffer zone of about 800metres around the site. Therefore, criterion (d) of CS Policy S21 would be breached.

However, following the approach of the Rochdale case, it would be wrong to conclude a breach of CS Policy S21 as a whole, and even more a breach of the development plan as a whole. Given the inevitability of the creation, to some extent, of a windfarm landscape, the purpose of S21 would be defeated where this factor to lead to finding that the policy was breached.

c) Effect on WHS and other national and internationally designated sites: This is not covered within CS Policy S21, but para 10.4.3 of the LDF incorporates by reference the criteria within RSS Policy 41. These issues are dealt with under Matter 8,¹⁴⁰ and would not lead to criterion (c) being breached.

d) Nature conservation features, biodiversity and geodiversity: Again only the RSS engages with these topics. Only nature conservation interests were listed by the Secretary of State and these are dealt with under within Matter 6.¹⁴¹ The only other matter raised in criterion (c) which has given rise to

¹³⁷ CD54

¹³⁸ CD54

¹³⁹ Paras 41 and 42 above

¹⁴⁰ Paras 77-86 above

¹⁴¹ Paras 43 and 45 above

evidence relates to hydrology. Uncontested evidence is set out in the hydrological risk assessments.¹⁴²

e) Green Belt: Not applicable here.

f) Accessibility: Only the RSS engages with access issues, and these are dealt with under Matter 7.¹⁴³

g) Agriculture: No issues arise.

h) Visual impact of the grid connection lines: The ES,¹⁴⁴ confirmed by Mr Ainslie's oral evidence, states that the grid connection would be underground.

i) Cumulative Impact: Dealt with in Matter 4.¹⁴⁵

j) Proximity to fuel source: Not applicable.

121. Turning to the remaining criteria of CS Policy S21:

a) Full accordance with the RSS: The RSS can only be the emerging RSS, given the reasoned justification to CS Policy S21 which refers only to this document, and not at all to RPG1. Besides RSS Policy 41, the proposed development is clearly in accordance with RSS Policies 40 and 42.

b) No adverse impact on communities, residential amenity, the local economy and land use: With regard to the 'local economy', tourism and local businesses are dealt with under Matter 10.¹⁴⁶ The visual aspects of residential amenity are covered in Matter 4.¹⁴⁷ There is no evidence to conclude a breach of criterion (b). If adverse visual impact, a largely subjective issue, is perceived in relation to the residents of North and South Charlton, it would be wrong to conclude that Policy S21 read as a whole is breached.

122. Policy S21, looked at as a whole, encourages developers to seek opportunities for the development of medium scale wind farms within the Broad Areas of Least Constraint (BALCS), which includes a wind farm of the scale proposed at Middlemoor. Policy S21 also advises that the wider environmental, economic and social benefits of all renewable energy projects will be given significant weight.

123. Since Middlemoor lies within a BALC, and noting advice on the weight to be given to benefits, reading Policy S21 as a whole leads to the conclusion that the proposal complies with the Policy. The proposal also accords with the development plan and with the emerging RSS. Whatever view may be taken of the role of the development plan in this section 36 application, it is clear that consent and planning permission should be granted.

Conclusions

124. The conclusions reached are not displaced by any adverse material considerations. None have come before the Inquiry in evidence. However, the conclusions on policy are reinforced by the continuous stream of clear messages coming from Ministers advising on the threat posed by the harmful

¹⁴² CD151 and 152

¹⁴³ Paras 46 and 47 above

¹⁴⁴ CD2(a) para 6.1.5

¹⁴⁵ Paras 90 and 91 above

¹⁴⁶ Paras 51 to 55 above

¹⁴⁷ Para 89 above

effects of climate change and the vital role of renewables as part of a wide range of measures designed to combat these effects. This as a positive consideration which should be given very significant weight.

THE CASE FOR JOHN URQUHART

The material points are:

125. Harold Wilson once said, 'A week in politics is a long time.' It is less than two weeks since the MoD announced that the proximity of Middlemoor to RAF Brizlee Wood would create a dead zone for the radar where an enemy aircraft might fail to be detected.¹⁴⁸
126. However, in my experience, scientific evidence produced at the last minute at a public inquiry still has some way to go, particularly if it is referred to but not analysed. We have had little time to digest it. Squadron Leader Breedon said it arose out of a question he asked two months ago. Hardly time enough for the MoD itself to ask the right questions.
127. The MoD counsel assured us that Squadron Leader Breedon was uniquely qualified to make the technical assessment, implying that there is no one else as qualified to check that assessment or ask the right questions. However, I did ask a question of Squadron Leader Breedon. 'Surely,' I said, 'RAF Brizlee Wood is not isolated and is part of Command and Control?' You will recall him answering: 'Generically you are correct.' However, when I asked him, 'If RAF Brizlee Wood isn't working surely other radars would take up surveillance of the area?' Squadron Leader Breedon declined to answer on the grounds of national security.
128. In re-examination, MoD counsel had Squadron Leader Breedon affirming that radar was far too complicated for civilians to comprehend its technicalities. However, we heard enough to infer that the matter involves not just a question of technicalities, but also of the operation of Command and Control, of money and also possibly of politics. A political decision has to be made over whether we are, or will be, in the throes of an energy war, what to do about it, and how to optimise the situation.
129. When considering conditions, counsel for the MoD demanded that the final decision should rest with the battle space commander. He argued that there was no point leaving it to the Secretary of State on the grounds that if the Secretary of State consulted with the MoD but then overrode its objections, this would be to the detriment of the MoD. On the other hand if the Secretary of State agreed with the MoD then there was no point in having a consultation process. Such an argument sits well in an episode of Yes Minister, but in real life it doesn't work like that.
130. One of the major functions of Government is to make decisions based on the balance of risks and, more often, on the balance of uncertainties. By proposing such an onerous condition the MoD is restricting the Government's options. Because the proposed condition is such that no Middlemoor project could be built in the first place, the Government is denied choice.

¹⁴⁸ MoD1.4

131. During the Inquiry, attention has been drawn to previous wind farm inquiry findings, which appear to set a precedent. If the MoD condition were adopted, a precedent would be set for future wind farm inquiries, tying the hands of the decision maker. This combination of foreclosing options and setting precedents is something that not only the Government might come to regret, but also the MoD itself.
132. I pointed out a practical example of this to Wing Commander Owens. I suggested to her that, for every MWh of electricity produced by a wind turbine a MWh of imported gas could be saved. She did not disagree. I then pointed out to her that such gas might be transported on liquid natural gas carriers, which themselves could be prime terrorist targets. Reducing our dependence on imported gas by producing electricity from more wind turbines could, therefore, reduce the number of potential terrorist targets. She eventually replied that this was a wider issue, lying beyond her brief.
133. Indeed it is a wider issue. Dr Constable pointed out that in the absence of sufficient indigenous energy supplies there would be a 'dash for gas'.¹⁴⁹ If such gas were not to come from Middle East potentates then we might well have to team up with the Russians, led by an ex KGB officer with a PhD in the geopolitical implications of energy resources. The more we come to understand the vulnerability of our energy supplies, the more we will come to appreciate that wind turbines are now an essential part of our front line defence, and we need more of them.
134. A still greater war is being waged to save the planet from climate change. Nowhere in this Inquiry has it been suggested that wind turbines would not help to reduce our carbon emissions. There may have been argument about numbers, but this makes no difference to the general proposition that the use of renewables will reduce carbon emissions and lessen the risk of climate change, even if we cannot quantify that risk.
135. There were suggestions that other renewable pathways might provide answers but unfortunately only discouraging evidence was available. This comprised Lord Truscott's letter to my MP stating that the Government had turned down the opportunity of developing BP's carbon capture demonstration plant at Peterhead on the grounds of cost, and instead was holding a competition whose results would be known in four to seven years time.¹⁵⁰ This will certainly delay the availability of clean coal.
136. The moral and ethical reasons for supporting the wind farm proposal were well put by the eloquent contributions of two supporters.¹⁵¹ In the light of the implications of climate change, they spoke of the need to promote the Middlemoor scheme however small a contribution it might make. However, it may not be that small, and decisions made here might carry influence elsewhere.
137. Britain is still a world leader in science and technology. As Tony Blair put it, Britain punches above its weight. It is also a permanent member of the Security Council and the Queen is head of the Commonwealth. A positive

¹⁴⁹ SANE2.1

¹⁵⁰ JU1.2 reference 2

¹⁵¹ Heather Cairns and D Griggs

decision made here in Alnwick's Northumberland Hall may well resonate in other parts of the world.

138. However, if the objectors prevail, we may see a tragedy unfolding. In my proof of evidence, I predicted that if wind turbines do not go ahead then Northumberland would be more vulnerable to open cast mining.¹⁵² This county floats on a sea of coal from Cramlington to Berwick. If Northumberland does not provide energy from wind, how it will be likely to do so from coal. Here, Lord Truscott's letter appears pivotal, for delays in carbon capture would inevitably mean that Northumberland coal would be burnt in British power stations without carbon capture.
139. This would be truly a tragedy for the people of Northumberland for, if they turn down wind turbines, and by default embrace more carbon emissions from coal mined in Northumberland, they not only help to desecrate the planet, but their own county as well. Is this the moral message we want to send to the rest of the world?
140. The intervention of the MoD may well have helped the Applicant's case. For, by drawing attention to the idea that this Inquiry may be mostly about the balance of risks, they have shown the arguments about visual impact to be lightweight. At this Inquiry, we are not talking about balance of risks, but the balance of risk versus visual delight.
141. Counsel for Alnwick District Council alluded to this balance in referring to visual 'harm'. I don't think 'harm' is the appropriate word. Has anyone suffered injury just from looking at a windmill? Annoyance, perhaps, just as all of us can be annoyed by visual aspects of the artefacts of modern life, but not injury.
142. Dr Constable referred to the concept of balance.¹⁵³ He said his role was to draw the Inspector's attention to the probability that the balance of benefit and harm had been wrongly put by the Applicant. However, in itself, this approach does not comprise grounds for objection, but would only be so if the benefits were so mediocre that visual detriment could not be justified. However, when the point was put to Dr Constable in cross examination, he vigorously denied this was his aim, putting into doubt the point of his evidence.
143. Dr Constable also referred to the variability of wind and claimed that this would limit the amount of installed capacity the UK could absorb. However, at no point did he claim that Middlemoor should be turned down because it might be the last straw. He hinted at problems of variability in power supply, but this is not the subject of the Inquiry and, in any case, as the Environmental Statement notes: 'The White Paper states that the energy supply system will have to adapt to accommodate more renewables.'¹⁵⁴
144. Once again, Dr Constable's evidence was not relevant. Moreover, when his model for variability was questioned he declined to debate the issues. His aggregate UK model for January 2006 still shows that, on preliminary inspection, the load factor was at least 20% of installed capacity for 73% of

¹⁵² JU1.1

¹⁵³ In XX

¹⁵⁴ CD2(a) para 4.1.9

- the time. You will recall he was taken aback by this suggestion, which is not at all surprising. If the average wind load factor in winter months is at or above 40%, then for a high proportion of the time there will be at least a 20% load factor.
145. Dr Constable's response was to say that the model fitted German results. However, Britain has over 12,000 miles of exposed coast, whilst Germany has far fewer. In so far as Dr Constable's figures have reminded us that every area of the UK has its part to play in the renewables programme, east as well as west, we can be grateful to him.
146. One witness who spoke about visual impact was Mr Geoffrey Sinclair for SANE. He described the proposed 125 metre high 18 turbine wind farm at Middlemoor as 'aggressive and impertinent.' However, he accepted under cross examination that, if they were only half the height, they would produce only one fifth of the power. When asked where he would put the extra turbines needed to make up the target, given Northumberland has to find 212MW of installed power, he replied that they should be sited in suitable locations.
147. Mr Sinclair was then asked about the visual envelope surrounding the proposed turbines at Middlemoor. He accepted that a single turbine would have a visual envelope of about twelve and a half square kilometres, within a radius of two kilometres from the turbine. He also accepted that the visual envelope around the proposed 18 turbines at Middlemoor would come to between forty and fifty square kilometres using the same two kilometre visual zone around the Wind Farm. However, when it was pointed out that if the 18 turbines were spread singly throughout Northumberland their cumulative visual envelope would be several times greater than if they were all together, he replied again that they would have to be sited in suitable locations. In other words, in spite of his great experience of wind farm public inquiries, he gave no strategic approach whatsoever.
148. A strategic approach has arisen from regional public consultation and discussion. This has been achieved firstly by responding to the Government requirement to find installed capacity in the region for wind turbines, then by identifying areas of least constraint, and then by placing the proposal in one of these areas of least constraint so as to provide at least a quarter of the required sub-regional installed capacity planned for Northumberland. Whatever the minutia of planning documents and correspondence, the intention and timeline of the cumulative process was clear at the Inquiry. Mr Sinclair has no strategic approach, apparently wanting to disperse wind turbines all over Northumberland.
149. Mr Sinclair was also questioned about subjective views of turbines. He made the interesting comment that a mental image of wind turbines might be formed by looking at wind farm leaflets, rather than by consulting the Environmental Statement. Such an approach requires a strong imagination. The question of how subjectivity might be placed within a framework was considered by the Council's landscape witness, Ms Campbell. She referred to distant prospects marred for the sensitive receptor.
150. This should be put into context. For example, I regularly used to drive from Jedburgh to Newcastle both day and night. On leaving Otterburn, the road climbs into the hills. It is moorland, wild, isolated with not another car on the

road. However, cresting a small rise there can be seen the lights of Newcastle, 40km away. Should Newcastle be swept away because it intrudes upon the landscape? We live in a crowded island, with increasing population and increasing demands for energy. We all have to make accommodations.

151. Ms Campbell accepted that the landscape reflects the needs and activities of the community and the nation. However, she concluded that the change proposed at this Inquiry was of an unacceptable level.¹⁵⁵ However, her conclusion applied to the whole of her report in which she had taken both Middlemoor and Wandylaw together. Wandylaw is not the subject of this Inquiry and is dealt with by a different Council. Nevertheless, she asked that it be determined in conjunction with Middlemoor. Given that public attitudes to wind turbines may well improve after construction, then delaying the decision on Wandylaw until Middlemoor is built might well make it publicly acceptable. Why else would developers have sought extensions to existing wind farms if public response to further development was negative?
152. Indeed change is already occurring and at a substantial rate. Buried in the many figures presented at Inquiry are two interesting statistics. One is the total amount of installed wind power capacity already built, under construction, or consented, some 8GW. The other is the amount stuck in the planning process, according to John Hutton, a further 10GW. If most of these planned projects are realised then the nation would possess a total of 18GW installed capacity. In the winter months, with a load factor of about 40%, the electricity output would be equivalent to that from seven 1000MW nuclear power plants. A silent revolution, and no one seems to have noticed.
153. Of course the energy scene poses further questions. But the times they are a changing, and the answer my friend, is blowing in the wind.

THE CASE FOR OTHERS SUPPORTING THE PROPOSAL

The Case for Heather Cairns¹⁵⁶

The material points are:

154. Heather Cairns speaks only for herself. There is no longer any dispute about the fact and causes of climate change. Carbon dioxide emissions must be reduced. Each of us has a responsibility to do what we can, and this goes well beyond changing light bulbs, recycling more, and ceasing to use plastic bags.
155. 20% of our power generating base comes from nuclear power stations which will soon be switched off. Middlemoor Wind Farm presents an opportunity to produce clean, green, energy in its place. Spoiling the view is not sufficient reason to refuse the application.
156. Heather Cairns grew up on the East Coast. Tank entrapments and gun emplacements were necessary then to protect the coastline. The blocks of concrete and rolls of barbed wire are gone now. Likewise, pithead workings and slag heaps once used to despoil the landscape of the North East, but are now gone. Wind turbines will not be here forever. Technology will move on,

¹⁵⁵ AC1.2A

¹⁵⁶ HC1.1

but if each and every one of us is to tread lightly on the earth and not create problems for future generations, they are necessary now, in this location.

157. At the time the application came before the Council, Heather Cairns was both a member of the Development Control Committee and Council Leader. The atmosphere was charged, and there was only going to be one outcome. Only three Members supported the officer recommendation. Councillors should be leaders of their communities, showing vision and responsibility, rather than simply reacting to local pressure. It is saddening that so many Councillors in Northumberland oppose wind energy development so strongly.
158. Regarding the MoD's objection, if the matter is one of principle affecting wind farm development throughout Northumberland, the decision should have been taken at a higher level when the RSS was proposed.

The Case for D Griggs¹⁵⁷

The material points are:

159. The proposed wind farm would make a useful, albeit small, contribution to the reduction of carbon dioxide emissions. Northumberland has vast potential for wind generation and some loss of visual amenity is a sacrifice worth making for future generations.
160. It appears that wind turbine technology is the most advanced form of renewable energy production available at present and should be utilised as soon as possible. At the same time, research should be accelerated into other forms of renewables which may be less intrusive in the countryside.

THE CASE FOR ALNWICK DISTRICT COUNCIL, IN OPPOSITION

The material points are:

Introductory Matters

161. The Council maintains that the scale of the Middlemoor proposal is unacceptable in its effect on the landscape. To grant consent would result in significant harm to some of the most important and cherished landscape in the North of England.
162. The Applicant can point to a generally positive policy and emerging policy context for some form of small to medium scale proposal within the area embracing Middlemoor. Moreover, the various landscape studies presented indicate acceptance in principle of a certain number of wind turbines in the broad area. However, unambiguous and unequivocal policy support for the scale of wind energy development proposed does not exist. The only landscape capacity work supportive of the scale of the proposal, rather than of smaller alternatives is that of Mr Stevenson, the Applicant's landscape witness.

Policy

The Development Plan - Approach

163. The development plan comprises:
- (i) RPG 1¹⁵⁸ which has become the RSS for the North East of England.

¹⁵⁷ GR1.1

- (ii) Those parts of the Structure Plan¹⁵⁹ which have been saved by direction of the Secretary of State.
 - (iii) Those parts of the Local Plan¹⁶⁰ which have been saved by direction of the Secretary of State.
 - (iv) Those parts of the LDF which have been adopted, i.e.: the LDS and the Core Strategy.¹⁶¹
164. By the time a decision is made, it is likely that draft RSS will have been adopted in place of RPG1 and the remnant of the Structure Plan. However, the development plan must be dealt with as it stands at the end of the Inquiry.
165. The Council accepts that the part of saved LP Policy RE17 dealing with the Area of High Landscape Value embodies a policy approach which is no longer advocated in PPS7,¹⁶² nor in the Structure Plan, and has to an extent been superseded by Policy S13 of the LDF Core Strategy. Therefore, the fact that the proposed development would lie within and conflict with the character of the AHLV carries only limited weight. The AHLV is, however, indicative of how locally cherished this landscape has been over many years despite being neither within the AONB nor the National Park. Development in this part of Alnwick has never been taken lightly by the Council.
166. The Council does not take issue with the Applicant's planning evidence on the extent to which section 38(6) of the 2004 Planning and Compulsory Purchase Act applies to the proposed development. Notwithstanding the deemed consent sought, there is no statutory presumption that determination should be in accordance with the development plan unless material considerations indicate otherwise.
167. However, there is a requirement for the decision maker to weigh the proposed development against the relevant parts of the development plan, form an overall view as to whether there is compliance or conflict with policy, and to give very significant weight to the outcome in the overall planning balance. Indeed, it would be strange were a proposal for a wind farm development of 49MW determined in a different manner to a near identical one for, say 54MW, simply because the statutory presumption did not apply.
168. Finally, this Inquiry is not an Administrative Court hearing submissions on the validity of CS Policy S21. The Applicant has launched a statutory challenge against the recently adopted Core Strategy which focuses on Policy S21. However this Inquiry cannot question the decision of the CS Inspector. The conclusion of soundness includes a judgment on Policy S21. The challenge cannot alter the materiality or the weight to be given to that Policy.

RPG1¹⁶³

169. RPG1 remains, for the time being, the topmost tier of the development plan despite being over 5 years old. Its approach is to require Strategic Wind

¹⁵⁸ CD 9

¹⁵⁹ CD 10

¹⁶⁰ CD 12

¹⁶¹ CD 14

¹⁶² CD 18

¹⁶³ CD9

Resource Areas (SWRAs) to be identified in lower tiers of the development plan, principally the structure plans of the Region.

Structure Plan¹⁶⁴

170. The adoption of the Structure Plan pre-dates the publication of the draft RSS, but the examination in public into the SP¹⁶⁵ shows that the work which underpinned the 'W' designation (Wind Resource Area) in the draft RSS also informed the preparation of the SP.¹⁶⁶ From SP Policy M5 and the EIP extract, it is clear that the 'W' was not intended to be geographically precise. Rather, it was expected that the detailed boundaries of such areas would be brought forward in local plans. This expectation was overtaken by events and work began instead on the production of the LDF and in particular the LDS and the Core Strategy.
171. However, the Explanatory Memorandum¹⁶⁷ of the SP carries the only indication of the meaning of 'medium' scale development in the North/South Charlton Area. That is to say a wind farm of up to 50MW, significantly less than the present proposal. Whilst the Explanatory Memorandum is not part of the development plan, nor is it determinative of what is meant by 'medium', it is a material consideration and is relied upon even by the County Council in their appraisal of this scheme.
172. The Applicant cannot gain any support for the scale of wind farm proposed from the SP. It can be taken as no more than an endorsement of a medium scale wind farm in this broad geographical area. Indeed, Option C of the Arup Report¹⁶⁸ and the Wandylaw scheme would be at least as consistent with the SP as would the present proposal, if not more so.

The Local Plan¹⁶⁹

173. Although the AHLV aspect of LP Policy RE17 carries little weight,¹⁷⁰ the remainder of the Policy is significant. Accordingly, if Ms Campbell, the Council's landscape witness, is correct in maintaining that the proposal would harm Hulne Park, a designated historic park, then there would be tension with this Policy. Furthermore, LP Policy CD35 deals with wind power renewable energy and unequivocally sets up a balance between landscape impacts and the need for the project in much the same way as does RSS Policy EN2.

The Core Strategy¹⁷¹

174. CS Policy S13 provides an approach to landscape policy based upon landscape character assessments, rather than the historic approach of AHLV and other local landscape designations. However, most debate has been directed to CS Policy S21. Even the Applicant appears to have been accepted that that the development would involve tension or conflict with Policy S21.¹⁷²

¹⁶⁴ CD10(a) and (b)

¹⁶⁵ CD159

¹⁶⁶ I.e.: the Regional Renewables Energy Strategy, Policy N5

¹⁶⁷ CD 11 paras 4.6.28 and 4.6.29; Bob Taylor Proof para 4.7

¹⁶⁸ CD88

¹⁶⁹ CD12(a) and (b)

¹⁷⁰ See GEN1.1 Statement of Common Ground

¹⁷¹ CD14(a), (b) and (c)

¹⁷² XX of Mr Stewart

175. The Applicant says that although the proposal would fall foul of the second criterion, because it would plainly have an adverse impact and one cannot mitigate a 125m high structure, the same is true of any such structure. The Applicant also notes that the fourth criterion would always be breached because any multi-turbine structure would result in a windfarm landscape.
176. This stratagem seeks to divert the decision maker from the clear conflict with the Policy by arguing for an interpretation that would emasculate it. Whilst this approach would seem to create a favourable context for wind farm development, in fact it would do no such thing. Rather it would preclude all but the odd domestic turbine coming forward.
177. Criterion (b) of Policy S21 does not prohibit adverse impact in the abstract. Rather, it sets a test of impact upon communities, residential amenity and the local economy. It is not difficult to imagine examples where there would be no adverse impact upon those elements and yet there would be an adverse impact upon landscape and visual impact. If the proposed development were to be drawn back from South Charlton sufficiently, then the criterion might be met. In any event, the first part of criterion (b) serves as an alternative to a satisfactorily mitigated scheme. This does not mean hiding the turbines, merely mitigating the proposal in a way which, in the judgment of the decision maker, is satisfactory. Far from being harsh the approach is entirely reasonable.
178. Criterion (d), which requires the proposal to be within the landscape's capacity and not to give rise to a windfarm landscape, also appears stringent. However, it must be read with criterion (c), which requires the proposal to reflect the Alnwick District Landscape Character Assessment. The Applicant contends that because any multi-turbine development will, at some level, comprise a windfarm landscape, the criterion is unworkable without an indication as to what scale of landscape is of concern. However, it is clear that the scale of concern is that set out in the Alnwick District Landscape Character Assessment, broadly the same as the Axis Study.
179. Moreover the last sentence of the Policy explains that the question of scale is to be further elucidated in an as yet unpublished SPD. The Applicant has poor grounds for criticizing the Policy having sought to promote a scheme in advance of the preparation of the SPD.
180. The scale of the proposed development of 18 turbines, each 125m high, producing up to 75MW of power involves structures higher than the typology assessed by Benson, more than the wattage in the Explanatory Memorandum of the Structure Plan, more than the capacity assessed by Arup and, together with Wandylaw, more than the total number of turbines for the whole 'W' area of the draft RSS.¹⁷³ In addition, a windfarm landscape would be created not over a small part of a landscape character area, but over a large chunk of the northern part of Area 11 of the Axis study, and the whole of Area 12 of the Arup study. It would be created over the whole of the 7.3sqkm of the application site and up to 0.8km beyond that, a huge area.
181. Whilst a proposal of a different scale might be accommodated into a Landscape Character Area without the creation of a windfarm landscape it is clear that the

¹⁷³ I.e.: 20 to 25 in total.

present proposal fails. It conflicts with Policy S21, a clear breach of the most relevant part of the development plan.

Draft RSS¹⁷⁴

182. The draft RSS establishes a spatial context for LDFs to advance the broad areas of least constraint. The 'W' found on the key diagram and referred to in Policy 42 has been taken forward in the CS and identified as North/South Charlton, east and west of the A1. However, it has not been translated into specific geographic areas.
183. Interestingly, the draft RSS assessed the 'W' which falls in the broad area of Middlemoor as being capable of accommodating 'medium scale' development, 20 to 25 turbines. The 'W' covers not just Middlemoor but also Wandylaw and, it would seem from the CS, an unknown area of land east of the A1. The scale of acceptable development is not, therefore, 20 to 25 turbines in one of a number of windfarms but rather that number in total. Although the Secretary of State in post EIP changes has suggested that figures ought not to be applied too inflexibly,¹⁷⁵ the Panel was clear that small to medium scale windfarm development, up to a total in the entire 'W' area of 20 to 25 turbines was intended.¹⁷⁶
184. This means that Middlemoor and Wandylaw would together exceed the parameters of draft RSS, and that Middlemoor alone would comprise 90% of the bottom end of the range for the whole 'W' area. The support that the Applicant can take from the 'W' of draft RSS is no more than in principle support for less than is currently proposed at both Middlemoor and Wandylaw combined within the area of least constraint. Indeed Policy 42 is expected to be taken forward in LDD's rather than applied as a development control policy.¹⁷⁷
185. Additionally the Applicant seeks support from the target in Policy 40 of draft RSS of 212MW capacity by 2010. Whilst a material consideration weighing in favour of the proposed development, not least given the pitiful level of generation at present, the picture is not quite as bleak as one might think at first sight.
186. Mr Taylor, the Council's policy witness, has made a broad assessment of the projects in Northumberland and the surrounding areas.¹⁷⁸ In addition to the operational 8.3MW, 4.5MW of which is onshore, and excluding Lynemouth, there are proposals for 420MW in the system. Of this, on Mr Stewart's evidence, 396.6MW are subject to aviation or MOD objections.
187. It is not clear what may happen to those other proposals. However, it would be wrong to think that, should Middlemoor be refused, the inevitable consequence would be failure to meet the draft RSS target. In any event, it should be remembered that the panel saw the targets as a 'direction of

¹⁷⁴ CD15

¹⁷⁵ Para 3.172, CD 16b

¹⁷⁶ CD16a para 8.40

¹⁷⁷ PPS11 para 1.18

¹⁷⁸ AC2.6

travel'.¹⁷⁹ Furthermore, the draft RSS did not include any assessment of impact upon radar visibility as part of its policy formulation.¹⁸⁰

The Consideration of Members

188. Annex 3 of Circular 8/93 (the costs circular) advises that, whilst Members are entitled to disagree with their officers, they should only do so for cogent reasons. This case essentially involves matters of judgment, that is to say, whether the benefits of the proposal to renewable energy targets outweigh the landscape and visual impacts. This area is ripe for legitimate disagreement.
189. Moreover, in this case there is an additional important factor. In reporting to Members, the Council officers placed heavy reliance on the views expressed in the Arup report¹⁸¹ in their appraisal of the local landscape capacity.¹⁸² In particular they supported Scenario B, not least because it provides implicit endorsement of some form of wind farm development at Middlemoor.
190. However, it is clear that officers were far from happy with the Arup approach. Whilst Ms Campbell rightly accepted that there is an assessment of the capacity of Middlemoor within the appendices of the report,¹⁸³ the conclusions¹⁸⁴ do not simply assess landscape capacity issues.
191. Three scenarios are assessed against RSS targets,¹⁸⁵ and Scenario B is endorsed, not on landscape grounds alone, but because it strikes a balance between landscape/visual considerations and the need to achieve renewable energy targets.¹⁸⁶ In other words it seems to draw a planning balance rather than confine itself to a pure landscape capacity appraisal which, on a fair reading, appears to point to Scenario C.
192. The influence of the Arup conclusions can be seen in the committee report.¹⁸⁷ However, the report demonstrates confusion as to why Scenario B was promoted rather than Scenario C. The confusion was not dispelled by the subsequent exchange of e-mails. Whilst the Applicant points to an e-mail from Simon Power of Arup which suggests that the proposal is within the landscape capacity of the site, almost all of the other points of Mr Bigger's e-mails are left unexplained. Furthermore no explanation is given as to why, in the report, Middlemoor is thought able to accommodate a medium scale windfarm (9 to 16 turbines)¹⁸⁸ and yet Arup were not willing reject a windfarm of double the size of the bottom of that range and 12½% in excess of the top end.¹⁸⁹
193. Those engaged to advise the Council showed distinct lack of clarity. This left Members unconvinced and officers troubled. However, the Arup report is clear in recommending the deletion of the southernmost turbines 16 to 18, because of their effect on South Charlton. In this respect, Arup is at one with officers and

¹⁷⁹ CD16a para 8.24

¹⁸⁰ CD16a para 8.37

¹⁸¹ CD88

¹⁸² AC2.4

¹⁸³ CD88 A34 to A36

¹⁸⁴ Contrast CD 87 – referred to by Mr Bob Taylor in EC

¹⁸⁵ CD88 page 39

¹⁸⁶ CD88 page 46 para 6.5

¹⁸⁷ AC2.4

¹⁸⁸ CD88 A36 and page 24

¹⁸⁹ I.e.: 18 versus '9 to 16'

Members of the LPA. This is, therefore, not a case where much can be read into the rejection of the officers' recommendation by Members.

Landscape Studies

Benson¹⁹⁰

194. The first study, by Benson, formed the foundation for the 'W' policy in the North and South Charlton area. Benson was not a detailed landscape capacity study but a landscape sensitivity study with capacity observations in some of the landscape character areas. Its conclusions were heavily qualified¹⁹¹ and its assessments not especially fine grained.
195. However, it appears to have been used, together with a Geographic Information System (GIS) study and a renewable energy study, to arrive at the areas given 'W' designation. The support of draft RSS for areas of least constraint was produced, therefore, not on the basis of a landscape capacity study, but a landscape sensitivity study, overlain on a GIS land use document informed by a renewables study.
196. The area of land within which Middlemoor lies is one of 'Medium to High Sensitivity' in Benson's appraisal. This area of least constraint, therefore, comprises land in the second highest category of sensitivity in the County, in which,¹⁹² '...development can be absorbed only in limited situations without significant character change; thresholds for significant change are low. Few aspects of wind energy relate to landscape character'.
197. Mr Stevenson and Ms Campbell disagree as to whether the whole or merely part of the site was wrongly included as part of the FFE landscape character area.¹⁹³ Mr Stevenson maintains that the FFE assessment is an irrelevance. However, the FFE Landscape Character Area does describe some of the features of Middlemoor. For example, there is a clear caution that development ought to be away from the small nucleated settlements (North and South Charlton).¹⁹⁴ It also recognises that the LCA includes areas with a weaker pattern of landscape features and enclosure, the more open ridges, upon which small scale turbines, up to 80m, could be accommodated. However the report supported not wind farms of the scale proposed but 'small clusters'.
198. In the OHE landscape character area there was recognition by Benson that turbines could be accommodated on the larger hill tops. However, the report went on to advise that the typology ought to be small to medium (80 to 110m) and should reflect the scale of the hill top in question.

Axis

199. The Axis report considers the Benson study boundaries as incorrectly drawn and that LCA 11 is closer to OHE than FFE type. It goes on to identify potential for wind energy in the north west of the LCA where the landscape is

¹⁹⁰ CD 78

¹⁹¹ CD78, e.g.: page 14

¹⁹² That is irrespective of whether it is in the OHE or FFE categories

¹⁹³ Mr Stevenson, drawing support from Axis, CD54 page 93

¹⁹⁴ CD78 page 34

larger scale. Axis, therefore, does no more than replicate Benson's assessment and certainly does not endorse the application. However, it draws attention to the guidelines which expressly eschew¹⁹⁵ any recommendation on the scale, type, or acceptability of wind energy in any given area.

Arup

200. The decision maker should be exceptionally circumspect about placing reliance upon a conclusion in a landscape capacity report which attempts to draw a planning balance. Moreover, even where the report provides some support for a wind farm at Middlemoor it is for a smaller one than that proposed. In addition:
- (i) Cumulative effects are assessed within the context of a policy which recommends medium scale development (ie 20 to 25 turbines) and yet the Report appears to recommend in excess of that figure.
 - (ii) The effect on Ros Castle from Scenario B is considered to be almost as damaging as Scenario A. It is only Scenario C that appears to be acceptable.¹⁹⁶
 - (iii) The Report expressly cautions that a detailed landscape and visual assessment lies outside the remit and resources of the study. The weight to be attached to its conclusions, therefore, must be limited.
 - (iv) Even within the scope of recommending Scenario B (which is larger than just Middlemoor) the report recommends breaking up turbines into clearly separated blocks divided by 2 to 3 km zones. By contrast, Mr Stevenson's evidence demonstrates that Middlemoor and Wandylaw do not individually or cumulatively achieve this.¹⁹⁷
 - (v) The Report uses a lower number of turbines than assumed in the RSS 'medium' category quite deliberately, noting that the increased output of modern turbines is probably the same as that assumed at the time the draft RSS was prepared.¹⁹⁸ Thus, the Middlemoor scheme is identified as 'large', whilst at Appendix A of the document the capacity for the application site is said to be for a medium scale of development. The Arup report is, therefore, not supportive of the proposed scale of development and it remains unclear why the authors chose not to support the Council in its opposition to the proposal.

Stevenson vs Campbell

201. Ms Campbell has critically analysed the studies undertaken. She has also analysed the Environmental Statement through a methodology which was barely criticised in cross examination.¹⁹⁹ Her judgment was not that a wind farm is an inappropriate form of development in this location. Rather that the proposed development would extend too close to the eastern part of the ridge, and too close to nearby settlements, South and North Charlton. Also, that the scale of development proposed is too great.

¹⁹⁵ CD54 Section 7.5 paras 7.5.3 and 7.5.4

¹⁹⁶ CD88 pages 42 and 43

¹⁹⁷ NRL3.4 (Appendix 18)

¹⁹⁸ CD88 page 24

¹⁹⁹ The XX of Ms Campbell was directed to her failure to state exactly what parts of the ES assessment of significance were accepted. Ms Campbell accepted Mr Stevenson's descriptors of significance.

202. By contrast Mr Stevenson's regards the proposal as providing significantly less turbines than the capacity of the site, which he regards as in the order of 23 to 28.²⁰⁰ He thinks part of the 'W' designation can actually accommodate more than the draft RSS considers appropriate for the whole of the 'W' area. Moreover, his work may be contrasted with Arup's which, for all its flaws, advised that the capacity of Middlemoor lay between 9 and 16 turbines.
203. Ms Campbell pointed out, assuming Axis were correct in identifying the site as part of the OHE, that even Benson identified the recommended typology (size of turbine) as 'medium to small' (80 to 110m).²⁰¹ She went on to associate herself with the assessment of wind farm size set out in the FFE section. With regard to the open ridges within the FFE area, as here, the recommended typology is 'small' (up to 80m) and the scale of the wind farm should be limited to 'small clusters'.²⁰² For all the support the Applicant claims from the 'W' within the draft RSS, the Benson study, which is the bedrock of the designation, supports instead Ms Campbell's analysis.
204. The differences between Mr Stevenson and Ms Campbell in terms of their overall assessment of significance are comparatively modest. The main difference lies in the judgment that follows as to whether the proposed development would be acceptable in landscape and visual terms.
205. There is virtual agreement that the landscape effects of the proposed development would be limited to the immediate character area and that which is to the east in the Axis study. Ms Campbell considers that the effect would extend beyond the A1, Mr Stevenson considers it would approach the A1. However within that area, a windfarm landscape would be created, which would be perceived as such by those looking in from outside of the character area. This is exactly the sort of situation which would breach the final criterion of CS Policy S21.
206. In visual terms, it is agreed that all of the ES viewpoints are to be treated as of high sensitivity and that all of the viewpoints within 5 to 6 km would be significantly affected. Regarding the cumulative effect of Middlemoor and Wandylaw together, Mr Stevenson agreed that many more viewpoints are significantly affected, such as Viewpoints 15, 18 and 6, as well as 'possibly' VP 8.²⁰³
207. Whilst the more iconic Viewpoints, such as Bamburgh and Holy Island, would be more than 10km away, and the visibility would be limited to certain weather conditions, such views are crucially important. Dr Edis was happy to accept that the features of this coastline include some of the most important elements of Britain's cultural heritage. Bamburgh was at one time the capital of an independent Anglo-Saxon kingdom. Holy Island, besides accommodating Lutyens masterpiece, Lindisfarne Castle, is the birthplace of the revival of Christianity in England. It is every bit as important as Durham Cathedral, where the remains of St Cuthbert were taken from Holy Island.

²⁰⁰ NRL3.2 para 4.3

²⁰¹ CD78 page 31

²⁰² CD78 page 35

²⁰³ In XX

208. Such locations are therefore not to be equated with a 'Church in the Cotswolds'. These views define the North East and relate to locations of national importance, as also does the Cheviot. One should, therefore, be exceptionally careful in asserting that interference with such views through the construction of a phalanx of wind turbines across the skyline would not be harmful.
209. Ms Campbell's evidence is more consistent with the work that has gone before and more compelling than Mr Stevenson's, both overall and in the particular areas where there are disagreements. Over wide areas and from critical viewpoints in one of England's most beautiful counties, an alien feature, out of scale with its surroundings would be seen on the skyline. Far from being 'gracile' or sculptural, it would be jarring and visually harmful. Perhaps the landscape could accommodate some form of wind turbine development, but not this scheme.

Edis vs Campbell

210. Another area of significant disagreement lies in the impact upon the settings of historic landscape features, in particular Hulne Park and Ros Castle. Dr Edis maintains that one cannot know the original context of Ros Castle. However, it is widely visible and gives widespread views from the top. Looking towards the sea from the top of Ros Castle, an obvious and important view, the proposed development would be clearly visible as an intervening feature, drawing the eye, not least because of blade movements.²⁰⁴
211. Dr Edis's suggestion that the setting falls away past the masts seen in the near distance, avoiding the site, is sophistry. One cannot define an arbitrary line limiting impact. Such an approach would mean the entire skyline seen from Holy Island could be pepper-potted with turbines if the setting of Lindisfarne Castle were defined as falling short of the skyline.²⁰⁵
212. The attempt to avoid impact by selective definition pervades the Applicant's approach to Hulne Park. Dr Edis sought to argue that the extent of the setting of Hulne Park is gauged by the Estate wall to the north and the Observatory to the East. However, to the north from Brizlee Tower, at the time it was built, the estate land was unconstrained and ran up to South Charlton. Rather the land over which the viewer is invited to 'circumspice!' is an extensive panorama which would be adversely disrupted by skyline development at the logical end focus of the view, the ridge line.²⁰⁶
213. It is interesting that VP15 was selected, not within the heart of the Park but at its extreme southern end. However, the public have access to the parkland, laid out to include a number of viewpoints within the context of a planned series of routes. It is an exercise in wishful thinking to believe that very many of those views, both incidental and planned, looking north across estate land which was originally part of the garden layout, would not be harmed. One

²⁰⁴ Its presence would be far more than the visualisations show, for the reasons explained in Ms Campbell's evidence. The visualisations produced do not conform to SNH guidelines and ought to be treated with some degree of caution.

²⁰⁵ It is symptomatic of what has been evocatively called by Professor Richard Dawkins the 'tyranny of the dis-continuous mind'.

²⁰⁶ A smaller number of smaller turbines upon Gleneagles Golf Course at a distance of 8.5km in the Snowgoat Glen decision (CD168a). Here the turbines would be 6.5km away from Long Stone.

might only guess at the reaction of Capability Brown and the First Duchess were they able to view what is proposed as the backdrop to their planned pleasure gardens.

The Final Straw

214. Even if the extent of national need meant that permission ought to be granted for some form of wind farm development, the Council firmly submits that consent for the southern most turbines, closest to South Charlton, be refused. Whilst the effect of the proposed development would be adverse for those who move through the countryside, the effect of turbines 16, 17 and 18 on South Charlton would be oppressive and unacceptable. The same applies, almost to the same extent, to the turbines closest to North Charlton. The effect on both settlements arises from a development which would be over large and poorly located, and from which overall consent ought to be withheld.
215. The cumulative effect of the Wandylaw and Middlemoor schemes must be considered. It has been the Council's consistent view that Wandylaw closely mirrors Arup's Scenario C and ought to be preferred in any event. However, the approach of the Secretary of State to the present proposal should be to assess it on its merits and then to go on to assess its effect together with Wandylaw, before either proposal is determined.
216. Mr Stevenson is right to suggest that the effect of the two wind farms together would be greater than the effect of Middlemoor on its own, increasing the significance of the impact on some views. From almost every important viewpoint in which the two could be viewed together, Wandylaw clearly appears as the more modest feature in the landscape and eloquently emphasises the fact that Middlemoor would be too large.

MoD Objection

217. It would have been easy for the MoD to have played no active part in this Inquiry. It could have agreed to a condition, knowing that it would not then sanction its discharge, never allowing BERR to permit implementation. It is to the MoD's credit that it has presented a substantive case on why such a condition is never likely to be fulfilled.
218. The evidence of Mr Stewart, the Applicant's policy witness, was predicated on the basis that the guidance in Circular 11/95 (the conditions circular) does not apply. However, following the issue of the BERR guidance note last month,²⁰⁷ such a point can no longer be pursued. It is recognised that guidance in the Circular comprises relevant policy for an application of this nature.
219. It need not be followed slavishly. Rather, it is guidance which needs to be taken into account. However, as with other national planning policy, should the decision maker decide not to apply the policy, there ought to be good reason.
220. The Council is gravely concerned by the MoD's evidence in respect of the impact of the proposal on national security. Although not previously objecting

²⁰⁷ CD160

on this issue, the Council formally invites the Secretary of State to place considerable weight on the MoD's stance at this Inquiry.

Conclusions

221. The Council does not invite rejection of wind energy in principle. However, it considers this proposal ill judged and harmful. Its effects would be felt for years to come and over a wide area of Northumberland.

THE CASE FOR THE MINISTRY OF DEFENCE (MoD)

The material points are:

Basic Stance of the MoD

222. The MoD expresses its strongest possible opposition to the proposal. The basis of the MoD's opposition is the serious harm which would arise to the operation and effectiveness of the Air Defence radar system of the United Kingdom. On the current state of technology it would not be possible to modify or condition the proposal to reduce the harm. The underlying difficulty with a condition remains, whether power to confirm is vested in the Secretary of State or the Chief Officer for the Deployable Air Command and Control Systems and Sensors.

223. Squadron Leader Breedon has given evidence. He is uniquely well qualified to assess the impact of the development on the Air Defence radar system of the United Kingdom. There was no challenge to his expertise or his assessment.²⁰⁸ He sets out three types of harmful effect on Air Defence radar caused by wind turbines:

(1) Obscuration.²⁰⁹ Obscuration is a 'hole' in radar coverage which occurs as an aircraft flies over the turbine. Obscuration results from the large radar reflection caused by wind turbines.

(2) Shadow Region.²¹⁰ Shadow is an area of diminished return signal amplitude in an area behind the turbines. The lower the amplitude of a return signal, the more likely it is to fall below the signal threshold for recognition. This is of great importance when seeking to detect objects whose operators are attempting to conceal them.

(3) Clutter.²¹¹ This comprises spurious signal returns from the turbines themselves. Clutter confuses the radar system because it cannot always be distinguished from important signals.

These three factors led Squadron Leader Breedon to his belief that the wind farm would have a significant adverse impact on the efficacy of the radar at Brizlee Wood.²¹²

224. Squadron Leader Breedon describes how the radar at Brizlee Wood is of strategic importance within the overall picture of the United Kingdom Air

²⁰⁸ Conceded by Mr Ainslie in XX

²⁰⁹ MoD1.2 paras 28-31

²¹⁰ MoD1.2 para 32

²¹¹ MoD1.2 para33-36

²¹² MoD1.2 para 63

Surveillance and Control System.²¹³ In the types of harmful effect noted, the Middlemoor Wind Farm would present the same problems for air defence radar systems as other wind farm developments.

225. However, the proposed development would be situated in line of sight of the air defence radar at Brizlee Wood and within such close proximity that it would break the beam formation. In this way, the harm to the operation and efficacy of the facility, and consequently the air defence radar system, would be altogether greater than in ordinary cases. They would completely overshadow the usual problems. Squadron Leader Breedon speaks to this in his second proof.²¹⁴
226. The MoD does not understand the Applicant to say that this Inquiry can properly subordinate national security implications of this order to their interest in seeing this development go forward. It has not sought to question Squadron Leader Breedon's assessment of the proposal's effect on the operation and effectiveness of the Brizlee Wood radar facility.
227. There is no answer to the MoD's objection and it must, therefore, be concluded that the application cannot be permitted. It gives the MoD no pleasure to take this line. Moreover, the MoD will continue to work with wind farm developers to try to minimise the adverse impact of any wind farm development on the air defence radar system of this country. As the Applicant notes, this is a developing area and certain problems which had been thought insuperable five years ago have since been resolved.²¹⁵

Conditions - principle

228. Section 36 of the Electricity Act 1989 provides (so far as relevant):

"(1) Subject to subsections (2) and (4) below, a generating station shall not be constructed at a relevant place (within the meaning of section 4), and a generating station at such a place shall not be extended or operated except in accordance with a consent granted by the Secretary of State.

(2)-(4)

(5) Subject to subsections (5A) and (5B), a consent under this section—

(a) may include such conditions (including conditions as to the ownership or operation of the station) as appear to the Secretary of State to be appropriate; and

(b) shall continue in force for such period as may be specified in or determined by or under the consent."

229. The Act itself contains no further indication of what might be appropriate, nor do the Electricity (Application for Consent) Regulations 1990. Some guidance can be found in the BERR document, A Guidance Note on Section 36 of the Electricity Act 1989,²¹⁶ but this document does not have any statutory status. It notes that any conditions under a s.36 consent should comply with the six

²¹³ MoD1.2 paras 9-25

²¹⁴ MoD1.4 paras 8-10

²¹⁵ John Ainslie under XX

²¹⁶ Paras 3.6 and 3.49-3.51

requirements set out in Circular 11/95, relating to planning conditions. Essentially, subject to these six requirements, conditions under s.36 are at large, the lodestar being appropriateness.

230. The MoD's objection to the imposition of a condition is that the condition would essentially negate the consent. It would be a contradiction in terms to grant a consent to construct a particular generating station but condition that consent such that that it may not be constructed without the approval of the very person who purports to grant consent (or someone else), without providing a defined and objectively referable means of determining whether that approval should be given. This amounts to deferral of consent to another person and another time, the Inquiry doing no more than carrying out a preliminary sift. This is not the task that has been conferred on the Secretary of State and, through him, on this Inquiry, by s.36.
231. S.36 confers upon the Secretary of State power to grant a consent to construct, extend and/or operate a generating station. That power is not conferred on anyone else. That power is not subject to any sort of veto that can thereafter be exercised.
232. S.36 allows a consent to include such conditions as appear to the Secretary of State to be appropriate. However, the Secretary of State cannot, under the guise of a condition, remove or fundamentally alter the consent granted. Conditions simply shape the consent granted. The proposed condition would move control of the construction of the generating station to the Secretary of State in the exercise of the condition. This would not be permissible and no amount of linguistic interpretation would overcome this fundamental difficulty.
233. To put the point another way, satisfaction of the condition would not be within the control of those to whom consent has been granted. It is quite possible (the MoD would say very likely, if not inevitable) that erection and operation of the wind turbines could not be achieved without adversely affecting the air defence radar system, whatever modifications are made. A condition that would probably prove impossible to achieve is bad in law.²¹⁷

Suggested conditions

234. If the MoD's submissions concerning the permissibility in principle of the proposed conditions are not accepted, the MoD makes the following points in relation to the two suggested conditions.
235. The condition suggested by the Applicant would fail to address the adverse effects of the development on air defence radars. The suggested condition is inadequate on three bases, each sufficient in itself:
- (1) It vests in a person with no air defence radar qualifications or expertise the task of determining the impact of the development upon the air defence radar capability of this country. Squadron Leader Breedon gave unchallenged evidence that, in this highly technical and skilled area, it is easy for the untrained to mistakenly think they have sufficient knowledge. This inadequacy cannot be answered by the assertion that the Secretary of State for BERR could be informed through recommendations from Squadron Leader Breedon's

²¹⁷ MoD3.2, *British Airports Authority v. Secretary of State for Scotland* [1979] JPL 260.

unit. Firstly, the condition as drafted provides no mechanism to ensure that that happens. Secondly, it would not be open to the Secretary of State to follow whatever was put in front of him by Squadron Leader Breedon (or his equivalent). The lawful exercise of the power of approval presupposes that the Secretary of State may differ in his views. The Secretary of State for BERR cannot fetter his discretion or abdicate his decision-making role. The power of decision, therefore, is placed in hands of the wrong person.

(2) Under the Applicant's proposed condition, the decision maker need only take into account considerations in relation to air defence radar. The touchstone for approval would not be directly linked to the effects of the proposal on air defence radar, only that such effects be taken into account. This is simply not sufficient. Any condition permitting an approval where the turbines would have a materially adverse effect upon air defence radar would be inadequate. The MoD does not shrink from the proposition that this argument makes the efficacy of air defence radar paramount. A condition that permits approval of the development resulting in a materially adverse effect upon air defence radar is unacceptable.

(3) The condition confines its consideration to the pre-construction stage. It provides no mechanism to control adverse effects of the turbines once erected or operating. It presupposes that the precise effects of the turbines on air defence radar could be fully anticipated through the specification; that the effects would be constant; the same regardless of the weather; regardless of whether the turbines are in operation and of how many are in operation; and regardless of the state of alert of the air defence radar system. None of these presuppositions is appropriate.

All radar is affected by prevailing weather conditions. It is greatly affected by the operation, as opposed to the mere presence, of wind turbines, and it is similarly affected by the number of turbines in operation. The efficacy of air defence radar is measured against the task that it is to perform. That task is directly related to the state of alert at any given time.

The proposed condition ignores all of this. If it were found that the turbines, when operating, have a completely ruinous effect upon air defence radar, nothing could be done. If it were found that in certain weather conditions the turbines render ineffective air defence radar, then nothing could be done. Moreover, if this country were to be on a higher state of alert there is nothing that could be done to lessen the interference to the air defence radar system caused by operating the turbines.

236. If there were to be a condition, it should be as follows:

No wind turbine approved by this Consent shall be erected without the prior written certification by the Chief Officer for the Deployable Air Command and Control Systems and Sensors that the erection of the wind turbines approved by this consent (or any part of them) will not adversely affect the operation or effectiveness of the air defence radar system of the United Kingdom or any part of that system. No wind turbine approved by this Consent shall be operated without the prior and current written certification by the Chief Officer for the Deployable Air Command and Control Systems and Sensors that the operation of the wind turbines approved by this consent (or any part of them) will not adversely affect the operation or effectiveness of the air defence radar

system of the United Kingdom or any part of that system. This certification may:

- (1) be revoked, modified or replaced from time to time by the Chief Officer for the Deployable Air Command and Control Systems and Sensors;
- (2) include conditions of operation for the wind turbines, including (without limitation) hours of operation, days of operation, numbers of turbines that may be operated, manner of operation, or any combination of the preceding; and
- (3) provide for an immediate stop operation command to be issued by the Chief Officer for the Deployable Air Command and Control Systems and Sensors in respect of the wind turbines or any number of them.

237. This condition addresses each of the three inadequacies in the Applicant's condition and nothing less would do. The MoD appreciates that it would be a burden on the Applicant, but there is no other way of accommodating the demands of an effective air defence radar system.

THE CASE FOR SAVE NORTHUMBERLAND'S ENVIRONMENT (SANE), joined by CPRE, and the NORTHUMBERLAND AND NEWCASTLE SOCIETY

The material points are:

The Balancing Exercise

238. Determining an application under the Electricity Act, as under the Planning Acts, requires the benefits of the proposal to be weighed against the harms. The main benefits would be secure energy production in the national interest, and the international benefit of a small reduction in carbon emissions. To weigh them accurately they must be quantified. The main harms would be to nationally important cultural heritage features, to landscape character and visual amenity. The extent of those harms must be carefully assessed so that the proper weight can be ascribed.
239. Care has to be taken not to include irrelevant factors. Statute in an Electricity Act case helpfully identifies the relevant issues. Policy at national and local level assists in gauging the weight to be given to each element but it cannot override the statutory requirements.

The Statutory Test

240. The matters to which regard must be paid under s36 of the Electricity Act 1989 are:
- The desirability of preserving natural beauty; of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest;
- and
- The extent to which the person by whom the proposals were formulated has complied with his duty to mitigate the effects on such interests.
241. The Act does not identify, as relevant issues, compliance with government or local policy on renewable energy targets or international agreements relating

to CO2 emissions. Only in so far as these matters serve to promote the issues which the Act identifies as desirable can statutory weight be accorded to them. The reduction of emissions by the production of clean energy is relevant to the preservation of the identified interests within the wider environment. Installed capacity, in which regional and disaggregated targets are set, has no such effect. Shortfall against targets cannot be given the same weight as the conservation issues identified by the Act.

242. S38(6) of the Planning and Compulsory Purchase Act 2004 does not apply since the Electricity Act is not a planning act. S.90 of the Town and County Planning Act 1990 applies to the deemed planning permission but not to the determination of the application. There is no express guidance regarding the starting position for a determination under the Electricity Act save for that in s36 itself.

UK Energy Policy

243. Since February 2003 the Government has produced numerous white and command papers concerning energy, climate change, heritage protection and the planning system. These papers, being topic specific, do not assist the balancing exercise but outline challenges and potential policy solutions within their own sphere of interest. However, the Secretary of State's Statement of Matters²¹⁸ indicates that the extent to which the proposed development is compliant with the objectives of the White Papers, Our Energy Future 2003 and Meeting the Energy Challenge 2007, as well as the Energy Review 2006, will be relevant to his consideration of the proposal.
244. The 2003 White Paper identified four challenges. These are cutting carbon dioxide emissions by 60% by 2050;²¹⁹ addressing the decline of the UK's indigenous energy supplies;²²⁰ and the need to update the UK's energy infrastructure.²²¹ It set four goals: a 60% reduction in carbon dioxide from 1997 levels by 2050²²² with real progress by 2020; maintaining reliability of energy supply; promoting competitive markets in the UK and beyond; and ensuring every home is adequately and affordably heated.²²³
245. The paper is concerned with all types of energy consumer (including transport, heating, and electricity generation); all fuel sources; all ways of encouraging efficiency or demand reduction; and all ways of reducing threats to reliability. Renewable energy generation represents only a small part of these methods of response, and onshore wind only a part renewable energy. How the aims relate to renewable energy was to be addressed in new policy guidance PPS22, which would replace PPG 22, following appropriate consultation and incorporation of guidance on the issues to be taken into account.
246. The Energy Review 2006 is a progress review with additional recommendations to adjust policy to address what was regarded as the two great challenges: energy security and climate change.²²⁴ It reiterates the desire to move

²¹⁸ GEN3.1

²¹⁹ CD35 page 8 para 1.10

²²⁰ CD35 para 1.13

²²¹ CD35 para 1.16

²²² Footnote 5 page 8

²²³ CD35 para 1.18

²²⁴ CD45 page 4

towards 60% reduction in carbon emissions by 2050 pointing to energy efficiency as the most cost effective and important issue.²²⁵

247. Having urged economy of use, effective insulation, and the use of public transport,²²⁶ the Report considered cleaner energy use with an emphasis on combined heat and power systems (CHP);²²⁷ recognised the need for new generating plant;²²⁸ and foreshadowed banding²²⁹ of ROCs, clean coal and nuclear generation.²³⁰ It recognised that delays were inherent in a system which centres on reargued points such as need and the requirement to focus inquiry onto local issues.²³¹ It recognised that there had been a rapid up-surge in renewable deployment: 1.8% of RO eligible in 2002 to 4% in 2005²³² with overall renewables at 5%.²³³
248. The 2007 White Paper, having reiterated objectives, was concerned to adjust the mechanisms²³⁴ designed to bring these about and to recognise that a low carbon base load generator, nuclear power, would probably be required.²³⁵ It acknowledged the difficulty of finding suitable sites for onshore wind.²³⁶ The extent to which this application is consistent with the objectives of Government policy as set out in those papers is, as Mr Constable has shown in his evidence,²³⁷ both limited and uncertain.

Planning Policy

249. In principle the starting point for determination should be the development plan. In the absence of express guidance to the contrary, there would be neither logic nor fairness in applying different policy tests, or addressing them in a different sequence, to a development of the same kind which differed only in the precise amount of installed capacity. Consistency with national planning guidance does not alter the weight given to a development plan under the planning acts although discord with later issued planning guidance may itself be a material consideration indicating that departure from the development plan is warranted. Less formal policy statements should only be taken into account where they differ from, and post-date, such national guidance.
250. Only policy post dating the issue of PPS22 in August 2004 is capable of altering its the thrust. More recent policy pronouncements, seek a regulatory system that enables appropriately sited renewable energy development;²³⁸ focus on local issues relating to siting;²³⁹ recognise that scarcity of suitable sites

²²⁵ CD45 page 12

²²⁶ CD45 page 130 para 6.26 et seq.

²²⁷ CD45 page 14

²²⁸ CD45 page 94 Box 5.1

²²⁹ CD45 page 106

²³⁰ CD45 page 113

²³¹ CD45 para 7.6 bullet point 2

²³² CD45 page 99 para 5.22

²³³ Headnote Chapter 5 page 92

²³⁴ For example CD49 page 156 para 5.3.67 & page 301 para 11.42. For planning, page 167, summary of RO changes.

²³⁵ CD49 page 180 et seq.

²³⁶ CD49 para 5.3.12

²³⁷ SANE2.1

²³⁸ CD45, The Energy Challenge 2006, page 205; and CD49 Meeting the Energy Challenge, page 157 Box 5.3.3

²³⁹ CD45 page 135 para 7.6 second bullet point

constrains onshore wind development;²⁴⁰ promise an increase of RO support for technologies other than onshore wind;²⁴¹ and recognise that nuclear power, as the only low-carbon form of base load, may be a necessary part of the energy basket of the future.²⁴²

251. In so far as the development plan and emerging policy identify the interests which the Electricity Act aims to protect, they are highly relevant. However, which documents will form the development plan by the time a decision is taken is unknown. Further there is tension between certain policies pulling in different directions. In these circumstances, the decision, as Mr Arnold indicates,²⁴³ should be made on the merits of the case taking into account all material considerations.
252. PPS22, which arose from the 2003 Energy White Paper, indicates where renewable energy developments may be deployed in its Key Principles. No other policy paper or guidance indicates that need, whether identified by regional target shortfall, overall demand, or desire for security of supply, should override the Government's requirement for appropriate sites.
253. PPS7, issued in the same month as PPS22, identifies that the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscape, heritage and wildlife, the wealth of its natural resources, and so that it may be enjoyed by all.²⁴⁴ All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and its local distinctiveness.²⁴⁵ It also advises that planning policies and determinations should provide for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22.²⁴⁶
254. SANE appreciates the need to tackle climate change and is not dismissive of the contribution which renewable energy can make to reducing climate changing emissions. SANE understands and accepts that the Applicant is not required to demonstrate either the overall need for renewable energy or for their particular proposal to be sited in a particular location.²⁴⁷ It recognises that the wider benefits must be given significant weight.²⁴⁸ However, SANE is concerned with the insensitivity and inappropriateness of the location chosen, the damage to other interests, and the overstatement of the proposal's benefits. The price paid for those benefits, when accurately assessed, is too high.
255. PPS22 advises that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily.²⁴⁹ It refers to renewable energy development and not onshore

²⁴⁰ CD49 Meeting the Energy Challenge page 146 para 5.3.12

²⁴¹ CD49 page 155 para 5.3.55 et seq.

²⁴² CD49 Section 5.5

²⁴³ SANE1.2 pages 19-24 para 4.9 et seq

²⁴⁴ CD18 Key Principles para 1(iv)

²⁴⁵ CD18 para 1(vi)

²⁴⁶ CD18 para 16(iv)

²⁴⁷ CD49 page 156 para 5.3.67

²⁴⁸ CD49 page 157 Box 5.3.3 and PPS22 Key Principles 1(iv)

²⁴⁹ CD20 para 1(i)

wind, it is implicit that whilst all areas must contribute they are not restricted to a particular technology. Moreover, whatever the technology it should not be accommodated where environmental, social and economic aspects cannot be addressed satisfactorily.

256. PPS22 also advises that planning bodies should recognise the full range of renewable energy sources, their differing characteristics, locational requirements and the potential for exploiting them subject to appropriate environmental safeguards.²⁵⁰ Wind turbines have only one absolute locational requirement, an adequate wind resource. Adequate access for development is a requirement of all technologies, and noise production is a constraint. A willing landowner is always required. However wind turbines' characteristic height, blade span and movement make them the most visually intrusive of the technologies, capable of mitigation, in the main, only by choice of site and, in part, by height and number restriction.
257. PPS22 states that local policies should set out the criteria that will be applied to assessing applications²⁵¹ and that the Government will intervene where the constraints are too great or have been poorly justified. Local policy complies with that advice and the Government has not intervened.
258. The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations and should be given significant weight in determining whether proposals should be granted planning permission.²⁵² Before one can give significant weight to any issue it has to be quantified accurately.
259. In this case the amount of power to be installed, let alone generated, is not quantified but is in the range of 54-75MW of installed capacity. The carbon Dioxide savings are exaggerated through the use of an outdated figure of 860g/kWh, rather than 430. They are, in any event, related proportionately to the amount of energy generated. There is a certain commercial coyness regarding the wind speed, load factor, the turbine type to be installed and the anticipated energy production from the site. The estimated output ranges from 130GWhs per year to 170GWhs.²⁵³
260. Mr Ainslie accepted that the one for one replacement of existing infrastructure capacity by wind power capacity would not occur.²⁵⁴ Rather, it would be in the ratio of 3MW conventional to 8MW of wind.²⁵⁵ The problems with identifying firm capacity outlined by Mr Constable indicate that the benefit to security of supply would be extremely low, a factor accepted by the Government in its 2007 Energy White Paper.²⁵⁶ However, one cannot quantify even the installed capacity, let alone the output of this site on the data produced by the Applicant. Weight should be given only to the lowest of the figures put forward by the Applicant.

²⁵⁰ CD20 para 1(ii)

²⁵¹ CD20 para 1(iii)

²⁵² CD20 para 1(iv)

²⁵³ NRL1.2 page 31 para 4.6

²⁵⁴ In XX

²⁵⁵ SANE2.1 pages 19 to 23, National Grid 7 year statement

²⁵⁶ CD49 Meeting the Energy Challenge (2007) page 159 para 5.3.76

261. Local planning authorities and other stakeholders are urged to promote greater acceptance of prospective renewable energy developments that are appropriately located and that there should be active pre-application consultation and discussion with local communities.²⁵⁷ The result of consultation here generated informed objection on the grounds that the proposal took too little account of the richness of the historic landscape, gave rise to harmful residential and visual impact, and that the proposal was excessive in number and height of turbines when judged against the expectations raised by regional and local policy. The alternatives are barely discussed in the ES,²⁵⁸ two of the Arup Scenario B areas²⁵⁹ being dismissed as environmentally unsuitable, and the Wandylaw site, currently acceptable to a different developer, discarded as being extensively mined.
262. Furthermore the supposed design changes in response to consultation, the 'iterations' shown on Figure 6.2,²⁶⁰ start at 34 turbines, a number greatly in excess of that supported by the development plan. A major reduction for unexplained environmental constraints followed, so that 22 no were presented at public exhibitions. There followed a minor reduction of 2, in part driven by the interests of ecology, in part visual impact on the two Charltons. Then a further minor reduction to account for noise issues.
263. There appears to have been little or no response to local concerns. No consideration was made of site area reduction, height or number limitation, or movement away from historic features or settlements. Only the reduction by two turbines appears to have in part stemmed from residential amenity objections.
264. PPS22 advises that development proposals should demonstrate environmental, economic and social benefits as well as how environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures.²⁶¹ The word 'demonstrate' indicates some evidential basis for assertions made. The local economic and social benefits promised through this proposal are not secured by s106 agreement or in any other way. There is no evidence of any particular local environmental benefits. Such benefits as there may be are to the wider environment. However the disbenefits would fall entirely locally. Furthermore, the wider benefits, the extent of which remain uncertain, would flow equally from any renewable energy development of the same output.
265. There is little evidence of the minimisation of environmental and social impacts through consideration of location. The Environmental Impact Regulations do not require alternatives to be considered, only that they be described if they have been. However the Applicant is anxious to point out that all wind farms have significant local effects. This being so, consideration of alternatives may become a significant material consideration, may be regarded as good practice and may result in a more robust application.²⁶² Furthermore, justification for choice of the application site, identification of the other sites considered and

²⁵⁷ CD20 para 1(vii)

²⁵⁸ CD2(a) page 35

²⁵⁹ CD88, Wind farm development and landscape capacity studies: North/South Charlton, p.40.

²⁶⁰ CD2(b)

²⁶¹ CD20 para 1(viii)

²⁶² CD29 Circular 02/99 para 8

the reasons for discounting them is a matter in which the Secretary of State has expressed interest.

266. The Arup scenarios indicate that Wandylaw and the site to its west are less sensitive than Middlemoor, which is discarded in Scenario C whilst they are retained. Scenario C takes account only of landscape capacity, unpolluted by a desire to achieve a higher level of contribution to target than is envisaged by the development plan.
267. The alternative layouts shown on Figure 6.2 do not indicate a reduced turbine height or span. So consideration of minimisation by reduction of scale (smaller turbines) does not appear to be demonstrated.

Landscape Studies and Background Documents

268. Benson, July 2003,²⁶³ finds both OHE and FFE of medium-high sensitivity to wind energy development. For both landscape types, the key characteristics are vulnerability to change giving limited situations in which development can be absorbed.²⁶⁴ Typology,²⁶⁵ or size, should be small (80m or less) for OHE²⁶⁶ and small to medium (110m or less) for FFE.²⁶⁷ Numbers, in FFE, should be restricted to small clusters. Care is needed in locating turbines in OHE. According to Benson, the site falls entirely within FFE. However, subsequent studies question the appropriateness of including the extreme north-western part in FFE, so that the OHE criteria may prove relevant.
269. The North East of England Regional Renewable Energy Strategy (TNEI) Report overlay²⁶⁸ shows 3 turbines in the hybrid FFE/OHE landscape zone, but the Environmental Statement²⁶⁹ shows them all in the FFE zone. The lack of consistent boundaries identified by different professional practitioners supposedly seeking areas or landscape types defined by homogenous characteristics supports Mr Sinclair's view that the LCAs in the Northumberland Sandstone Hills form a continuum,²⁷⁰ the Benson acknowledgment that the precise boundaries had not been checked by fieldwork,²⁷¹ and the Axis view that Landscape Character Areas (LCAs) are not sharply defined but gradual transitions.²⁷²
270. The TNEI Report of July 2003,²⁷³ uses small, medium, large to refer either to turbine height if vertical scale effects are important for sensitivity, or number where relevant to sensitivity.²⁷⁴ In doing so it differs from Benson although, for landscape sensitivity, it is based entirely on that study. Axis says acceptability can be heavily influenced by number and size.²⁷⁵ Arup defines a

²⁶³ CD78 page 17 Table 3

²⁶⁴ CD78 page 15

²⁶⁵ CD78 page 12

²⁶⁶ CD78 page 31

²⁶⁷ CD78 page 35

²⁶⁸ CD154

²⁶⁹ CD2(b) fig 7.6

²⁷⁰ SANE3.2 para 3.1.2

²⁷¹ CD78 para 3.4

²⁷² CD54 para 4.4.2

²⁷³ CD36

²⁷⁴ CD36 page 29

²⁷⁵ CD54 para 7.5.3

new typology and ascribes Zone 12 (approximately the application site) to the medium capacity category,²⁷⁶ that is, 26-49MW and 9-16 turbines. Height range is indicated at 100-140m. When considering relative visual analysis, it takes 125m as a median value although it sets a nominal 115m in open moorland.²⁷⁷

271. Keilder has been put forward as a candidate Strategic Wind Resource Area,²⁷⁸ defined as an area which can accommodate at least 100MW or more than 50 wind turbines.²⁷⁹ Other developments are taken to be small (up to say 5 turbines) and medium (up to say 20 or 25).²⁸⁰
272. The Area relevant to this Inquiry is described as, 'Set in from the coast, east and west of the A1, and north of Alnwick, small or medium scale windfarms if MoD constraints can be overcome.'²⁸¹ Such locations are 'broadly indicated'.²⁸² Local considerations are particularly important in determining the best way of distributing turbines in a given landscape.²⁸³ Policy RE3 identifies, as material factors, visual dominance impact on residential amenity; appropriateness of location and scale in relation to sensitivity of intrinsic characteristics and visibility of local and wider landscapes; setting of nationally designated landscapes, historic parks and gardens, listed buildings and scheduled monuments.
273. The Report reiterates the conclusions of the Benson work,²⁸⁴ noting that the FFE zone has limited appropriate areas, that development should be small, and limited to small clusters. Then, with no given justification, it rolls FFE together with ORF and indicates potential for medium scale windfarm developments.²⁸⁵ Mr Arnold²⁸⁶ points out this inconsistency and also notes the MoD constraint which can only be overcome by topographic shielding.²⁸⁷
274. The Axis Report of April 2006, in defining the Charlton Ridge Character Area, notes that it falls within FFE type but takes the view that the Northwest part would more appropriately fall within OHE, which has a similar sensitivity.
275. Historic landscape characterisation has not been carried out in Northumberland,²⁸⁸ therefore it informs none of the studies, although the Axis report notes that such work will be used in parallel to inform policy and decision making. The invaluable contribution of such work to landscape character assessment is acknowledged by Swanwick (Landscape Character Assessment Guidance for England and Scotland)²⁸⁹ and Topic Paper 5.²⁹⁰ The

²⁷⁶ CD88 page 24 and page 26

²⁷⁷ CD88 page 29 Table3

²⁷⁸ CD36 page 34 para 8.4f

²⁷⁹ CD36 page 33

²⁸⁰ CD36 page 39 para 11

²⁸¹ CD36 page 35 para 8.7b

²⁸² CD36 page 38 Policy RE2c

²⁸³ CD36 page 39 para 12

²⁸⁴ CD36 page 55 para c)

²⁸⁵ CD36 page 56 – Overall Assessment.

²⁸⁶ SANE1.2 page 12 para 3.5

²⁸⁷ SANE1.2 page 13 para 3.10 and CD36 page 27 para a)

²⁸⁸ CD54 para 7.11.1

²⁸⁹ CD73 paras 4.13-4.21

²⁹⁰ CD161 pages 1-3

GLVIA also advises close liaison between landscape and cultural heritage specialists²⁹¹ when conducting LVIA work.

276. TNEI when dealing with Alnwick notes that Historic Parks and Gardens are extensive. Benson notes large country houses and parkland in the FFE zone, but fails to note relevant registration or listing. Neither studies comment on the settings of these cultural heritage features.
277. Axis makes some reference to large landed estates,²⁹² the Duke of Northumberland and Hulne Park.²⁹³ It briefly refers to the wealth of historic features throughout Alnwick, the threat from landscape change²⁹⁴ and the need to conserve their wider landscape settings. However, when discussing Charlton Ridge there is little mention of scheduled monuments or listed buildings, none of the old Park, and settings are not mentioned even though the north western part is considered to have potential for wind turbine development. Nor, when considering wind turbines²⁹⁵ and forces for change,²⁹⁶ is the impact of wind turbine development on the historic environment mentioned.
278. Arup, although considering a 'W' area potentially appropriate for small to medium scale development, used a GIS constraint sieve for large scale wind farm development.²⁹⁷ The sieve picked out scheduled monuments, for which a notional 300m radius was taken as a typical extent, but not historic parks. No consideration of scheduled monument settings or that of any listed building or Park is given. The 10km radius study area²⁹⁸ appears to encompass almost the entirety of Hulne Park. Parks and listed buildings are identified as receptors for ZVI analysis,²⁹⁹ but only the immediate settings of historic parks are taken to influence the sensitivity of landscape/outdoor receptors.³⁰⁰
279. It is only when discussing cumulative impact that Hulne Park, although not the listed buildings within it, comes into focus. Establishing an objective to entirely maintain the setting of historic parks and gardens, Table 12 requires no turbines to be visibly prominent from the publicly accessible parts of the properties and recommends no turbines visible within 7km. Taking the distance to the wind farm as 7.5km, although it appears from the evidence that even Brizlee Tower within the Park is a kilometre closer, and the publicly accessible areas of the Park closer still, the visual effect identified is major in Scenarios A and B. It drops to moderate in Scenario C at 10.5km. Yet, when describing unacceptable impacts in Scenario Performance,³⁰¹ Hulne Park is not mentioned. However, in its Conclusions, the Report³⁰² notes that, 'landscape and visual issues are only one environmental element in decision

²⁹¹ CD74 para 3.27

²⁹² CD54 para 2.2.1

²⁹³ CD54 para 2.3.20

²⁹⁴ CD54 para 6.2.1 final bullet point

²⁹⁵ CD54 para 6.4.5

²⁹⁶ CD54 para 6.4.7

²⁹⁷ CD88 page 9 Table A

²⁹⁸ CD88 page 11 para 3.3.1 and Figure 2

²⁹⁹ CD88 page 16 Table 1

³⁰⁰ CD88 page 29 para 5.2

³⁰¹ CD88 page 45 para 6.4.1

³⁰² CD88 para 6.5

making...Other issues such as ...cultural heritage effects will also influence the policy response...'

280. None of these studies gives proper consideration to cultural heritage effects, particularly in relation to settings. Here they comprise the multiple overlapping settings of scheduled monuments, listed buildings, and the registered parks. The value of the historical perspective and its usefulness in considering forces for change is highlighted in Swanwick's work on Landscape Character Assessment.³⁰³

Regional and Local Policy Adopted, Saved and Emerging

281. The policies of the adopted plan do not nest happily together. RPG Policy EN2 requires plans to identify strategic wind resource areas, where major wind development will in principle be positively considered, and areas of search for other technologies.
282. Mr Arnold draws attention to RPG1's objectives³⁰⁴ which focus on protecting landscape and cultural heritage features of national importance,³⁰⁵ including ensuring that development is compatible with existing countryside.³⁰⁶ He points to the conflict with the criteria in RPG Policies EN3, SP Policy M4, and the countryside policies of the development plan. In the plan's thrust to conserve what is good, there is a consistent theme. However, in the way in which the search area idea is developed in the adopted plan there is rather less.
283. SP Policy M5, identifies areas of least constraint for major wind energy development, of which Kielder is strategic whilst the others, wind resource areas, have potential for medium scale development. Medium is undefined save by the Explanatory Memorandum,³⁰⁷ which is not part of the plan, but comprises a material consideration. It sets the limit at 'less than 50MW'. How a proposal can be major and yet of medium scale is explained by the same document.³⁰⁸
284. The SP anticipates that the extent and areas of these should be defined in local plans. Yet the Companion Guide to PPS 22, which predates adoption of the SP, makes it clear that, in defining broad areas where particular types of renewable energy may be appropriate, the boundaries should not be defined, but the areas expressed with indicative symbols.³⁰⁹
285. The SP also requires LPs to include criteria based policies having regard to SP Policy M4. This Policy applies to major development proposals for renewable energy to be assessed against impact on a range of interests. It applies to all areas, save for a limited number of exceptions, which do not include the areas defined in Policy M5.

³⁰³ CD73 page 46 paras 6.34-35

³⁰⁴ CD9 page 23 Table 1

³⁰⁵ CD9 para 2.40

³⁰⁶ CD9 Policy EN3

³⁰⁷ CD11 para 4.6.28

³⁰⁸ CD11 para 4.6.1

³⁰⁹ CD20 paras 3.37-38

286. It would appear therefore that, whilst the proposal's location within a broad area is a material consideration, there is no automatic presumption in favour of such development. All such proposals are subject to further assessment against local criteria devised to protect local interests.
287. The Arup report's conclusions, when not tainted by the incorporation of planning support for renewable energy but considered simply as a landscape capacity study, identifies capacity for 50MW of wind turbine development in one or two areas north of Middlemoor. It does not support the development of the application site. Further, had the historic landscape context been properly understood, acknowledged and incorporated within the study, the sensitivity of the landscape character to major development would have been even more marked. Assessing the proposal, taking its benefits at a fair level, against the landscape character and capacity in accordance with SP Policy M4 would lead to refusal.
288. Visual amenity taking proper account of the associations and expectations of the viewer³¹⁰ at such sensitive locations as Ros Castle, the many rights of way and open access land nearby such as CATERAN HILL, the more distant but nationally regarded Hulne Park, Dunstanburgh, Bamburgh, as well as the slightly less sensitive but hugely numerous visitors on the A1, would be severely harmed. With regard to those more distant viewpoints, the GLVIA guidance notes that, 'small effects on highly sensitive sites can be more important than large effects on less sensitive sites'.³¹¹ Judged against impact on visual amenity this proposal warrants refusal. Through impact on the built heritage, which must by statute and policy include impact on their settings, and through impact on local living conditions, the proposal must fail.
289. The LP Policy CD35 knows nothing of 'W' areas, but has criteria which require no significant detrimental effect on designated sites and formally recognised areas, no unacceptable intrusion into surrounding landscape and so on. LP Policy RE17, raises a presumption against development occasioning significant and adverse effect on the appearance of AHLV or Registered Parks and Gardens. Both Policies are saved.
290. Local landscape designations within the LP are not in accord with current national policy. PPS 7 requires rigorous justification for their retention³¹² based on formal and robust assessment of their qualities. The Companion Guide to PPS22 observes that criteria provide sufficient protection. On this issue at least, all the planning witnesses were agreed. The emerging plan does not rely on local designations and therefore the AHLV should be given little weight. However, as Mr Arnold pointed out, removing the designation does not alter the qualities of the landscape to which it was formerly applied.
291. The Local Plan aims to avoid significant detrimental effect on designated features. The impact on such nationally designated features as Brizlee Tower, Ros Castle, and formally recognised features such as Hulne Park would inevitably be significant. The proposal would adversely affect the historic skyline as the focus of significant views. From Ros Castle, it would savagely

³¹⁰ CD74 page 90 paras 7.31-7.32

³¹¹ CD74 page 92 paras 7.38

³¹² CD18 page 25

- impinge on the 360 degree view which, as a fort, it must have been designed to afford.
292. Further, the policy resists unacceptable intrusion into the landscape of the surrounding area. Mr Thorpe's balloons, small though they were, were seen from as far as Dunstanburgh, giving guidance to the impact of 18 rotating turbines, with a 90m span, on 80m towers. Judged against the LP criteria, the proposal warrants refusal. The proposal would inevitably cause adverse cumulative effect if Wandylaw were granted consent.
293. Although the Core Strategy of the LDF has been adopted, it will be considered in the context of the emerging plan.
294. RSS Policy 42³¹³ identifies the broad area of North and South Charlton for wind farm development, indicating that 20-25 turbines may be regarded as medium in scale. It appears to be common ground that the number applies to the entire area and not to any single development within it. RSS Policy 40 requires that plans, 'facilitate the generation of at least 10%' and, 'facilitate the achievement of.....minimum sub-regional targets'. The word 'facilitate' reflects the Panel's view that the Policy provides 'an adequate and realistic indication of the intended direction of travel'.³¹⁴
295. Failure to meet targets is not a justification for an otherwise unacceptable proposal, nor is it an element which should influence the balance of benefit against harm. The planning balance is concerned with reality, energy production, and not a notional installed capacity.
296. Mr Constable's evidence on the reality of production benefit³¹⁵ is to be preferred to the Applicant's. It is supported by Consultation Draft PPS: Planning and Climate Change, supplement to PPS1 (December 2006),³¹⁶ which notes that the UK is on track to meet and exceed its Kyoto commitment of 12.5% reduction in carbon dioxide.³¹⁷
297. It advises that targets can provide helpful yardsticks for assessing successful implementation when their likely achievement derives directly from identified policies in the RSS and the likely means of delivery is consistent with other objectives of the RSS. Aspirational targets relying on actions beyond the RSS's ability to influence directly should, however, normally be avoided.³¹⁸ It says that, 'carbon emissions trajectories, or other yardsticks for identifying trends in performance, should not be applied directly to decisions on planning applications'.
298. In accordance with national policy, significant weight has to be given to the wider benefits. As Mr Constable points out, poorly performing sites are detrimental rather than beneficial to the overall system of supply, and the performance of this site is uncertain.³¹⁹

³¹³ CD16(b) page 157

³¹⁴ CD16(b) page 153

³¹⁵ SANE2.1

³¹⁶ CD21

³¹⁷ CD21 Page 12 para 3

³¹⁸ CD21 Page 16 para 12

³¹⁹ SANE2.1

299. Visual impact, landscape character, sensitivity, effect on designated sites and their settings, and cumulative impact all have to be considered. With regard to visual and landscape interests, the test is acceptability, which implies some harm may arise. No such test applies to designated sites and their settings, where the effect simply has to be considered. In SANE's view, the effect of the proposal on landscape and visual amenity are unacceptable and the effect on the settings of designated sites far outweigh the benefits.
300. LDF Core Strategy Policy S21, in discussing the broad areas of least constraint, notes that careful regard should be had to landscape capacity. Further details are to be provided in an as yet unpublished Supplementary Planning Document (SPD). Mr Taylor confirmed that the Axis report would form the basis of the SPD.
301. Given the flaws already outlined, additional work is necessary. It also appears necessary since the note to CS Policy S21 tells us that, 'the landscape capacity for the areas of least constraint is established in the SPD.' The Axis report does not purport to be capacity study.
302. The preface to the Axis report does not indicate that the brief went beyond a detailed landscape character assessment and a consideration of pressures for change and sensitivity. The study was commissioned to follow the landscape character approach, in response to PPS7's advice on local landscape designations.³²⁰ The study expressly states that it does not seek to be definitive on the acceptability of wind turbine development in any character area or policy zone.³²¹
303. The most the study tells us³²² is that, to the north west, there is an area included by Benson in FFE which may be more appropriately zoned in OHE, and that there may be opportunities for turbines to be located on more extensive and less visually diverse hilltops. As Ms Campbell pointed out that is not where the bulk of this development lies. CS Policy S21(c) requires that development should reflect the Alnwick District Landscape Character Assessment embodied in the Axis Report. If so, then development should only be considered in that part of the north west section which is of OHE character, yet only 3 turbines would lie within that area.³²³
304. The Applicant criticises criteria (b) and (d) of CS Policy S21 and has mounted a challenge. However, unless and until the challenge is successful, the Policy stands. It is SANE's case that (b) is not unreasonably restrictive since it allows for impact to be satisfactorily mitigated. Such mitigation, as already pointed out, could be by height or restriction in number, the careful use of shielding topographic features, or careful choice of site. These are not choices which the Applicant has made and the harm to the communities of North and South Charlton has not been satisfactorily mitigated.
305. CS Policy S21(d) requires that development complies with (c). It requires a wind farm to be within the landscape's capacity to accommodate change and, neither individually nor cumulatively, to give rise to a windfarm landscape.

³²⁰ CD54 para 1.1.7

³²¹ CD54 para 7.5.3

³²² CD54 page 93

³²³ CD154

The Applicant maintains that a windfarm landscape inevitably arises. However, to offend the policy the landscape affected would have to be materially changed from its previous form by domination.

306. The area which would need to be affected, if reflecting the Axis Report, is the Charlton Ridge. Whilst the proposal would fail the windfarm landscape test, the small clusters envisaged by Benson arguably would not. The criteria can only be regarded as unreasonable if all wind farm development, of any scale, would result in a windfarm landscape. This is clearly not the case. The Core Strategy should be given significant weight. The proposed development offends the criteria of CS Policy S21, and should be refused.

Other Material Considerations

307. PPS 22 Companion Guide recognises the need to study the wider landscape, particularly where typical of the region and offering a sense of distinctiveness.³²⁴ It recommends the GLVIA³²⁵ and Landscape Character Assessment: Guidance for England and Scotland³²⁶ as sources for commonly used methodologies. It also indicates that regional planning authorities should map areas, and identify their sensitivity to particular types of change or development at a broad scale. The areas may be described in relation to their suitability for particular types and scales of renewable energy development, taking into account regional targets. In particular regard should be had to the Key Principles of PPS22.³²⁷
308. Landscape character assessment can be applied at different scales. The Companion Guide recommends assessment at regional level to inform strategic planning for renewables.³²⁸ It notes that judgments should be made on the sensitivity of the landscape and discusses different forms of sensitivity.³²⁹
309. The Companion Guide³³⁰ also gives guidance on planning policy at the local level. It indicates the range of concerns, such as landscape issues, historical and cultural features and areas, amenity issues, and issues of visual intrusion, which may be addressed by criteria based policies. It indicates that local planning authorities may wish to undertake more detailed landscape capacity and sensitivity analysis to assist them in decision making outside nationally designated areas.
310. Such studies should not lead to identification of specific locations or prescription of particular technologies.³³¹ Criteria based policies should provide sufficient protection without the need for local designation.³³² Landscape and visual impact issues are acknowledged as important,³³³ as is the need for

³²⁴ CD20 PPS22 Companion Guide para 3.55

³²⁵ CD74

³²⁶ CD73

³²⁷ CD20 PPS22 paras 3.28-3.29

³²⁸ CD20 PPS22 Companion Guide para 3.33

³²⁹ CD20 PPS22 Companion Guide page 37 para 3.35

³³⁰ CD20 PPS22 Companion Guide page 44 paras 4.10-4.11

³³¹ CD20 PPS22 Companion Guide page 48 para 4.15

³³² CD20 PPS22 Companion Guide page 48 para 4.16

³³³ CD20 PPS22 Companion Guide page 170 para 47

special care with regard to listed buildings where the advice of PPG15 should be taken.³³⁴

311. The processes being put in train by the RSS and the LDF accord with the Companion Guide, as do the criteria identified. The Companion Guide supports the view that the emerging RSS and the Core Strategy should be given greater weight than those elements of the old plan which have been saved.
312. PPS1: Delivering Sustainable Development (February 2005) sets out the Government's policies for the planning system. It notes that poor planning can result in the loss of our finest countryside to development.³³⁵ Recognising the need to mitigate climate change through a range of measures, including the use of renewable energy, it emphasises the need to protect and enhance the natural and historic environment, the quality and character of the countryside and existing communities, and to take account of the impact of development. It seeks development which enhances, as well as protects, the historic environment and landscape character, and addresses the causes and impacts of climate change on the basis of sound science.
313. The proposal does not protect or enhance these identified interests. As Mr Constable's evidence demonstrates, it addresses the causes of climate change only to a limited and uncertain extent.
314. Climate Change: The UK Programme 2006³³⁶ indicates that even without new measures. 'the UK's emissions of the basket of six greenhouse gases are expected to be about 19.4% below base year levels in 2010.' It also details the accelerating deployment of onshore and offshore wind development.³³⁷
315. Mr Sinclair's evidence,³³⁸ together with the recently consented 450MW of capacity, points to the progress made in both construction and consent. There is nothing in Government guidance which supports the view that the need for renewable energy has become so urgent that all other interests should be overridden
316. PPG15 states that effective protection for all aspects of the historic environment is fundamental to Government policy. Elements of our material past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record, add quality to our lives, enhance the cherished local scene and sustain local distinctiveness, being of immense importance for leisure and recreation. The Government is committed to sustainable development, ensuring that what future generations will value is not sacrificed for the sake of short term and often illusory gains.
317. PPG15 notes that setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.³³⁹ It points out that the setting of a building may include land some distance from it and that a high or bulky building might affect the setting

³³⁴ CD20 PPS22 Companion Guide page 170 para 48

³³⁵ CD17 para 1

³³⁶ CD50 page 26 para 17

³³⁷ CD50 page 36

³³⁸ SANE3.2 Table Appendix C

³³⁹ CD22 para 2.16

of a building some distance away, or alter views of a historic skyline. In some cases, setting can only be defined by a historical assessment of a building's surroundings. At Boxworth, the Inspector took note of this guidance when assessing the impact on a Grade I listed church of 100m turbines 4km away, set on a ridge only 40m AOD.³⁴⁰

318. Similar advice is to be found in Wind Energy and the Historic Environment: 'Designed landscapes invariably involve key vistas, prospects, panoramas and sight-lines or the use of topography to add drama. Location of turbines within key views, which may often extend beyond any designated area should be avoided.'³⁴¹ Consideration should be given to the historic character and associations of the wider landscape.³⁴² Such matters, 'should be taken into account when determining the location, scale and extent of renewable energy developments.'³⁴³
319. The first stage of improvement of the Park, Dr Shrimpton's book tells us,³⁴⁴ was Call's plantation of Brizlee Hill. He advised the Duke it was an advantageous pleasure ground with, 'a fine prospect from the hill west and all round north to east.' Thomas Percy, writing in 1765, described it as a, 'noble wild prospect of wide extent' and, having dealt with various features in the Park, said, 'Beyond these rises a vast extent of wild naked plains with here and there a single farm or plantation featured like solitary islands in a wide unbounded ocean.'³⁴⁵ 'Look about you,' says the inscription on the tower - the Duke sent his planters beyond the park wall, to the very horizon to deck the scene all around with woodlands.³⁴⁶
320. Dr Shrimpton's evidence is to be preferred to that of Dr Edis regarding the setting of Brizlee Tower, looking north over a park which until 1827 ran beyond Humbleheugh.³⁴⁷ The skyline was intended to frame the view, rather than outlook being confined to the Park.

Evidence

321. Mr Coupe, is an amateur whose commitment to the landscape and history of Northumberland is demonstrated by the amount of time he gives to CPRE and the Northumberland and Newcastle Society. He gave evidence on the value to society of the historic and scenic landscape of Northumberland ascribed to it by those who live and work in the area, or visit it.³⁴⁸ This aspect is ignored by Mr Stevenson both in the ES³⁴⁹ and in his evidence. Further, it fails to accord with the guidance of his professional institute.³⁵⁰

³⁴⁰ CD32(y) paras 46-47

³⁴¹ CD83 page 8

³⁴² CD83 page 7

³⁴³ CD83 page 9

³⁴⁴ SANE4.2 page 37

³⁴⁵ SANE4.2 page 44

³⁴⁶ SANE4.2 page 49

³⁴⁷ SANE4.2 Footnote page 79

³⁴⁸ CPRE1.1

³⁴⁹ CD2(a) para 7.2.4

³⁵⁰ CD74 page 71 para 6.18

322. Mr Stevenson notes some of the associations of the surrounding character areas but discounts their relevance to the application site and its setting,³⁵¹ suggesting that the Middlemoor area had not been the focus or backdrop to literary or painterly inspiration. He notes Turner's presence at the coast but not the direction the painter's eye was drawn, as shown by Dr Shrimpton. He fails to note the importance of Varley, who was resident at Chillingham and painted the same views. His discussion of literary associations misses the Venerable Bede, the Border ballads and Shakespeare and his dismissal of tourist literature omits the classic guide of Tomlinson.
323. The ES deals with Alnwick town, the Castle and its grounds in two lines, in the context of a discussion of Countryside Area 2.³⁵² The ES assessment notes, 'Part of the landscape context however also includes cultural considerations which must deal with.....the more distant presence of designed landscapes such as Chillingham and Alnwick.'³⁵³ For further detail we are referred to the cultural heritage chapter which states that the wooded nature of the Park considerably reduces potential for views of the turbines and indicates that from the listed buildings there will normally be views of a few blade tips at most.³⁵⁴
324. Dr Edis notes Brizlee Tower but does not consider its setting, considers the setting of the Park and says, 'there will be no harm at all on the setting of the historic asset.'³⁵⁵ He contends, 'It would be difficult to make a case for any meaningful historic connection with land north of the B6346.' David Stewart deprecates the value to the public of the Park, noting that access is permissive, the tower is only open on request, the turbines would be distant with a limited lateral spread.³⁵⁶ He considers the setting of the park and of the listed buildings would be preserved and fails to note that the public have enjoyed the park since 1847. In oral evidence Dr Edis limited the setting to the modern park wall.
325. Dr Shrimpton is a scholarly historian and Mr Coupe an observant amateur. He and Mr Peacock have an eye for a view. None of them claim expertise on the arcane concept of impact on settings. However, the centre fold of Dr Shrimpton's book and Mr Peacock's photograph from Lot's Wife speak volumes about the setting of the Park and the Tower.
326. The Applicant's viewpoints, chosen to represent this nationally important historic asset, are interesting. They comprise a view from the gun terrace of the Castle (VP7) and a view from above Hulne Park, by the Brizlee Wood radar station (VP15). The wider views commanded by the castle, to which the public are admitted, are ignored. The viewpoint from Brizlee Wood radar station is far less appropriate than the view, readily accessible on foot by all visitors, from Lot's Wife.³⁵⁷ The lack of any visual representation of the vista from the Tower to aid understanding of its setting is remedied by the photographs in Mr

³⁵¹ CD2(a) para 7.3.101

³⁵² CD2(a) para 7.3.24

³⁵³ CD2(a) page 99, 2nd para

³⁵⁴ CD2(a) para 7.6.9

³⁵⁵ NRL4.2 paras 4.43 and 4.44

³⁵⁶ NRL4.3 Appendix 12 para 3.3.6

³⁵⁷ SANE3.2 Appendix C

Shrimpton's book³⁵⁸ and those taken by Mr Peacock.³⁵⁹ They are not taken in accordance with any technical guidance but simply illustrate what can be seen.

327. Mr Sinclair claims only the experience of many years assessing wind farm development. He bases his methodology on the two most recommended guides: GLVIA³⁶⁰ and Swanwick's Landscape Character Assessment Guidance for England and Scotland.³⁶¹ Despite Mr Stevenson's criticism of Swanwick's view of sensitivity, he cites her work when it suits his argument.³⁶² There is no prescriptive methodology laid down by the Institute for landscape and visual impact assessment. However, Mr Sinclair's finer grained methodology allows an understanding of the relative severity of impacts not permitted by fewer categories of sensitivity and magnitude.
328. Mr Sinclair's acknowledgment that users of such routes as the A1 must, by their speed, be less sensitive visual receptors also permits understanding of a corollary. A receptor, high in expectation, bringing literary, artistic and historic associations with him, travelling slowly and with labour to his objective, must rate a higher score. Simply using 'high' for all visual receptors corrupts the calculation of significance by relying only on the variable of magnitude. Thus, for sites such as Holy Island or Dunstanburgh, where the magnitude is reduced by distance, the heightened sensitivity of the viewer has no opportunity to affect the outcome. This is to ignore the guidance of the Institute that, 'a small impact on a sensitive location could be more important than a large impact on a less sensitive location.'³⁶³
329. Mr Stevenson's criticism of Mr Sinclair's evidence does not bear examination.³⁶⁴ The Inspector at Mynydd y Gwyrhydd³⁶⁵ had regard to Mr Sinclair's extensive field survey work. His concept of blade swept area, to which Mr Stevenson objects, has been used repeatedly by Inspectors.³⁶⁶ Mr Stevenson complains that the viewer and not the view is sensitive. Nevertheless, the GLVIA,³⁶⁷ to which he was a contributor, addresses the sensitivity of visual receptors and views. He persistently attacks Mr Sinclair for pointing out that there are currently no developments with as many turbines of this height. He complains that Mr Sinclair's criticisms of the viewpoint visualisations are bizarre, yet they are clearly identified in Visual Assessment of Windfarms: Best Practice.³⁶⁸ He complains of Mr Sinclair's criticism of photomontages, yet the same study notes the problems³⁶⁹ and many inspectors have made similar criticisms.³⁷⁰
330. Although not a planning witness, much of Mr Stevenson's evidence is devoted to promoting the policy elements which address renewable energy and climate

³⁵⁸ SANE4.2

³⁵⁹ CPRE1.3

³⁶⁰ CD74

³⁶¹ CD73

³⁶² CD2(c) Appendix 4 Annex 2 page 45

³⁶³ CD74 para 7.39

³⁶⁴ NRL3.11

³⁶⁵ CD32 j(i) para 20

³⁶⁶ CD32 j(i) para 17; m(i) paras13 and 23; l(i) para31

³⁶⁷ CD74 para 7.31

³⁶⁸ CD75 paras 6.1.14 and 7.4

³⁶⁹ CD75 para 7.5

³⁷⁰ E.g.: CD321(i) para 16.5; j(i) para 18

change. He and Mr Stewart are also concerned to draw attention to Inspectors who have found the impact of wind turbines acceptable. Their reluctance to note those who have found otherwise is understandable in an adversarial situation. Less acceptable is the introduction of the concept of 'valency' into evidence concerned with landscape impact, particularly since it also appears in the ES,³⁷¹ whose purpose should be to give an impartial and independent view of the likely significant impacts, rather than to promote the development.

331. Impact on landscape character comes from change to key characteristics and components. The introduction of the uncharacteristic must, necessarily, be unsupportive of the existing character. That some might like turbines and welcome them anywhere is not a matter which can alter landscape character impact. Even in the context of visual amenity it is a concept of little value. An introduced change to a valued view may not be regarded as welcome even by the most devoted admirer of wind turbines.
332. Wales has seen a good deal of wind farm development, as Mr Sinclair's tables show. To quote an Inspector, 'It is likely that most people making use of the physical and recreational resource provided by this open upland area do so in order to enjoy the unconfined and relatively natural qualities of the landscape, and the far reaching and uncluttered views it provides. In my judgement the proposed development would seriously detract from these qualities.'³⁷²
333. Mr Stevenson's comment³⁷³ which ascribes nimbyism, jealousy and resentment to those who object to having their environment altered should be ignored. One needs no such motive to object to the harm caused to views from Ros Castle, Dunstanburgh or Holy Island, the spiritual cores of Northumberland and Christian England. Furthermore, Ms Campbell, a professional landscape assessor, would not be so motivated, yet she too, finds the proposal totally unacceptable at this scale, in this location.
334. Mr Stevenson even appeared to imply that Mr Thorpe's balloon, stationed above the hill next to Cheviot, was flying at an exaggerated height. It comprised a wire of 125m, and a location 10m lower than the nearest turbine. The photograph, bearing in mind the relative bulk of the balloon and the turbines, simply shows the point from which the turbines would stretch north across the landscape.
335. Even Mr Stevenson acknowledges that there would be significant change within 5km of the site. The assessments of Ms Campbell, Mr Sinclair and Mr Coupe, who consider the impact on visual amenity would be more extensive, are to be preferred. Other Inspectors, dealing with smaller turbines, have found the impact significant at much greater distances. For instance, regarding two 70m turbines with a swept blade diameter of 52m, the scheme was described as, '...a restless intrusion into quiet and reposeful upland, to its detriment.... becoming part of the mind's eye of residents even when only intermittently visible.... by introducing movement and bulk (due to swept area) at distances of 8km having a significant impact on views.'³⁷⁴

³⁷¹ CD2(a) paras 7.6.21-7.6.32

³⁷² CD32 I(i) para 34

³⁷³ NRL3.3 footnote Appendix 3

³⁷⁴ CD32 paras 14, 16 and 22

336. Dr Shrimpton restricted his evidence to areas he had researched deeply over many years. Dr Edis's evidence, on the other hand, contained some strange contradictions. He denigrated the importance of two defended iron age settlements³⁷⁵ as 'relatively common' despite the listing noting their rarity. When considering the setting of these forts and of Ros Castle he concentrated on uncertainty about the extent of their historical land dominance, but did not note that hilltop monuments and fortifications are regarded by English Heritage as particularly susceptible to visual dominance by wind turbines.³⁷⁶
337. Dr Edis considered setting as capable of being defined by reference only to the monument and not by reference to the development, thus failing to consider whether the impact of such a massive development could travel as far as the setting. He gave little weight to what remains of the medieval landscape at North Charlton, but emphasised the extent of that lost. He noted that the overwhelming proportion of the landscape enclosure and plantations are of modern creation, ignoring the early enclosure by agreement rather than award in Northumberland and the massive woodland nursery and planting endeavours of the First Duke. He took the view that, even if the wood behind it were felled, there would be no impact on the setting of Heiferlaw Tower, a building designed to permit views over the old park during the hunt. Mr Thorpe's photograph from the rear of the wood points to a different interpretation.³⁷⁷

Other evidence

338. Mr Urquhart's evidence,³⁷⁸ and that of Mr Griggs,³⁷⁹ is supportive only of the technology, which is not a matter in dispute. It is no help in deciding whether the size and location of the proposal would be appropriate.

The MOD

339. Mr Arnold's evidence shows that the presence of air defence radar has long been acknowledged by regional and local policy to be a constraint on development of the broad 'W' area.³⁸⁰ It is a matter which should have been resolved prior to consideration of the application.³⁸¹ If there is an objection the onus is on the applicant to prove that the proposal would have no adverse effect.³⁸²
340. No technical evidence has been supplied by the Applicant to counter that of Squadron Leader Breedon. He told the Inquiry that the laws of physics prevented a solution to the dead zone and that gap filling from elsewhere was not an option since, even if possible, neither the sites nor the money were available.
341. SANE is concerned, if the proposal is regarded as acceptable on all grounds save air defence and is granted permission subject to a Grampian condition,

³⁷⁵ NRL4.2 para 3.15

³⁷⁶ CD83 page 8

³⁷⁷ RT1.3

³⁷⁸ JU1.3-1.6

³⁷⁹ GR1.1

³⁸⁰ SANE1.2

³⁸¹ CD20 PPS22, para 25

³⁸² CD20 PPS22 Companion Guide para 97

that the area would face an uncertain future. This would be a most unsettling prospect for those in the two Charltons, whose residential amenity would be most affected should the development go ahead. They would effectively be blighted until the permission expires.

342. There is no absolute rule that the existence of difficulties, even if apparently insuperable, must necessarily lead to refusal of planning permission for a development.³⁸³ However, one has to consider the actual implications of granting permission and whether it would cause demonstrable harm.³⁸⁴
343. In this case, not only would local residents be blighted, but the permission would sterilise other more acceptable sites within the broad area. There are locations within the area where topography would mask turbines of lesser height and, potentially, be acceptable to the MoD. However, in considering cumulative impact the unimplemented Middlemoor proposal would have to be taken into account.
344. Further, the policy position of the Secretary of State, as indicated in his letter of 25 November 2002, is that no such condition should be imposed when there are no prospects at all of the action in question being performed within the time limit of the permission. The Secretary of State notes, 'In other words, when the interested third party has said that they have no intention of carrying out the action or allowing it to be carried out; conditions prohibiting development until the specified action has been taken by the third party should not be imposed.'
345. It appears from Squadron Leader Breedon's evidence that, unless the laws of physics are overturned, this development could not go ahead whilst allowing Brizlee Wood air defence radar to function satisfactorily. Such immutable laws are not overturned. An alternative technical solution will not be forthcoming and the MoD will not go to the expense of acquiring sites, installing radar and testing it, to oblige the developer. To impose a Grampian condition would be contrary to policy.

THE CASE FOR OTHERS OPPOSING THE PROPOSAL

The Case for Dennis Grant³⁸⁵

The material points are:

346. It is not possible to know if the Wind Farm would cause any noticeable interference to the TV signal until construction is complete. Analogue signals would be more likely to be affected than digital, but digital signals may also be affected. Locations where signals are already weak would be more likely to suffer reception problems than those where signals are strong. Remedial measures are available but may involve costs continuing through the lifetime of the Wind Farm and long lead in times, and implementation may be outside the Applicant's control because of planning constraints.
347. The Applicant should be required to undertake a full assessment of potential problem sites and identify practical remedial measures, linked to an agreed

³⁸³ British Railways Board v Secretary of State for the Environment 1993

³⁸⁴ CD170 Merrit v Secretary of State for the Environment Transport and the Regions 1999

³⁸⁵ DG1.1-1.4

timetable. The Applicant should also be required to agree to provide all necessary funding until the turbines are removed.

348. Mr Grant acknowledges that the conditions agreed under Electromagnetic Interference are appropriate to deal with problems of TV reception.

The Case for Anthony Coon³⁸⁶

The material points are:

349. Mr Coon represents the Northumberland and Newcastle Society, founded in 1924 with the objective of protecting and enhancing the environmental and cultural heritage of the City of Newcastle and the County of Northumberland. Wind farm developments of the size proposed at Middlemoor are unprecedented in Northumberland. The Society has, therefore attempted to monitor and assess the likely consequences of the proposal and similar schemes throughout the County. The Society has formed its view through discussion in committee, having regard to a general statement published in City and County in 1999, updated in November 2005.
350. The Society acknowledged in its 1999 Statement the case for renewable energy to reduce carbon dioxide emissions from fossil fuels. Small turbines serving remote communities could be acceptable, as could major structures within an industrial environment. In rural areas, the Society considered that the main factors were the size and number of turbines, and their visual impact, with concern for protecting the long views characteristic of Northumberland, the effect on horizons, on views from protected areas, harm to the enjoyment of visitors and the cumulative impact of several wind farms.
351. The Middlemoor turbines would be by far the largest structures in the vicinity, located on a site visually prominent over a wide area. The Wind Farm would dominate the arc of land extending to the coast as well as extensive territory to the north, south and west, an area of at least 150sq km. Throughout the area, the turbines would disturb the horizon, the most valuable element in the Northumbrian landscape. Interest in, and aesthetic enjoyment of, the structures would be short lived. The lasting impact would detract from the beauty and feeling of wildness of the landscape.
352. The site of the Wind Farm, though not distinctive, has a pleasing variety of woods, grassland, moorland and cultivation. Its value lies in its wildness, lack of urban or industrial development, and its long views outwards, particularly towards the coast, appreciated by walkers on public footpaths and nearby open access land. It is also appreciated by motorists enjoying a quiet lane between the coast and Ross Castle, with scarcely any reminder of the mechanical world beyond. The overpowering presence of the Wind Farm would impoverish this experience for all.
353. Some 5km to the west is Ros castle, an exceptional and spectacular resource providing memorable views to the Cheviots and the coast. The Wind Farm would destroy the coastal view and therefore the 360 degree panorama from Ros Castle which can hardly be matched in England. The turbines would subtend an angle of 20 degrees to the viewer, which would increase to 40

³⁸⁶ N&N1.1

degrees if the Wandylaw scheme were built. They would be as high as Ros Castle itself and they would project above the sea horizon.

354. Some 9km to the east is the coastal area, designated an AONB in 1958. It has some of the most dramatic coastal scenery in the country, as well as a remarkable richness and variety of cultural sites and natural habitat. Much of the enjoyment derives from the absence of mechanical or industrial intrusions both in the AONB and in its visual hinterland. The Wind Farm would be visible from Holy Island to Dunstanburgh, almost half of the AONB, dominating the landscape. Almost the full height of the turbines would be visible from the coast, and their height would be almost as great as the altitude of the site.
355. Although the site is some 20km from the Cheviots, the Wind Farm would be noticeable to walkers on the High Cheviots. The flashing movement of the turbine blades would be an unwelcome intrusion.
356. Motorists on the A1 would be faced with the dominating presence of a wind farm landscape. Many would be tourists or visitors in search of wild, romantic landscapes and distant views, whose experience would be jarred and interrupted by the presence of the turbines.
357. The landscape of Northumberland remains, to a remarkable extent, an unspoilt prospect of grand landscapes, long views and gradual change over centuries. To destroy this part of Northumberland's landscape is to impoverish the whole.
358. These negative effects would be greatly magnified if other wind farm proposals were to go ahead. The Middlemoor and Wandylaw scheme would together give a continuous frontage of some 5km. With the Bewick scheme the result would be a wind farm landscape, a scene in which the turbines dictate the character and the intervening natural landscape becomes subsidiary. The Middlemoor proposal seems, by itself, unlikely to contribute significantly to green energy needs, but building sufficient capacity to make such a contribution would result in catastrophic destruction of the landscape.

The Case for Councillor John Taylor³⁸⁷

The material points are:

359. Councillor Taylor has sat for the Longhoughton Division of Northumberland County Council and the Hedgeley Ward of Alnwick District Council for a number of years, and held positions including Leader of Alnwick Council and Chair of Planning and Development Control. He is currently a member of Alnwick's Development Control Committee and Northumberland's Planning Committee, and represents Alnwick on the North East Assembly and the Northumberland Strategic Partnership.
360. Councillor Taylor is here to represent the views of the eight parish councils within the Longhoughton Division namely, Craster, Edlingham, Edlingham and South Charlton, Embleton, Hedgeley, Longhoughton, Newton-by-the-Sea, and Rennington and Rock. He has also been asked to represent Denwick Parish Council which is outwith the Division. These parishes have an electorate of almost 4,000 people, the majority of whom strongly oppose the Wind Farm.

³⁸⁷ JT1.1

361. Historically, the district's economy has been based on agriculture, forestry, sea-fishing, and mineral extraction. Substantial changes have affected these industries and now more than 32% of the population earn their living working in the service and tourist industries, mostly small hotels, and local bed and breakfast and self-catering establishments, serving visitors to the Alnwick Garden, the various castles and a large segment of the coastal AONB. Only 3% are now involved in agriculture. More specifically, in 1988 29% of the electorate of the Hedgeley Ward earned their living in agriculture, but at the last election in May 2007, the figure had fallen to 6%.
362. This represents a complete reversal of employment roles in the last 20 years. The Strategic Local Government Authorities have long argued that more must be made of the tourist industry in the local economy. However, if the landscape is spoilt by the Wind Farm, tourists who come for its wild, unspoilt, unique character, will move on to the Lake District or the Scottish Borders.
363. The countryside is excellent for walking and riding, being criss-crossed with footpaths and bridleways. Because of its position on the plateau of land which crosses the Whin Sill Ridge, it is highly visible from most of the coastal strip. The turbines would be seen for more than 50km in most directions and almost 10km of stone track would be required to link them. This would be bound to have an impact on the landscape, as would the laying of underground cables along a whole stretch of the A1, including its most dangerous stretches. Moreover, the effect of vibration, noise, visual dominance, and shadow flicker on driver concentration cannot be ignored, and it would be practically impossible to restore the landscape when the turbines are no longer required.
364. Councillor Taylor has spent most of his working life in North Northumberland and knows the people intimately. He has worked and shepherded in the Cheviot foothills to the west of Middlemoor, with some of the best views towards the Whinstone Ridge. Hulne Park, Alnwick Moor, Beany Banks or the Cloudy Craggs all give outstanding views into the Middlemoor and Wandylaw areas. On any of the beach walks, from Bamburgh to Amble, the turbines, at 125m, higher than the Angel of the North, would be highly visible.
365. The National Park uses, as one of its slogans, 'The Land of Far Horizons', which describes the area very well. Because of its landscape, it has hosted several major film companies, whose films include 'Beckett', 'Robin Hood', 'Macbeth' and 'Black Adder'. The impact of the turbines on the landscape would prevent opportunities such as these ever occurring again.
366. In recent years the size of the smaller villages and hamlets, many based on the estate village concept propagated by the Dukes of Northumberland, has increased. Incomers, attracted to the peace and tranquillity of the area, often run bed and breakfast and self-catering accommodation whose trade would be threatened by the proposal. This has bred a sense of resentment, particularly in Eglington, South Charlton and North Charlton, with great concern over the effect of the Wind Farm on the tourist and ancillary industries, together with the impact of turbines and the possibility of pylons carrying high tension lines to Denwick substation on the landscape, and the inevitable disturbance during the construction phase.
367. There are two major defence establishments in Alnwick District's area, the Otterburn Military Training Area and RAF Boulmer. Some 400 local people

work there and relations are extremely good. Their importance in terms of national defence and their contribution to the local economy are well acknowledged. There is a strong feeling that it would be deplorable if the Wind Farm were to have an adverse impact on the defence facilities.

368. Evidence shows that the efficiency of electricity supply from wind farms is poor and the commercial incentive to set them up is based on the saleability of ROCs. Public frustration and anger increases with the feeling that wind farms are not going to solve the country's renewable energy problems. Furthermore, the blandishments being offered in terms of community benefits are regarded with cynicism. There would be no local jobs created after the construction phase, the financial benefits would be reaped far away, and local people would be left with the residue and the probable clean up process when it is shown that this method of renewable energy is misplaced.
369. There is also real public resentment that large, industrial developments are being forced on the countryside by the Government and its agencies after token public consultation. This is not Nimbyism, it is an honest reaction from ordinary people such as farmers, villagers, householders, and all who take such good care to maintain and preserve the countryside, and share it with visitors.

The Case for C J Bosenquet³⁸⁸

The material points are:

370. Mr Bosenquet's family owns the Rock Estate, whose western boundary would be only about 3km from the nearest turbine. The Estate includes the historic village of Rock, some 5km from the nearest turbine, recently designated a conservation area. Many of the buildings are listed, including the Grade II* Church and Hall.
371. The main objection concerns the visual intrusion on the landscape. The 125m high turbines would be visible from a wide distance. The Wind Farm would, thereby, harm the character of the village, the living conditions of its inhabitants, and would harm tourism which could affect the Rock Farmhouse bed and breakfast business.
372. Whilst there is a need for green energy sources this should not automatically outweigh other important considerations. The scale of the Wind Farm would be so great as to dominate the landscape unacceptably. The landscape of North Northumberland is primarily one of wide views with coast, moors and Cheviots each playing an important part. The Wind Farm would be located on the moors, visible from both the coast and the Cheviots.
373. There are few visual intrusions, besides the Chatton Mast and the Brizlee Radar Station, to mar the landscape at present. However, these are large single objects. The proposed cluster of 18 turbines, with the possibility of yet more at Wandylaw and further north, would permanently deface the landscape, ruining classic views such as that from Ros Castle.
374. Being close to the A1, the Wind Farm would also increase the risk of accidents on an already dangerous road by distracting drivers' attention, particularly

³⁸⁸ RE1.1

through the movement of the blades. The effect on the quality of water supply is of concern, but specialist advice is reassuring on this point.

The Case for Tim Bell³⁸⁹

The material points are:

375. Tim Bell's family has farmed South Charlton Farm, on the southern edge of the site area, amongst the most tranquil parts remaining of rural England, for almost ninety years. Although situated outside the protected landscapes of the AONB and the Northumberland National Park, the sandstone hills retain many of the high value environmental characteristics of the surrounding area.
376. PPS22 advises, at paragraph 14, that the potential impact on designated areas of renewable energy projects close to their boundaries will be a material consideration to be taken into account in determining planning applications. The Environmental Statement (ES) confirms that the area is a highly valued refuge for many different species which would be disturbed. It is an unavoidable consequence of the construction and operation of the development that the tranquillity of the area would be ruptured and a resource lost which we can ill afford.
377. Kiln Pit Hill, a similar wind farm development in the West Durham Coalfields, lies on the edge of the North Pennine AONB. There, a wind turbine resource has been integrated into an amalgam of rolling hills and wooded landscape, with far less aggravated exposure and in much smaller parcels. Likewise, much less overtly exposed landscapes could be found in Northumberland and the turbines placed in smaller groups. In addition, the effect of transporting the generated electricity to the National Grid could harm the landscape through the use of inappropriate structures.
378. The loss of tranquillity, effect on flora and fauna, and intrusion during the construction and operating phases of the project would give rise to significant harm to the quality of life of local residents. Overall, the benefits of the proposal in terms of its contribution towards meeting national objectives and regional targets for renewable energy would be outweighed by harm to the local community.

The Case for Kay Stafford³⁹⁰

The material points are:

379. Miss Stafford operates a British Horse Society (BHS) approved riding school and livery yard at Shipley Lane Farm on the B6346 half way between Alnwick and Eglingham. The bridleways used on a regular basis by the school are close to the proposed turbines, giving rise to safety, and hence insurance, issues.
380. The site of the proposed wind farm is on the ridgeline, the first high ground encountered moving inland, giving riders panoramic views of the coast and its castles to the east, and the Cheviot to the north west. The outstanding natural beauty of the area would be marred by 125m high turbines only 100m from the bridleways and 125m from the minor roads.

³⁸⁹ TB1.1

³⁹⁰ KS1.1

381. The BHS access officer for Northumberland was consulted during the preparation of the Environmental Statement. She advised that BHS recommends a 200m buffer zone alongside bridleways. This advice was not followed.
382. Arising from the increasing height of turbines, new guidance was adopted in March 2007. This recommends a separation of four times the overall height of turbines on national routes used by equestrians unfamiliar with turbines, or three times the overall height for all other routes, which would give 375m in this case, with the 200m recommended in the Companion Guide to PPS22 being seen as the minimum.³⁹¹ The turbines proposed would be amongst the biggest in the UK, would contravene BHS guidance and pose a danger to horses and their riders.

WRITTEN REPRESENTATIONS

383. Written representations supporting or objecting to the proposal, received before the opening of the Inquiry, are contained in the core documents.³⁹² Those objecting have been annotated to indicate the reasons given. In addition, written representations received whilst the Inquiry sat are included as an Inquiry document.³⁹³ Generally, the points made have been covered in the cases of witnesses appearing at the Inquiry. Set out below are abstracts of significant, typical written representations.

The Northumberland Estates³⁹⁴

384. The Northumberland Estates (NE) is the collective name for the group of businesses and interests owned by the Duke of Northumberland. NE has changed from its former agricultural dependency to a commercial property investment and development company. It is a major employer and key driver within the local rural economy.
385. NE owns and operates Alnwick Castle, a major visitor attraction. It lies next to The Alnwick Garden, but the two attractions operate as independent businesses. NE also operates accommodation businesses, including self-catering, caravan sites, and pubs and restaurants. It is well placed to understand the tourism business and its sensitivity to change.
386. NE is acutely aware of its role as guardian of the environment, including the historic Capability Brown landscape. In recent years it has undertaken an extensive programme of landscape restoration, replenishing and extending tree planting, creating new wildlife habitats, and restoring historic buildings. This activity relies on the health of NE as a business and, in turn, that of the local and wider economy.
387. The proposal would seriously harm the landscape, including Hulne Park designed by Capability Brown, and key viewpoints, such as Ros Castle, within it. The Middlemoor area is sensitive to wind farm development and vulnerable to change. It is designated as an Area of High Landscape Value, comprising

³⁹¹ CD20 para 56 page 172

³⁹² CD6(a) – Statutory Consultee Responses; CD6(b) – Non-Statutory Consultee Responses; CDs 7 & 8 – Statements of Case

³⁹³ GEN4.1

³⁹⁴ NE1.1

traditional, unspoilt farmland, which generally lacks industrial features. The visual impact of the development would be widespread, with conspicuous, moving, vertical structures in a predominantly horizontal landscape. It would be seen by those travelling on the main strategic routes, from the Coastal AONB, and from recreational routes in the area. The adjacent Wandylaw development would exacerbate the impact of the proposal.

388. The rural economy of Alnwick District is fragile, and opportunities to strengthen it are limited. It involves population decline, an aging population, difficulty in retaining young people, significant reduction in agricultural employment, disadvantage in terms of communication and infrastructure, and limited public economic assistance. With new development directed to Alnwick and the other main service centres, and the draw of Tyneside, the surrounding rural areas are increasingly vulnerable.
389. Alnwick District's only edge is the quality of its natural and built environment, used to attract investment and economically active people. It targets small to medium enterprises who may have a choice of location available. A reduction in landscape quality would lessen the attractiveness and competitiveness of the area and must be weighed against the direct economic benefits of the proposal.
390. The proposal runs counter to regional policy and the Regional Economic Strategy which aim to protect the landscape for reasons of economy and tourism. The protection of the natural environment is fundamental to the wider interests of the rural economy. Development must be permitted selectively to enable economic change, but the visual impact of the Middlemoor proposal over a wide area of unspoilt rural Northumberland would conflict with the strategic objectives of protecting the landscape as a key asset of the rural economy.
391. There are other renewable energy initiatives which are much more appropriate to the area. These include hydro-electric generation, combined heat and power schemes using biomass as fuel, and domestic scale wind turbines. Schemes such as these provide sustainable alternatives without the damaging impact on the natural environment and rural economy that would arise with this proposal.

The Alnwick Garden – John Lovatt, Chairman of the Board of Alnwick Garden Enterprises Ltd.³⁹⁵

392. The vision of the Alnwick Garden was created in 1996 by the Duchess of Northumberland. With the decline in agriculture, she saw the need for a major project to benefit the local community. The Garden opened in 2001. It proved to be exceptionally popular and visitor numbers far exceed expectations.
393. The Alnwick Garden supports the development and use of renewable energy in the right place. It is involved in several initiatives including hydro-electric and passive cooling projects.
394. The 18 turbines of the Middlemoor Wind Farm would dominate the skyline of North Alnwick. They would be sandwiched between the Coastal AONB and the Northumberland National Park and be highly visible from both. A further 10

³⁹⁵ TAG1.1

turbines on the adjacent Wandylaw site would compound the problem. Over half of the Garden visitors stay overnight, in and around the very locations that may be developed as wind farms. The quality of the environment is vital to the future success of the Garden.

395. Visitors to Northumberland enjoy the landscape and views and appreciate the unspoilt nature of the countryside and the coast. Peace and tranquillity is important to them. There is every reason to believe, from recent surveys, that visitors may be prompted by the Middlemoor development to go elsewhere. This would have a significant impact on the fragile rural economy, discouraging investment in the tourism infrastructure.
396. One of Alnwick's main attributes is its historic landscape. The glorious Hulne Park landscape designed by Capability Brown, on the north side of Alnwick, would sit uncomfortably alongside the Wind Farm. Chillingham Castle and the ancient herd of Chillingham Wild Cattle in Chillingham Park are exceptional tourism assets which would be blighted by the proximity of the Middlemoor turbines.
397. Northumberland has moved far in reducing its dependency on agriculture, through diversification into tourism. This has helped farmers cushion the worst effects of foot and mouth disease. Tourism is vital to the Alnwick area and all steps should be taken to protect and enhance its assets. The Middlemoor Wind Farm is a real threat to the future prosperity of the area.

The National Trust³⁹⁶

398. The National Trust is a major land owner and manager within Northumberland, being responsible for some of the most picturesque sections of dunes and beaches within the Coastal AONB.
399. The Trust is very concerned about climate change and in principle supports renewable energy developments. Wind farms raise a considerable number of issues and the Trust is aware of the potential benefits arising. Each application should be considered on its merits.
400. Although a positive approach should be taken to wind farm developments in line with national and regional policy, material considerations in this case indicate that Middlemoor is not an appropriate location for this scale of development. It does not comply with provisions regarding the importance of nationally protected landscapes and their settings, or policy at regional and local level, which seeks to protect valued landscapes. It is, therefore, contrary to planning policy at all levels.
401. There are serious concerns about the visual impact of the Wind Farm as seen from, and against the Northumberland National park and the Northumberland Coast AONB. Views and landscapes in this part of Northumberland are extremely special because of their open and expansive nature. Northumberland is promoted nationally as the 'land of wide horizons'.
402. The photomontages are not particularly helpful and do not show the impact of the scheme from some of the most sensitive sites in the AONB. Moreover, the ES landscape assessment contains virtually no assessment of landscape impact

³⁹⁶ NT1.1

from any Trust property along the coast and, in particular, from the coastal paths that link Trust properties together. Evidence regarding tourism and the local economy shows how important a high quality landscape is to local tourism and employment.

403. It is the strong feeling of the National Trust that Middlemoor is an inappropriate site for a development of this size and scale. Should it proceed, it would compromise the very special nature of this beautiful part of Northumberland and impact unacceptably on the public's enjoyment of National Trust property, which it seeks to protect in perpetuity.

Conditions

404. Conditions were considered, and a large measure of agreement reached, in two broad categories. These comprise conditions which would be attached to a grant of consent under section 36 of the Electricity Act 1989,³⁹⁷ and conditions attached to a grant of deemed consent under section 90(2) of the Town and Country Planning Act 1990.³⁹⁸

³⁹⁷ GEN2.1

³⁹⁸ GEN2.2

CONCLUSIONS – References to other paragraphs are in brackets []

MAIN CONSIDERATIONS

405. Having regard to the matters identified by the Secretary of State as likely to be relevant to his consideration of the application, I find the main considerations are, the acceptability of the proposal in relation to:
- a) Visual impact, including the effect on landscape character and designated areas (Matter 4).
 - b) Cultural heritage (Matter 8).
 - c) Aviation interests (Matter 11).
 - d) Other matters, including noise, shadow flicker, nature conservation, construction traffic, public rights of way and bridle paths, tourism and local businesses, and the justification for the site (Matters 3, 5, 6, 7, 9 and 10).
 - e) The development plan and national policy (Matters 1 and 2).

VISUAL IMPACT

Effect on Landscape Character

406. The site lies in landscape described in the Axis Report, on which the Alnwick District Landscape Character Assessment SPD will be based [119, 178], as open rolling upland, whose simple composition is fragmented by blocky conifer plantations. From observations on site, this description seems appropriate. The Report also notes extensive pasture and infrequent enclosure often only by wire fences [14-16], and that the simple, large scale, open, nature of the landscape makes it amenable to wind turbine development [92-93].
407. The landscape does not possess the diversity, strong enclosure pattern or intimate scale of the Foothill Farming and Estates (FFE) character type identified in the landscape by Benson. These are characteristics which may be associated with the small settlements, notably North and South Charlton, but are soon lost moving into the wider landscape and do not extend into the areas which would be occupied by turbines under the proposal [93].
408. Inevitably, viewed from within the array of turbines and from a zone, generally acknowledged by the parties [99], of some 800m width around the edge,³⁹⁹ a windfarm landscape would be created. Furthermore, the turbines would exercise a strong presence in the landscape, seen from North and South Charlton.⁴⁰⁰ From such close quarters, the scale of the turbines, at 125m to blade tip, would not be critical. Much the same impression would arise were they to be somewhat smaller or larger.
409. Moreover, considerable efforts have been made to lessen the impact of the array, by reducing their numbers and altering their distribution within the site. Little would be gained by omitting further turbines, such as those to the south [89, 214]. The landscape would be seen in strong association with the turbines, whether or not more were omitted. The contrast between the

³⁹⁹ CD167

⁴⁰⁰ AC1.2 Additional Viewpoints 1 and 2

intimate scale and strong enclosure pattern of the settlements and the larger scale of the turbines in the wider, open, landscape would be evident. However, the particular character of the settlements would tend to be reinforced, rather than diminished, by the contrast.

410. From outside the site, the turbines would be seen between and alongside blocks of conifer. The relative heights of the conifers and the turbines would vary, depending on topography and the effects of perspective. However, the turbines would not form a visual block and the characteristic simple openness of the landscape would flow through. This is evident notably in Environmental Statement (ES) Viewpoint 2 from CATERAN HILL, 3 or 4km to the west, where the array of turbines would be seen superimposed on, but not obscuring, the existing landscape. The same would apply in Viewpoint 3, some 2.5 km to the south west; Viewpoint 4, about 4km to the south from the A1; and Viewpoint 17, about 4km to the east.
411. From further distances, the effect of the proposal would largely fall on views rather than changes in the character of the landscape. Overall, the proposed Middlemoor Wind Farm would not materially harm the character of the landscape.

Effect on Views [102-109, 201-209, 321-337, 387, 395, 401-403]

412. The effect on views would be more widespread. From North and South Charlton, views would be dominated by the turbines as can be seen in the Council's Additional Viewpoints 1 and 2.⁴⁰¹ However, the nearest dwelling would be some 1.5km away from the turbines and there would be no sense of oppression. The turbines are not inherently ugly, as electricity pylons could be described, with their visually awkward lattice structure and their trail of wires across the landscape, but have a slender, sculptural quality. They would not block light or outlook, be excessively noisy or create significant flicker [41, 42, 461-465]. The effect on the living conditions of the settlements' residents through their overbearing presence, or any other reason, would be acceptable.
413. Turning to views from the middle distance, Viewpoint 2 from CATERAN HILL would be one of those most significantly affected. The outlook is across a gently undulating landscape eastwards towards the coastal plain. All 18 turbines would be seen as discrete vertical elements of some size, in conflict with the predominantly horizontal landscape and breaking the flat skyline. Furthermore, the view would not be an isolated one from the hilltop, but would be present, though changing in the internal relationship of turbines, along a considerable length of public footpath.
414. Viewpoint 3, south of West Ditchburn, looking northwards, where the minor road crosses a public footpath, would also be affected, but less significantly. Although turbines would project above the horizon, the intervening landscape would obscure some turbines entirely and parts of others. Moreover, foreground landscape elements such as tree copses would diminish the scale of the turbines, mitigating harm to a considerable extent.
415. Viewpoint 4, from the A1 looking north westwards, would be significantly affected, with turbines projecting above the horizon. Likewise, Viewpoint 8,

⁴⁰¹ AC1.4

from the A1 looking south, showing an array of turbines straight ahead, would be significantly affected. However, in both cases, the view would change quickly as one moves along the A1, with the undulating land form and intervening foreground elements softening and partially masking turbines. The transient nature of the view to most observers, and its mitigation in the ways described, would make it acceptable.

416. Viewpoint 17, east of the A1, looking westwards across open rolling farmland, would reveal all of the blade tips and most of the hubs above the horizon. However, intervening forestry and small tree groups would obscure a great deal and reduce the scale of the turbines. The effect, if significant, would not be materially harmful.
417. The views further away which would be significantly affected include Viewpoint 1, from Ros Castle Iron Age fort. The prospect from Ros Castle is very similar to that from Cateran Hill (VP2) with eastward views across undulating countryside towards the sea. Although further away, the viewpoint is at a greater height than Cateran Hill. Again, all 18 turbines would be seen, breaking the skyline, as vertical elements in conflict with the predominantly horizontal landscape.
418. Viewpoint 15, Above Hulne Park, offers a similar open outlook northwards with all 18 turbines projecting above the skyline in conflict with the general horizontality of the landscape. Both from Ros Castle and Above Hulne Park, the assembly of turbines would be seen as smaller scale than at Cateran Hill, and contained as a group. However, the eye is naturally drawn to the horizon and the Wind Farm would present a screen between it and the observer.
419. Viewpoint 5 (the Coastal Strip East of the Site) offers a similar prospect to Viewpoint 17, westwards over open rolling farmland towards the Cheviots, but from a little further away. The 18 turbines would be revealed above the horizon, in a predominantly horizontal landscape, their vertical emphasis reduced through the concealment by forestry of much of the lower parts of their masts. However, unlike VP17, there would be little masking from intervening foreground elements. Nevertheless, the perceived scale of the turbines at this distance means that material harm would be slight.
420. Of the distant views, Viewpoint 11 from The Cheviot provides a similar prospect eastwards to the sea as does Ros Castle (VP1) and Cateran Hill (VP2). However, the distance to the site is much greater and the group of turbines would appear as a small horizontal assembly set below the horizon within the sweeping horizontal landscape. The development would not present a harmful impact from The Cheviot, but would be a point of interest to be sought out, along with others, in the panorama.
421. From Bamburgh Castle (VP16) and Holy Island (VP9), although all 18 turbines would be visible on the horizon in certain light conditions, they would be so far away and appear so small within the landscape as to offer little harm to the views. St Cuthbert's Way long distance path, which goes via Wooler to Holy Island, would be a similar distance from the Wind Farm and it would be seen in a similar way. The effect of the development on the settings of Bamburgh Castle and Holy Island, as well as on that of Dunstanburgh Castle, is considered below under Cultural Heritage. The effect on the remaining viewpoints would not be materially harmful.

Cumulative Effects

422. The ES concludes that the development would not give rise to significant cumulative landscape and visual effects in conjunction with constructed or consented wind farm schemes.⁴⁰² The analysis on which the conclusion is based appears sound, but does not take into account the proposal for the adjacent site at Wandylaw, recently refused planning permission by Berwick upon Tweed Borough Council.
423. The Wandylaw scheme comprises 10 turbines of the same size as those proposed at Middlemoor. Were it assumed the Wandylaw development had already been built, the cumulative effect on landscape character would be similar to that arising from the Middlemoor proposal on its own [90-91]. A windfarm landscape would be created viewed from within the assembly of turbines and the zone of some 800m around. From outside, the turbines would not form a visual block and the characteristic simple openness of the landscape would flow through [410].
424. Turning to effect on views, those harmed most severely by the Middlemoor Wind Farm on its own would be exacerbated were the Wandylaw scheme already in place. These are, Cateran Hill (VP2), Ros Castle (VP1), and Above Hulne Park (VP15). In all these cases, the harmful effect of the turbines seen as discrete vertical elements of some scale, breaking the flat skyline and in conflict with the predominantly horizontal landscape would be extended across a wider zone. This analysis of the harmful effect of the continuity of the two schemes accords with the recommendation in the Arup Report that the assembly of turbines should be broken up into clearly separated blocks [200].

Conclusions

425. The local landscape is almost entirely artificial and is not the inevitable result of nature's processes. What exists today will alter over time as a result of developments in land management and climate change. Moreover, it is possible for a wind farm development to add, rather than detract, from a view by providing a focus in the landscape, or a foil through which the underlying qualities of a landscape are thrown into relief.
426. Besides the creation of a windfarm landscape locally to the site, which is almost unavoidable and must be balanced against the benefits of the proposal, I do not think that the Wind Farm would have a harmful effect on landscape character. Neither the landscape character of, nor the views from, the Northumberland National Park would be materially harmed by the proposal, being too far away. Likewise, the Northumberland Coast Area of Outstanding Natural Beauty (AONB) would not be materially affected [12]. The main character focus of the AONB is the coast itself and, although the development would be seen in distant views from the AONB, the effect would not be materially harmful.
427. Turning to views, as with landscape character, local effects are inevitable which must be balanced against benefits. The main areas of concern relate to views westwards and northwards from elevated positions. Here, the skyline would be broken and the scale and vertical emphasis of the turbines would conflict with the predominantly horizontal character of the landscape. The

⁴⁰² CD2(a) Section 7.8

effect of the turbines rotating would draw attention, increasing visual impact in the views of most concern, but would not materially disrupt other views. The swept area would not be seen as a solid visual mass.

b) CULTURAL HERITAGE [77-86, 210-213, 315-337, 396]

428. No cultural heritage features would be affected physically by the proposal, but their settings might well be affected. A comprehensive schedule of designated cultural heritage features in the vicinity of the site is given in the ES.⁴⁰³ This includes many which would be affected by the proposal to only a very minor degree, or not at all, however extensive their settings might be thought.
429. Many photographs were put to the Inquiry to demonstrate effects on setting. Some can be misleading, including oblique aerial views, where distant aspects of the view are emphasised at the expense of the foreground. Having studied the photographs, I have relied on my judgment in the field based, amongst other factors, on the ambience of the feature and its setting, cumulative impressions gained as one moves through the setting, and the effect of the movement of one's eyes across a scene, building a visual impression.
430. I have also taken into account the profound cultural associations of the area which bring special historical interest to cultural features and artistic interpretation of the significance of their settings [321-323]. JMW Turner, Thomas Girton, and John Varley drew and painted in Northumberland and amongst their work are views of Holy Island and of Bamburgh, Dunstanburgh and Alnwick Castles.
431. Similarly, in literature, the work of the Venerable Bede, Thomas Percy's collection of the border ballads, and WW Tomlinson's Comprehensive Guide to Northumberland stand out. Considered below are the main features which could be materially affected. No evidence has been found to suggest that ancient roads would be affected [86].

Coastal Historic Features

432. The coastal historic features are the buildings associated with Holy Island, Bamburgh Castle and Dunstanburgh Castle. They are enormously important features of national significance on the Heritage Coast, whose settings depend on the qualities of the inland landscape and are inevitably extensive. These qualities include openness, sparseness of built development, horizontal layering of landscape, and the strong presence of sky and horizon. Through these qualities, the coastal features exert dominance over the inland landscape and coastal strip, and visual command over a large area, without significant distraction from competing features.
433. It would be possible to see the Wind Farm within the wider settings of all of the coastal monuments, although from distances of some 10 to 15km away. From these distances, the turbines would generally be seen as horizontal groupings, in silhouette like a copse of trees, rather than as significant individual vertical elements, conflicting with the predominant grain of the landscape. Moreover, from these distances, the rotation of the turbines would be unlikely to attract undue attention.

⁴⁰³ CD2(c) Table A15.1; c.f.: CD2(b) Section 12

434. Overall, I find the wind farm would not conflict materially with the qualities of the landscape which contribute to the settings of the coastal historic features. This would be so both in general and in particular instances such as when glimpsed in a critical view at the entrance to Dunstanburgh Castle. Rather than a discordant focus of attention, the wind farm would appear as a distant area of interest, amongst others, in the landscape.

Alnwick Castle Parks, including Hulne Park

435. The Alnwick Castle Parks contain several listed buildings and scheduled ancient monuments. The immediate setting of Alnwick Castle, broadly the North Demesne, would receive only glimpses of turbines and would not be harmed. Hulne Park forms the major part of the registered area and is open to the public. It lies to the north west of Alnwick and contains Hulne Priory and Brizlee Tower amongst other historic built features. The turbines would be clearly seen from high ground to the south and west, including the standing Stone Lot's Wife, and Brizlee Tower, and glimpsed elsewhere.
436. The Park currently extends northwards to the B6346, Alnwick to Wooler road. Arguments were presented at the Inquiry for a much wider setting, covering the area to the north, previously included as parklands, and that beyond affected by improvement, including tree planting and landlord control of land use and development.
437. This layer of influence in the landscape is undoubtedly present, and did much to alter its nature, particularly in the 18th century. The setting of Hulne Park arising from this influence might well be harmed. However, it would remain coherent, were the Wind Farm built, and would still be there after its removal. Any effect on the setting of the Park through the Wind Farm interposing in views towards the horizon, particularly from Brizlee Tower, the designed point of circumspection, must be balanced against the benefits of the development, just as it must when considering visual impact.

Ros Castle

438. A similar argument concerning the extension of setting into the wider landscape can be made with Ros Castle scheduled monument and other prehistoric forts, where strategic positioning implies maximum surveillance of the landscape. However, unlike Hulne Park, the larger landscape was not designed in conjunction with Ros Castle to take a particular form and the land over which an administrative influence was exerted would have fallen short of the Wind Farm site. The argument about harm to setting, therefore, carries less weight. Nevertheless, the potential for imagining the functional relationship with the surrounding landscape would be diminished, and hence the setting harmed to an extent.

Chillingham Park and Castle

439. The functional area of the Park is well away from the site and because the high land of Ros Castle intervenes, there would be little visual connection with the Wind Farm. In these circumstances, the designed setting of the Park and Castle would be preserved [323].

Heiferlaw Tower

440. Although, as a medieval look out tower, Heiferlaw Tower's setting could well have extended into the surrounding countryside, only the lower part remains

and is not associated with any functional area or formal landscaping. Moreover, any visual connection between the Tower and the Wind Farm would be blocked by a dense plantation. The setting would be preserved.

Charlton Hall

441. The Grade II* listed Charlton Hall with its listed outbuildings is relatively close to the site of the Wind Farm. However, it is not associated with designed landscaping and is largely masked by trees. The setting would be preserved.

Eglingham Conservation Area

442. Eglingham lies in a valley, some 4 or 5km from the site. The Conservation Area extends well beyond the settlement, and Eglingham Hall sits in a designed landscape. However there would be little visual connection between the Wind Farm and the settings of either Eglingham's listed buildings or its Conservation Area, because of the surrounding topography. The setting would be preserved.

Historic Landscape Local to the Site

443. The iron age defensive earthwork, Camp Plantation, a scheduled monument, lies just outside the site boundary, to the north west of North Charlton, and would be about 1km from the nearest turbine. The long distance views commanded by the earthwork no longer exist because of tree planting and other changes in the nature of the landscape. An intellectual appreciation of the functional setting can be made and would be equally possible were the Wind Farm built.
444. The remains of the North Charlton Medieval Village, also a scheduled monument, comprise earthworks representing the site of buildings and a ridge and furrow field system. The modern settlement significantly affects the monument and its setting. Moreover, part of the field system to the east is cut off by the A1, which is dual carriageway at this point. The nearest turbine would be well over a kilometre away. The nature of the surrounding landscape has changed but can be reconstructed imaginatively, and this would not be prejudiced to any significant extent by the Wind Farm.

Listed Buildings Local to the Site

445. Listed buildings local to the site include East Ditchburn Farmhouse, Brockley Hall Farmhouse and Wandylaw Farmhouse, all Grade II listed. The immediate settings of the buildings, despite the wider context of surrounding farmland, are relatively self contained and do not appear to be linked historically with the site.
446. The turbines would be visible from the curtilages of the buildings, some 1.5 to 2.5km away. Their character would be very different from that of the 18th century buildings and their settings. However, in this working environment, as with the accoutrements of modern farming practice, the contrast would be such that, for the most part, the turbines and the settings of the listed buildings would each be seen in its own terms. Little conflict would take place, and the settings would be largely preserved.

Conclusions

447. The most significant effects on the settings of cultural heritage features would occur with respect to Hulne Park and, to a lesser extent, Ros Castle. In the

case of Hulne Park, the focus of the designed landscape would be disrupted, and for Ros Castle the potential for imagining the strategic relationship with its surroundings would be diminished.

448. These aspects largely reflect earlier conclusions on visual impact. Furthermore, as was found when considering the cumulative effect on views, the effect of the proposal on the most vulnerable settings would be exacerbated were the Wandylaw scheme already in place. The benefits of the proposed Wind Farm must be balanced against the harm identified.

c) AVIATION INTERESTS [57-76, 217-220, 222-237, 339-345]

449. Evidence indicates that the Middlemoor Wind Farm would cause problems of clutter, obscuration and shadow to the Brizlee Wood Air Defence Radar (ADR) [223]. In addition, because of the proximity of the Wind Farm to the ADR facility, besides the shadowing, or weakened response in the area behind the Wind Farm, a 'dead' zone of nil response is predicted by the Ministry of Defence (MoD).
450. Whilst the parties recognise the MoD objection as serious, the introduction of the idea of a dead zone came only with Squadron Leader Breedon's second proof. This is dated 8 November 2007, only a day or two before the opening of the Inquiry. There appears to be no good reason why the evidence should have been submitted so late, since it appears to be based on trials carried out some time ago. Moreover, the critical distance between the ADR facility and the Wind Farm, below which a dead zone would be expected, is far from clear [70].
451. The Applicant considers that advances in technology and methods of operation might well resolve the problem, and is encouraged by information made publicly available in 2006 [71, 73]. It argues that a Grampian condition could be legitimately attached to a grant of consent, in accordance with positive discussions which have taken place between BERR and the MoD concerning the Greater Wash offshore wind projects [71, 72]. Although the MoD considers a condition inappropriate in principle, if one were applied it would object to the form of words proposed by the Applicant, which are:
- No wind turbine shall be erected without the prior written confirmation of the Secretary of State that he is satisfied that the possible adverse impacts of the development upon the air defence radar at RAF Brizlee Wood are acceptable.
452. I am not persuaded that a solution to the problem identified by the MoD would be impossible to achieve during the currency of the planning permission. This might be through improved technology, including the development of software, the use of fill-in radar, or the use of other contributions to the radar picture from the reconnaissance system as a whole [58-61].
453. Moreover, there would be few, if any, adverse implications for policy objectives if planning permission were to lapse without the condition being satisfied. Permission, in this case, would be unlikely to decrease the chances of planning permission being granted elsewhere, so pressing are the policy requirements for renewable energy [66]. Furthermore, since the effect of the wind farm on the living conditions of the residents of North and South Charlton would not be significantly harmful, their prospects would not be blighted by the unimplemented permission [341-343, 412].

454. The MoD objects to the imposition of a condition on the grounds that the condition would essentially negate the consent. The MoD argues that it would be wrong to condition a consent such that it may not be implemented unless approved by the person who purports to grant the consent, without providing a defined and objectively referable means of determining whether that approval should be given. However, the means of determining whether the approval should be given would be demonstration of the ability of the ADR system to operate satisfactorily. Moreover, far from deferral of consent to another person and another time, the decision would be taken by the Secretary of State having read the recommendations of his Inspector on aviation and several other significant matters [230].
455. Exercise of the condition would not remove, fundamentally alter, or veto the consent granted, as the MoD contends, any more than any other Grampian condition would [231, 232]. Certainly, satisfaction of the condition would not be within the control of those to whom consent has been granted, but this is in the nature of Grampian conditions [233].
456. The MoD criticises the condition suggested by the Applicant, firstly in that the power of decision would be placed in the hands of an inadequately qualified person. This is to suggest that the Secretary of State should be prevented from seeking expert advice and is clearly not a sustainable argument.
457. Secondly, the MoD maintains that the efficacy of the ADR system is paramount yet the condition requires only that the decision maker takes into account considerations in relation to air defence radar. However the wording of the condition refers to the Secretary of State's satisfaction as to the acceptability of the impact of the development on the air defence radar at Brizlee Wood. It is up to the Secretary of State, having sought appropriate advice, to decide the weight to be placed on the effects of the development on the ADR system.
458. Thirdly, the MoD argues that the condition confines its consideration to the pre-construction stage and provides no mechanism to control adverse effects once the turbines are erected or operating. This presupposes the ability to predict precise effects beforehand; that the effects would be constant regardless of weather and the number of turbines in operation; and that it would not be necessary to further suppress interference from the wind farm in a state of high alert. This argument appears reasonable and I consider that the condition should be modified accordingly [235].
459. Overall, the condition suggested by the Applicant appears workable as a means of allowing implementation of the proposal should the adverse effects on the ADR system be sufficiently overcome. However, the condition should reflect the phrasing of the Greater Wash consents condition, i.e.: 'No development under this consent may take place without....' This is to prevent implementation through development works other than the erection of turbines and hence effective removal of the time limit.
460. This would be undesirable, since a technical solution may not be available to the harmful impact of the Wind Farm on the ADR system within a reasonable time, or at all. In this case, it seems to me that a reasonable time would be five years to allow for the development and testing of a solution, and the installation of necessary hardware, [68] rather than the three years time limit normally allowed for implementation of a planning permission.

d) OTHER MATTERS

Noise [41, 42]

461. Evidence on the noise which would be generated through operation of Middlemoor wind farm appears in the ES⁴⁰⁴ and in the proof of Dr Bullmore for the Applicant.⁴⁰⁵ The accepted noise criteria derived in accordance with ETSU-R-97 have been applied, as recommended in PPS22 and its Companion Guide.⁴⁰⁶ Evidence has also been provided by the Applicant on the cumulative impact of Wandylaw and Middlemoor wind farms.⁴⁰⁷
462. It was shown that all noise criteria applicable to day time and night time periods would be met at all dwellings in the vicinity of the Middlemoor Wind Farm at all wind speeds. Further, should the Wandylaw scheme be built on the adjoining site, the Middlemoor Wind Farm could successfully operate within the noise limits applied to the two locations which would be subject to cumulative effects, Wandylaw and Haughterslaw. No evidence was offered in opposition.
463. The noise impact which would be experienced during construction is classified as negligible or minor, on the basis of the ES analysis, at all properties for the majority of the construction programme. However, moderate impacts might be experienced during short term activity at the closest of the properties.
464. Conditions have been discussed, and the Operational Noise Management Scheme agreed,⁴⁰⁸ to ensure that noise is monitored and controlled to meet the accepted criteria. Construction activity, including associated traffic movements, would be limited to acceptable hours by condition. Also, a method statement would be submitted for approval, if acceptable, detailing methods to reduce construction noise, including excavation of borrow pits, to the lowest practicable level. The noise implications of the proposal appear acceptable.

Shadow Flicker

465. The ES contains a shadow flicker analysis for properties within 1km of the site which shows that the maximum occurrence of shadow flicker would amount to 24 hours per year experienced at the properties at Wandylaw.⁴⁰⁹ This level of occurrence would not generally be considered significant. In practice, shadow flicker tends to occur only at properties within ten times the rotor diameter, or 900m, and the minimum standoff distance between turbines and residential properties has been set at 900m. It was agreed that the problem would be unlikely to arise and conditioning a grant of planning permission to guard against shadow flicker was, therefore, unnecessary.

Nature Conservation [43, 45]

466. Evidence on nature conservation matters is presented in the ES⁴¹⁰ and in the proof of Dr Percival for the Applicant.⁴¹¹ Birds are the key nature conservation

⁴⁰⁴ CD2(a) Section 8 pages123-152

⁴⁰⁵ NRL5.2

⁴⁰⁶ CD92, CD20

⁴⁰⁷ CD105, CD106 and CD107

⁴⁰⁸ GEN2.2

⁴⁰⁹ CD2(a) Section 16

⁴¹⁰ CD2(a) Sections 9 and 10 pages 153-224; and CD3(a)

issue at the Middlemoor site, particularly Greylag Geese. No one appeared at the Inquiry to give evidence on this matter and there is little evidence in writing to contradict the Applicant's position. The RSPB now raises no objection to the proposal and Dr Percival's input into the flow diagram in Figure 1 of ODPM Circular 06/2005, accompanying PPS9 indicates that planning permission may be granted. I am satisfied that the collision risk for birds is very low and the level of disturbance would be insignificant.

467. Standard surveys have been undertaken of other protected species. Dr Percival notes that, whilst there may be some minor negative effects on the site's nature conservation interests, they would not be significant and would be outweighed by the benefits of the Habitat Management Plan (HMP).⁴¹² The focus of the HMP is to create a more permanent wetland feature at Honeymug Bog and management of part of the site to encourage its reversion to heather moorland.
468. In addition, conditions have been discussed, and would be desirable, concerning schemes to protect wildlife during the construction period, and for hedgerow enhancement and reinstatement within the site. Natural England raised no objection to the proposal. No witnesses objecting on nature conservation grounds appeared at the Inquiry and no analyses of substance of relevant nature conservation issues were submitted in writing. In these circumstances the nature conservation implications of the proposal are acceptable.

Construction Traffic [46, 47]

469. Evidence on the traffic and transport impact of the proposal appears in the ES⁴¹³ and in the proof of Mr Bennett for the Applicant.⁴¹⁴ The requirements of the construction phase of the project, involving movements of large HGVs carrying turbine blades, as well as more conventional construction traffic, would be much more demanding than those experienced during operation or decommissioning of the Wind Farm.
470. Almost all construction traffic would arrive via the A1 from the south. Agreement has been reached in principle with the Highways Agency and Northumberland County Council to provide construction access to the site from new junctions on the A1 and C47 through North Charlton. The access would be closed once construction is complete but retained for reuse if it were necessary to replace a turbine blade. Egress would be via the existing junction.
471. Traffic flows are not currently excessive or subject to congestion on this part of the A1. The accident rate is lower than the national average for similar road types and there have been no accidents at the North Charlton Junction within the 5 year study period. The planning permission would be conditioned to ensure that, prior to delivery of turbine components, approval had been given to detailed drawings of the access works, a detailed traffic management plan, and details of the delivery route. The impact of construction traffic on the local

⁴¹¹ NRL6.2

⁴¹² CD158

⁴¹³ CD2(a) Section 11 pages 225-243

⁴¹⁴ NRL7.2

highway network, including that on users and safety, appears to be acceptable.

472. The possibility of driver distraction, caused by the appearance of the turbines and the movement the blades, has been suggested. However, evidence indicates that where wind farms are located near main roads, driver distraction is not generally a problem. Drivers on this stretch of the A1 are unlikely to be over stressed, through excessive attention demands, nor is their attention likely to wander, through lack of visual stimulation. Moreover, the turbines would be glimpsed intermittently from some distance away and would not come as a surprise.
473. There seems to be no reason to suppose, therefore, that driver distraction would be a serious consideration in this case. Furthermore, the Highways Agency has raised no issues of highway safety associated with the wind farm.

Public Rights of Way and Bridle Paths [48-50]

474. Public rights of way and bridle paths are addressed in the ES⁴¹⁵ and Mr Stevenson's proof.⁴¹⁶ The sections most exposed to views of the wind farm would run in an arc from Rayheugh, north west of the site, westwards to Ros Castle, and south east to Cateran Hill. The most significant effects have been described in the visual assessments of viewpoints from Ros Castle and Caterham Hill [413, 417]. The paths would also run from Rayheugh southwards, alongside the site, to South Charlton. Inevitably, the visual effect would be dramatic as one passes close to turbines.
475. Kay Stafford, Manager of the Shipley lane Equestrian Centre, gave evidence concerning the effect on horse riding [379-382]. Besides harm to panoramic views, safety issues might arise through turbines frightening horses. The minimum separation shown between turbines and bridle paths is some 175m. A condition has been suggested and discussed controlling the agreed position of turbines.
476. Users of the bridle paths would gradually approach the turbines from a distance, minimising the risk of disturbance to horses, and giving the opportunity to retreat should horses become unsettled. Under these circumstances, even though the BHS advice, which is not statutory, would be likely to be breached in relation to two turbines, I am satisfied that unacceptable harm would not arise in relation to bridle paths.

Tourism and Local Businesses [51-55, 384, 385, 388-390, 395-397]

477. The impact of the proposal on tourism and local businesses is addressed in Mr Stewart's evidence, for the Applicant.⁴¹⁷ Although attention is drawn to this aspect by objectors, little or no evidence based analysis is supplied.
478. There appears to be no evidence from other parts of the country or abroad to suggest that the presence of wind farms in open countryside has harmed the tourist industry. Both Cumbria and Cornwall have experienced a rise in tourist

⁴¹⁵ CD2(a) paras 7.2.2, 7.7.15 - 7.7.19, 7.9.8 and 7.9.14

⁴¹⁶ NRL3.2 paras 14.13-14.17 pages 58-59

⁴¹⁷ NRL2.1 Section 10; NRL2.3 Appendices 4 and 5

numbers since the first wind farms were installed.⁴¹⁸ According to the presentation prepared by the British Wind Energy Association to the All-Party Parliamentary Group on Tourism, 24 May 2006,⁴¹⁹ surveys and reports investigating wind energy and tourism demonstrate that the effect on tourism is negligible at worst, with many respondents taking a positive view of wind farms.

479. The presentation argues that the judgment of acceptability based on landscape protection will provide ample protection for tourism since, in general, landscape is more vulnerable to wind farm development than is tourism. Therefore, if there is deemed to be no damage to landscape at the planning stage, there is unlikely to be damage to tourism.
480. In the case of the Middlemoor proposal, tourist provision, in terms of attractions and accommodation, appears to be concentrated in the coastal strip to the east; Rothbury and Coquetdale well to the south west of Alnwick; and the fringes of the National Park to the west, including Wooler, Ford and Etal. Middlemoor lies between and relatively distant from these areas and this is one of the reasons North/South Charlton was assessed as a Broad Area of Least Constraint (BALC) in the RSS.
481. In these circumstances, the effect of the proposal on tourism appears likely to be acceptable, and there would be no adverse cumulative effects on tourism, beyond consideration of visual impact, if the Wandylaw scheme were already in place. Moreover, links to tourism aside there is no reason to suppose that local businesses would be affected by the wind farm development.

Justification for the Site [38-40]

482. The Energy White Paper 2007 (EWP) advises that applicants will no longer have to demonstrate either the overall need for renewable energy or for their particular proposal to be sited in a particular location.⁴²⁰ This echoes advice in the consultation Planning Policy Statement: Planning and Climate Change, Supplement to PPS1.⁴²¹ However, the ES sets out the site selection procedure in this case and the considerations taken into account.⁴²² A reprise is given in the proof of Mr Ainslie for the Applicant.⁴²³
483. The considerations taken into account were the nature of the wind resource, the proximity of dwellings, landscape constraints, nature conservation constraints, constraints associated with connection to the local electricity system, military and aviation constraints, convenience of access to the site with bulky components, and the availability of land. In the Applicant's analysis, all of these factors appeared favourable with regard to the site chosen, which also has policy support through being situated in a BALC in the emerging RSS.
484. The MoD's serious objections to the proposal later came to light, but they were not articulated until the Inquiry was underway. Moreover, it is not clear

⁴¹⁸ NRL2.3 Appendix 4 para 3.4

⁴¹⁹ NRL2.3 Appendix 5

⁴²⁰ CD49 para 5.3.67

⁴²¹ CD17 para 22

⁴²² CD2(a) Section 5

⁴²³ NRL1.2 paras 4.15-4.35 pages 34-42

whether they could be resolved through choice of an alternative site, given the extent of aviation objections to schemes within the planning system in Northumberland [67] and the developing nature of the consultation advice provided by the MoD.

485. The ES points to seven sites considered by the Applicant following a county-wide assessment.⁴²⁴ Some of these are being pursued in other proposals and others were discounted for the reasons set out, which appear sound. In any event, the strong policy impetus for renewable energy development indicates that, as suggested in the EWP, if a site appears suitable it should not be necessary to compare it to others.

DEVELOPMENT PLAN AND NATIONAL POLICY [18-24, 30-37, 110-123, 158-187, 243-267, 281-306]

486. For the purposes of this section of the report it has been assumed that, by the time a decision comes to be made, the emerging Regional Spatial Strategy (RSS) will form part of the development plan. Should this not be the case, it will be a material consideration of significant weight, since it develops and crystallises existing policy themes. RSS Policies 40, 41 and 42 are key. Likewise the adopted LDF Core Strategy Policies S13 and S21 are critical. The proposal will be examined first in the light of these principal policies and then other relevant policies in the development plan.

RSS Policy 40 (Renewable Energy Development)

487. This Policy sets targets for the Region's consumption of electricity from renewable resources generated within the Region. Clearly the proposal would do much to help meet these demanding targets and, therefore, accords with RSS Policy 40.

RSS Policy 41 (Planning for Renewables)

488. The proposed development accords with the general thrust of the Policy which aims to support and encourage renewable energy proposals. With regard to the specific criteria:

a) Anticipated Effects: Of the proposal's anticipated effects resulting from construction and operation, only noise might be of concern. The evidence presented [461-464] indicates that there are no exceptional noise considerations and that effective monitoring and control could be achieved through conditions, both for Middlemoor on its own and in combination with Wandylaw Wind Farm.

b) Acceptability of Location, Scale and Visual Impact: The proposal's location is acceptable in principle, lying within a BALC [489]. The question of the acceptability of the scale and visual impact of the proposal lies at the heart of the Inquiry.

Objectors argue that the scale of the proposal, in terms of numbers of turbines or generating capacity, exceeds the recommendations of studies from which policy is derived [171, 178, 180, 287]. However, the RSS sets no limit on generating capacity and only a broad indication of turbine numbers [489]. Judgment should be made in terms of the overall visual effect. The main areas

⁴²⁴ CD2(a) para 5.3.2

of concern relate to views westwards and northwards from elevated positions, where the skyline would be broken and the scale and vertical emphasis of the turbines would conflict with the predominantly open, horizontal character of the landscape [413, 417, 418]. There are similar areas of concern with regard to harm to the settings of Hulne Park and Ros Castle [435-438, 447-448].

c) Effect on Designated Sites and their Settings: Neither the Northumberland National Park nor the Northumberland Coast AONB or their settings would be materially affected by the proposal [426]. The settings of Ros Castle prehistoric fort, a scheduled monument, and Hulne Park registered park would be harmed. However, this must be balanced against the benefits of the proposal [435-438, 447-448].

d) Effect on Nature Conservation Features: The Nature conservation implications of the proposal are acceptable [466-468].

e) Green Belt Openness: Not applicable.

f) Accessibility: The site is accessible in an acceptable way both for construction and maintenance traffic [469-473].

g) Agriculture: There would be no adverse effect on agriculture or other land based industries.

h) Grid Connection Lines: A Grampian condition has been discussed which would ensure that all connection lines within the site and outside the site to the link with the National Grid are installed underground. The visual impact of the grid connection lines would, therefore, be acceptable.

i) Cumulative Impact: Whilst the development would not give rise to significant cumulative landscape and visual effects as a result of its conjunction with constructed or consented wind farm schemes, the Wandylaw scheme would exacerbate the views and effects on settings most severely harmed by the Middlemoor proposal on its own [422-424].

j) Proximity to Renewable Fuel Source: The wind resource is available locally.

RSS Policy 42 (Onshore Wind Energy Development)

489. The North/South Charlton Area, within which the site lies, is identified as having potential for medium scale development as a BALC [118, 183, 294]. The explanatory text to the Policy broadly defines medium as up to 20-25 turbines (sic). Middlemoor Wind Farm on its own would satisfy this definition but the number of turbines would rise above the suggested limit, taken as 25, were Wandylaw included.

490. However, the RSS draws attention to PPS22's advice that development plans should not set arbitrary limits on the number of turbines that would be acceptable in particular locations. Ultimately, the number of turbines depends on their acceptability, especially in landscape and visual terms, in particular cases. This is examined in relation to criteria b) and i) of RSS Policy 41 above [488].

Conclusion on the RSS

491. Overall, the proposal accords with RSS policies except in respect of harm to certain views and settings of cultural features. By extension, harm would also

arise through cumulative impact, were the Wandylaw Wind Farm already in place.

CS Policy S13 (Landscape Character)

492. The effect of the proposal on landscape character, as distinct from certain views and settings within the landscape, would not be significantly harmful.

CS Policy S21 (Renewable Energy)

493. The Policy supports all types of renewable energy subject to the following criteria:
- a) Full Accordance with the RSS: RSS policy has been examined above.
 - b) No Adverse Impact, or Satisfactory Mitigation of Impact, on Communities, Residential Amenity, the Local Economy and Land Use: This criterion could be satisfactorily met, subject to mitigation through conditions controlling construction and operation.
 - c) Reflects the Alnwick District Landscape Character Assessment: This SPD document has not been issued, but will be based on the Axis report. As noted, the effect of the proposal on landscape character, as distinct from its effect on certain views and settings, would not be significantly harmful.
 - d) Is within the Landscape's Capacity to Accommodate Change and neither Individually nor Cumulatively, gives rise to a Windfarm Landscape: The landscape's capacity to accommodate change would be adequate, except with respect to certain views and settings. Inevitably, a windfarm landscape would be created viewed from within the assembly of turbines and the surrounding local zone, both through the Middlemoor Wind Farm on its own and cumulatively with the Wandylaw Wind Farm. However, beyond this zone, the characteristic simple openness of the landscape would prevail. This criterion would generally be satisfied.

The Policy advises that developers of medium scale wind energy schemes will be encouraged to seek opportunities in BALCs. It also notes that the wider environmental, economic and social benefits of all renewable energy projects will be given significant weight. This aspect will be taken into account in drawing conclusions on the development plan.

RPG Policies [19]

494. The RPG will be superseded by the RSS when adopted. The proposal accords with RPG Policy EN1, which supports Government targets for carbon dioxide reduction and greater use of renewable resources. RPG Policy EN2 says that development plans and other strategies should identify general locations where positive consideration will be given to major wind energy developments. This is overtaken by RSS Policy 42, which identifies the North/South Charlton area as a BALC. Likewise, RSS Policy 41 overtakes RPG Policy EN3 in its concern for the impact on sensitive habitats, landscape and operational effects.

Structure Plan Policies [20]

495. Of the saved policies, which will be superseded when the RSS is adopted, SP Policy L2 seeks to protect the Northumberland Coast AONB. This is overtaken by criterion c) of RSS Policy 41. SP Policy M2 balances the benefits of Major Developments against the impact on landscape character, visual amenity and

areas of heritage and nature conservation interest, all aspects which are covered in the RSS and CS.

496. SP Policy M4 aims to support and encourage major developments for the generation of electricity from all renewable resources, subject to satisfaction of criteria covered in the RSS and CS. SP Policy M5 seeks to assist positively in contributing to targets designed to reduce emissions of greenhouse gases and to increase renewable energy generation. North/South Charlton is identified as a 'W' area, a designation carried through as a BALC in the RSS and CS.

Local Plan Policies [21]

497. Of the saved policies, LP Policy CD35 supports renewable energy proposals subject to criteria covered in the RSS and CS. The part of LP Policy RE17 relevant to this case seeks to protect Registered Parks and Gardens. This is carried through into RSS Policy 41, criterion c).

National Guidance

498. The proposal accords with the aims of national guidance, in particular the Energy White Paper, *Our Energy Future*, published in February 2003; the Energy Review Report, *The Energy Challenge*, July 2006; and the Energy White Paper, *Meeting the Energy Challenge*, May 2007. Evidence was put forward questioning the efficacy of wind power technology [259 et seq.]. However it is not the role of the Inquiry to rewrite Government policy, and there was nothing to suggest that any characteristic of the proposal allows it to fall outside the parameters of this policy.
499. The proposal would make a useful contribution towards the goals and targets set out in the Government Papers. It is difficult to see how these goals and targets could be approached without the maximum use of on-shore wind farm developments such as this, alongside all other energy efficiency and renewable energy options.
500. The proposal generally accords with the aims of PPS22: Renewable Energy and its Companion Guide. It also accords with those of PPS1: Delivering Sustainable Development and its supplement Planning and Climate Change, with PPS7: Sustainable Development in Rural Areas, and with PPS9: Biodiversity and Geological Conservation. Elements of the proposal which may be seen to be in conflict with aspects of policy guidance concern visual impact, referred to in paragraph 47 of Companion Guide to PPS22, and the settings of cultural features, on which advice is given in PPG15: Planning and the Historic Environment.

Conclusions

501. The proposal conflicts with aspects of the development plan and emerging RSS, with regard to certain views and particular settings of cultural features. However, renewable energy policy, in the development plan and emerging RSS, pulls very strongly in favour of the proposal. The proposal conflicts with the same aspects of national guidance, but accords very strongly with the overall aims of national guidance. Overall, I find that the proposal accords with both the development plan and national guidance.

OVERALL CONCLUSIONS

502. Although a windfarm landscape would be created at close quarters, the proposed Middlemoor Wind Farm would not materially harm the simple, large

scale, open, nature of the landscape. However, in addition to views very local to the site, views from the middle distance, westwards and northwards, particularly from CATERAN HILL, Ros Castle and Above Hulne Park, would be harmed. Here the skyline would be broken, attention diverted from the horizon, and the scale and vertical emphasis of the turbines, seen primarily as individual elements rather than a cohesive group, would conflict with the predominantly open, horizontal character of the landscape.

503. Echoing the visual impact of the Wind Farm, harm would also occur to the settings of particular cultural features. These would be Ros Castle, where the potential for imagining the strategic relationship with its surroundings would be diminished, and Hulne Park, where the focus of the designed landscape would be disrupted.
504. The renewable energy policy background to the proposal is so strong, and the potential benefits so great, that the harm identified to visual aspects and settings should not prevent the proposal from proceeding. The cumulative effect of the Middlemoor Wind Farm, were the Wandylaw scheme already in place, would be to increase the harm arising in both these spheres compared to that arising from the Middlemoor development on its own. Nevertheless, I consider it still insufficient to halt the proposal, although serious consideration should be given to regrouping the two schemes' array of turbines into clearly separated blocks, to lessen the impact.
505. The MoD brought a fundamental objection to the Inquiry, bearing on matters of national security. The objection is different in nature and magnitude to its earlier objections. However, it must be seen against the pressing need for on shore wind energy. I see no real difficulty in imposing a condition preventing implementation of a consent until the objection is resolved. It is at least possible that a technical solution could be found during the currency of the consent. Moreover, there would be few, if any, adverse implications for policy objectives if the consent were to lapse without the condition being satisfied.
506. No material harm is likely to arise, incapable of effective control through conditions, from other matters, including noise, nature conservation issues, construction traffic, rights of way and bridle paths, tourism and local industries. I have considered the effect of the proposal on tranquillity. However, noise would not be a concern, and any remaining aspects are captured under the analysis of landscape and visual considerations. Furthermore, no difficulty exists in terms of justification for choice of the site.
507. The aims of the development plan and national policy guidance pull in opposite directions, reflecting the very pressing need for sources of renewable energy on the one hand and harm to visual and cultural aspects resulting from the proposal on the other. On balance, I find that the proposal would accord with the development plan and national policy guidance.
508. Overall, I consider that the proposal is acceptable and recommend approval, subject to conditions mitigating harm which might arise.

CONDITIONS

509. If the Secretary of State decides to allow the proposal, I suggest that conditions are attached as Annex A for consent under section 36 of the Electricity Act 1989 and Annex B for deemed planning permission under

section 90(2) of the Town and Country Planning Act 1990. These are based on the conditions discussed and agreed in part during the Inquiry [404], considered and reworded having regard to advice in DoE Circular 11/95 and the report for the Renewables Advisory Board and BERR, Onshore Wind Energy Planning Conditions Guidance Note, published October 2007.

Section 36 Consent

510. The first condition sets out the details of the proposal, for the avoidance of doubt. The second condition prohibits any development under the consent without the prior written permission of the Secretary of State, to guard against unacceptably adverse effects on the air defence radar system. It also allows the Secretary of State to agree operating conditions in the interests of national security [235, 458]. The third condition limits the commencement of development to five years from the date of the consent, to allow sufficient time for the possible development and testing of a solution to the problem of interference with air defence radar, and the installation of necessary hardware.

Deemed Planning Permission

511. Condition 1 gives a five year commencement limit for the reasons noted above. Condition 2 limits the period of permission to 25 years to allow a reasonable period of operation before removal from the landscape. Condition 3 prohibits any development without the prior written permission of the Secretary of State for the reasons already given. Condition 4 aims to secure acceptable construction methods.
512. Condition 5 limits construction hours in the interests of public amenity. Condition 6 seeks to control disruptive operations. Conditions 7 to 10 are necessary for reasons of visual acceptability. Condition 11 is necessary to protect public rights of way and their users, and Condition 12 to protect wildlife and fauna. Condition 13 requires a habitat management scheme to protect and enhance countryside interests. Condition 14 requires all electrical cables to be buried for reasons of visual acceptability. Condition 15 requires approval of the location of tracks and turbines to protect bridle paths and the living conditions of local residents.
513. Condition 16, Highways, is necessary for reasons of road safety and to protect living conditions. Conditions 17 and 18 are necessary to return the countryside to an acceptable state after decommissioning. Conditions 19 to 21 are necessary to deal with control of noise. Condition 22 protects archaeological remains. Conditions 23 and 24 protect television reception.

RECOMMENDATION

514. The application be allowed subject to conditions as set out in Annex A and Annex B to this report.

Alan Novitzky

Inspector

APPEARANCES

FOR THE APPLICANT

Mr Marcus Trinick	Partner, Bond Pearce LLP, Solicitors, 3 Temple Quay, Temple Back East, Bristol BS1 6DZ
He called:	
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FOR ALNWICK DISTRICT COUNCIL

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He called:	
Krystyna Campbell BA Dip LA MLI – Landscape Witness	Landscape Architect, Abbotsford Cottage, Main Street, Athelstaneford, North Berwick, East Lothian EH39 5BE
Bob Taylor Dip TP MRTPI – Policy	Taylor & Hardy Chartered Town Planners, 9 Finkle Street, Carlisle, Cumbria CA3 8UU

FOR the MoD

Mr Philip Coppel	Of Counsel, instructed by the Treasury Solicitor
He called:	
Wing Commander Rayna Owens – Security Witness	C/O The Treasury Solicitor's Department, One Kemble Street, London WC2B 4TS
Squadron Leader Chris Breedon – Operations	C/O The Treasury Solicitor's Department

FOR SANE

Ms Tina Douglass	Of Counsel, instructed by S T C Arnold of DPP
She called:	
John Constable PhD	Director of Policy and Research, Renewable Energy Foundation, 14 Buckingham Street, London WC2N 6DF
S T C Arnold MA(Cantab) MA(TP) MRTPI MRICS	Managing Partner Development Planning Partnership, 21 The Crescent, Bedford MK40 2RT
Dominic Coupe	CPRE Northumberland, Roddam Home Farm, nr. Alnwick, Northumberland NE66 4XY
Colin Shrimpton BA PhD	C/O DPP, 21 The Crescent, Bedford MK40 2RT
Geoffrey Sinclair	Environment Information Services, Glebe House, Martletwy, Narbeth, Pembrokeshire SA67 8AS
Robert Thorp ARICS CAAV	Charlton Hall, Chathill, Northumberland NE67 5DZ

INTERESTED PERSONS

FOR:

John Urquhart	Nortopia, Low Gosforth Home Farm West, Bridle Path, Gosforth, Northumberland
Heather Cairns	The Vicarage, Ellingham, Northumberland NE67 5EX
D Griggs	Suilven, Ellingham Chathill, Northumberland NE67 5HA

AGAINST:

Dennis Grant	The Crest, Alnwick Road, Lesbury, Alnwick, Northumberland NE66 3PJ
Anthony Coon	Northumberland and Newcastle Society, Salix House, Great Whittington, Northumberland NE19 2HP
Councillor John Taylor	Woodlea, Denwick, Alnwick, Northumberland NE66 3RD
C J Bosenquet	Estate Office, Rock, Alnwick, Northumberland NE66 2TQ
Tim Bell	South Charlton Farm, Alnwick, Northumberland NE66 2LY
Kay Stafford	Manager, Shipley Lane Equestrian Centre, Shipley Lane, Alnwick, Northumberland NE66 2LS

DOCUMENTS

General Documents

- GEN 1.1 Statement of Common Ground
- GEN 2.1 Suggested Conditions – Electricity Act
- GEN 2.2 Suggested Conditions – T&CPA
- GEN 3.1 Secretary of State's Statement of Matters
- GEN 4.1 Written Representations received during Inquiry sitting
- GEN 5.1 Pre-Inquiry Meeting Agenda and Minutes
- GEN 6.1 Site visit papers

Applicant's Documents

- NRL 1.1 John Ainslie's Summary Proof
- NRL 1.2 John Ainslie's Main Proof
- NRL 1.3 John Ainslie's Rebuttal Proof and Appendices re: Aviation
- NRL 1.4 Article from The Journal, 3 February 2005
- NRL 1.5 Letter, Bond Pearce to TSol, 29 October 2007
- NRL 1.6 Note on NRL's Community Fund Policy
- NRL 1.7 Airspace in Vicinity of Proposed Middlemoor Wind Farm

- NRL 2.1 David Stewart's Main Proof
- NRL 2.2 David Stewart's Summary Proof
- NRL 2.3 David Stewart's Appendices

- NRL 3.1 Jeffrey Stevenson's Summary Proof
- NRL 3.2 Jeffrey Stevenson's Main Proof
- NRL 3.3 Jeffrey Stevenson's Appendices
- NRL 3.4 Appendix 18
- NRL 3.5 Rebuttal Appendix 1
- NRL 3.6 Rebuttal Appendix 2
- NRL 3.7 Rebuttal Appendix 3
- NRL 3.8 Rebuttal Appendix 4
- NRL 3.9 Rebuttal Appendix 5
- NRL 3.10 Rebuttal Appendix 6
- NRL 3.11 Rebuttal

- NRL 4.1 Jonathan Edis's Summary Proof
- NRL 4.2 Jonathan Edis's Main Proof
- NRL 4.3 Jonathan Edis's Appendices

- NRL 5.1 *Andrew Bullmore's Summary Proof
- NRL 5.2 Andrew Bullmore's Main Proof – Noise

- NRL 6.1 *Steve Percival's Summary Proof
- NRL 6.2 Steve Percival's Main Proof – Ornithology

- NRL 7.1 *Donald Bennett's Summary Proof
- NRL 7.2 Donald Bennett's Main Proof
- NRL 7.3 Donald Bennett's Rebuttal Proof – Construction/Highways
- NRL 7.4 Donald Bennett's Appendix

- NRL 8.1 Applicant's Opening Submissions
- NRL 8.2 Applicant's Closing Submissions
- NRL 8.3 NRL's Response to SANE's Costs Application
- NRL 8.4 NRL's Response to SANE's Reply re: Costs Application

* Did not appear, evidence in writing

Alnwick District Council's Documents

- AC 1.1A Krystyna Campbell's Summary Proof
- AC 1.2A Krystyna Campbell's Main Proof
- AC 1.3A Appendices
- AC 1.1 NMR Record for Alnwick Castle
- AC 1.2 Register of Parks and Gardens – Explanatory Booklet
- AC 1.3 Extract, Appeal Decision – Snowgoat Glen P/PPA/340/490
- AC 1.4 Additional Viewpoints – S and N Charlton
- AC 1.5 Extracts, Wandylaw Wind Farm Environmental Statement
- AC 1.6 Extracts, Visual Representation of Windfarms: Good Practice Guidance (2006) horner +maclennan & Envision
- AC 1.7 Extract from <http://www.dott07.com>

- AC 2.1 Bob Taylor's Main Proof
- AC 2.2 Bob Taylor's Summary Proof
- AC 2.3 Scoping Report
- AC 2.4 Summary Report and Committee Minutes
- AC 2.5 Exchange of Correspondence re: ARUP Report
- AC 2.6 Renewable Energy Position
- AC 2.7 E-mail from ADC to Regional Assembly and GONE

- AC 3.1 Council's Opening Submissions
- AC 3.2 Council's Closing Submissions

MoD's Documents

- MoD 1.1 Squadron Leader Chris Breedon's Summary Proof
- MoD 1.2 Squadron Leader Chris Breedon's Main Proof
- MoD 1.3 Squadron Leader Chris Breedon's Exhibits
- MoD 1.4 Squadron Leader Chris Breedon's Second Proof

- MoD 2.1 Wing Commander Rayna Owens' Proof

- MoD 3.1 MoD's Closing Submissions
- MoD 3.2 Law Report BAA and Others v SoS for Scotland and City of Aberdeen DC, Court of Session 1st Div 22 November 1978
- MoD 3.3 Suggested Condition

SANE'S Documents

- SANE 1.1 Steve Arnold's Summary Proof
- SANE 1.2 Steve Arnold's Main Proof
- SANE 1.3 SANE Position Statement

- SANE 2.1 John Constable's Summary, Proof, Appendices

- SANE 3.1 Geoffrey Sinclair's Summary Proof
- SANE 3.2 Geoffrey Sinclair's Proof and Appendices
- SANE 3.3 SANE Core Documents
- SANE 3.4 Open Access Land

- SANE 4.1 Colin Shrimpton's Summary and Main Proof
- SANE 4.2 Colin Shrimpton, A History of Alnwick Parks and Pleasure Grounds, Northumberland States 2006
- SANE 4.3 Colin Shrimpton's Appendices (CS1 to CS4)

- CPRE 1.1 Dominic Coupe's Main Proof
- CPRE 1.2 Dominic Coupe's Summary Proof
- CPRE 1.3 Photographs

- RT 1.1 Robert Thorp's Proof and Appendix
- RT 1.2 Robert Thorp's Rebuttal
- RT 1.3 Photographs

- SANE 5.1 Closing Submissions
- SANE 5.2 Reply to NRL's Response to SANE's Costs Application

Interested Persons

- JU 1.1 John Urquhart's Main Proof
- JU 1.2 John Urquhart's References and Appendices
- JU 1.3 John Urquhart's Summary Proof
- JU 1.4 John Urquhart's Rebuttal Proof
- JU 1.5 Further Documents JAU 1, JAU 4, JAU 5 and JAU 6
- JU 1.6 Closing Submissions

- HC 1.1 Heather Cairns' Proof

- GR 1.1 D Griggs' letter dated 27 January 2006

- DG 1.1 Dennis Grant's Summary Proof
- DG 1.2 Dennis Grant's Main Proof
- DG 1.3 Dennis Grant's Appendix
- DG 1.3b Supplementary Appendix
- DG 1.4 E-mail Correspondence on suggested TV Reception Condition

- NN 1.1 Anthony Coon's Statement as Proof

- JT 1.1 Councillor John Taylor's Statement as Proof
 RE 1.1 C J Bosenquet's Proof
 TB 1.1 Tim Bell's Proof
 KS 1.1 Kay Stafford's Outline Statement as Proof

Written Representations

- NE 1.1 The Northumberland Estates
 TAG 1.1 The Alnwick Garden
 NT 1.1 The National Trust

Core Documents

CD Number		Document
Application Documents		
CD	1.	(a) Planning Application to DTI dated 7 December 2005 (and Public Notice) (b) Response from DTI acknowledging receipt dated 21 December 2005
CD	2.	Environmental Statement (November 2005) (a) Volume 1: Text (b) Volume 2: Figures (c) Volume 3: Appendices (d) Non-Technical Summary (e) Planning Statement
CD	3.	Request for further information from BERR dated 6 July 2006 and Further Information submitted on 29 September 2006 in response to BERR request (a) Post-Submission Ornithological Report (b) Archaeological Evaluation: Interim Report
CD	4.	(a) Northumberland County Council Section 36 Application Form B response, dated 27 February 2007 (b) Northumberland County Council, Report to Committee (submitted 6 February 2007)
CD	5.	(a) Alnwick District Council Section 36 Application Form B response, dated 16 March 2007 (b) Alnwick District Council, Report to Committee (submitted 27 February 2006)

CD Number		Document
CD	6.	Consultee Responses (a) Statutory (b) Non-Statutory
Post-Appeal Documentation		
CD	7.	Outline Statements of Case of all parties
CD	8.	Statements of Case of all parties
Planning Policy Documents		
Development Plan		
CD	9.	Regional Spatial Strategy (Regional Planning Guidance 1 for the North East) (RSS) http://www.gos.gov.uk/nestore/docs/planning/planning_guidance.pdf
CD	10.	(a) Northumberland County and National Park Joint Structure Plan, adopted May 1996 http://pscm.northumberland.gov.uk/pls/portal92/docs/14414 (b) List of Saved Policies from September 2007 http://pscm.northumberland.gov.uk/portal/page?_pageid=102%2C54091&_dad=portal92&_schema=PORTAL92&pid=599
CD	11.	Joint Structure Plan - Text on Major Developments
CD	12.	(a) Alnwick District Wide Local Plan (b) List of Saved Policies from September 2007 http://www.alnwick.gov.uk/an/webconnect.exe/AO2/View/?Version=&Site=1759&Doc=3249
CD	13.	National Park Local Plan
Emerging Development Plan		
CD	14.	Emerging LDF documents as relevant: (a) Core Strategy, submission document (November 2006, and proposed changes (July and August 2007) http://www.alnwick.gov.uk/an/webconnect.exe/AO2/View/?Site=1877 (b) Inspector's report on Examination of Soundness (c) Northumberland National Park Authority LDC Core Strategy Preferred Options (December 2006)
CD	15.	Emerging draft Regional Spatial Strategy, Submission Draft (June 2005) http://www.go-ne.gov.uk/nestore/docs/planning/rss_documents/e.pdf
CD	16.	(a) Panel Report into the Examination in Public of the RSS (2006) http://www.northeastip.co.uk/downloads/panel_report.pdf (b) Secretary of State's Proposed Modifications (2007) http://www.go-ne.gov.uk/nestore/docs/planning/rss_documents/a.pdf

CD Number	Document	
Planning Policy Statements (PPS) and Companion Guides		
CD	17.	PPS1: Delivering Sustainable Development (2005) (for Companion Guide see CD21) http://www.communities.gov.uk/publications/planningandbuilding/planningpolicystatement
CD	18.	PPS7: Sustainable Development in Rural Areas (2004) http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicystatements/pps7
CD	19.	PPS9: Biodiversity and Geological Conservation (2005) http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicystatements/pps9
CD	20.	PPS22: Renewable Energy (2004) and Companion Guide http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicystatements/policyrenewableenergyincludes/
CD	21.	Draft PPS1 Supplement on Climate Change http://www.communities.gov.uk/archived/publications/planningandbuilding/consultationplanningpolicy
Planning Policy Guidance (PPG)		
CD	22.	PPG15: Planning and the Historical Environment (1994) http://www.communities.gov.uk/publications/planningandbuilding/planningpolicyguidance8
CD	23.	PPG16: Archaeology and Planning (1990) http://www.communities.gov.uk/publications/planningandbuilding/planningpolicyguidance9
CD	24.	PPG24: Planning and Noise (1994) http://www.communities.gov.uk/publications/planningandbuilding/planningpolicyguidance14
Other Planning Documents		
CD	25.	Planning White Paper (Planning for a Sustainable Future) http://www.communities.gov.uk/publications/planningandbuilding/planningsustainablefuture
CD	26.	'Proposed Targets for the Development of Renewable Energy in the North East to 2010', Chris Blandford Study for the DTI and DETR
Relevant Legislation		
CD	27.	Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 1999

CD Number		Document
Government Circulars		
CD	28.	ODPM Circular 11/95 "The use of Conditions in Planning Permission" http://www.communities.gov.uk/publications/planningandbuilding/circularuse
CD	29.	ODPM Circular 02/99 "Environmental Impact Assessment" http://www.communities.gov.uk/publications/planningandbuilding/circularenvironmentalimpact
CD	30.	DfT/ODPM Circular 1/2003 'Safeguarding, Aerodromes, Technical Sites and Military Explosives Storage Areas' http://www.dft.gov.uk/pgr/aviation/safety/safeguarding/
CD	31.	Circular 06/05 'Biodiversity and Geographical Conservation – Statutory Obligations and their impact within the Planning System' http://www.communities.gov.uk/publications/planningandbuilding/circularbiodiversity
Various Wind Farm Appeal and Application Decisions		
CD	32.	<p>Various Wind Farm Appeal and Application Decisions, including (but not limited to):</p> <ul style="list-style-type: none"> (a) Deeping St Nicholas, South Holland (APP/A2525/A/02/1099738) (b) Knabs Ridge, Harrogate (APP/E2/34/A/04/1161332) (c) Bradworthy, Torrington (APP/W1145/A/02/1105474) (d) Darracott, Torrington (APP/W1145/A/03/1119641) (e) Mablethorpe, East Lindsey (APP/D2510/A/03/1122526) (f) St. Breock (T/APP/C0820/A/92/207958/P2) (g) Ferndale (APP/L6940/A/04/1154754) (h) Little Cheyne Court (DTI GDBC/003/00001C) (decision letter and Inspector's conclusions and recommendations) (i) Scout Moor (decision letter and Inspector's conclusions) (j) Ovenden Moor (YH 5113/219/22) (decision letter and Inspector's conclusions) (k) Parc Cynog (APP/M6825/A/99/513157) (l) Penrhys (APP 54-4) (m) Caton Moor Repowering (APP/A2335/A/04/1145502) (n) Wharrels Hill (APP/G0908/A/01/1075972) (o) Bradwell (APP/X1545/A/06/2023805) (p) Roskrow (APP/Y0815/A/03/1129335) (q) Shooters Bottom (APP/Q3305/A/05/1181087) (r) Den Brook (APP/Q1153/A/08/2017162) (s) Shipdham (APP/F2605/A/05/1174295) (t) Shipdham (APP/F2605/A/03/1109816) (u) Satley and Tow Law in Derwentside (v) INTENTIONALLY BLANK (w) Michelin Tyre Factory, Dundee (x) Wandysteads Farm, Alnwick (APP/Q2908/A/02/1099718) (y) Cambridge (APP/W0530/A/05/1190473) (z) Whinash (DTI decision letter and Inspector's conclusions and recommendations) (a(ii)) Baglan Bay (APP/Y6930/A/03/1133516) (b(ii)) Trimdon (APP/Z1320/A/05/1175109) (c(ii)) Old Quarrington (APP/Z/1320/A/02/1097040) (d(ii)) Fullabrook (DTI GDBC/003/00024C) (decision letter, consent and Inspector's conclusions) (e(ii)) Abercairny (IEC 3/110) (decision letter and Inspector's reasoning and recommendation) (f(i)) Drumderg (P/PPA/340/459)

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		(g(ii)) Elsham (APP/Y2003/A/05/2005388)
Renewable Energy Documents		
CD	33.	European Commission White Paper, 'Energy for the Future: Renewable Sources of Energy' COM(97)599 final (26/11/1997) (1997) http://ec.europa.eu/energy/library/599fi_en.pdf
CD	34.	Directive on Renewables 2001/77/EC http://eur-lex.europa.eu/pri/en/oj/dat/2001/l_283/l_28320011027en00330040.pdf
CD	35.	DTI Energy White Paper, 'Our Energy Future: Creating a Low Carbon Economy' (2003) http://www.dti.gov.uk/files/file10719.pdf
CD	36.	North East of England Regional Renewable Energy Strategy (2003) http://www.gos.gov.uk/nestore/docs/envandrural/energy/renew_energy_strat_jul_03.pdf
CD	37.	North East of England Regional Renewable Energy Strategy (Review 2005) http://www.gos.gov.uk/nestore/docs/envandrural/energy/renew_energy_strat_no_v05.pdf
CD	38.	(a) North East Regional Renewable Energy Strategy (March 2005) EC Communication, 'The share of renewable energy in the EU' COM(2004)366 final (2004) http://ec.europa.eu/energy/res/legislation/country_profiles/com_2004_366_en.pdf
CD	39.	House of Lords Science and Technology Committee, 4th Report of Session 2003-04 'Renewable Energy: Practicalities' (2004) http://www.publications.parliament.uk/pa/ld200304/ldselect/ldsctech/126/12602.htm
CD	40.	House of Commons Select Committee, 'Environmental Audit – Tenth Report' 2004 http://www.publications.parliament.uk/pa/cm200304/cmselect/cmenvaud/490/49002.htm
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CD	42.	Sustainable Development Commission Report, 'Wind Power in the UK' (2005) http://www.sd-commission.org.uk/publications/downloads/Wind_Energy-NovRev2005.pdf
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CD	44.	Environmental Change Institute, University of Oxford, 'Wind Power and the UK Wind Resource' (2005)
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CD	46.	The Stern Review, 'Economics of Climate Change' (October 2006) http://www.hm-treasury.gov.uk/independent_reviews/stern_review_economics_climate_change/sternreview_index.cfm
CD	47.	UK ERC, 'The costs and impacts of intermittency: an assessment of the evidence on the costs and impacts of intermittent generation on the British electricity network' (March 2006) http://www.ukerc.ac.uk/Downloads/PDF/06/0604_Intermittency_report_final.pdf
CD	48.	'The Path to Power: Delivering Confidence in Britain's wave and tidal stream industry', June 2006. http://www.bwea.com/pdf/pathtopower/PathtoPower_low.pdf
CD	49.	DTI Energy White Paper 'Meeting the Energy Challenge' (2007) http://www.dti.gov.uk/energy/whitepaper/page39534.html (a) Speech made by John Hutton, SoS for Business, to the Fabian Society – 17 September 2007 (b) 'The appropriate development of wind energy: guidance for local planning authorities', South West Renewable Energy Agency (October 2003)
Climate Change Documents		
CD	50.	HM Government, 'Climate Change: The UK Programme 2006' (March 2006) http://www.defra.gov.uk/ENVIRONMENT/climatechange/uk/ukccp/pdf/ukccp06-all.pdf
CD	51.	A report of Working Group I of the Intergovernmental Panel on Climate Change, 'Summary for Policymakers' (January 2007) http://ipcc-wg1.ucar.edu/wg1/Report/AR4WG1_Print_SPM.pdf
CD	52.	A report of Working Group III of the Intergovernmental Panel on Climate Change, 'Mitigation of Climate Change' (May 2007) http://www.ipcc.ch/SPM040507.pdf
Landscape and Visual (including public perception) Documents		
CD	53.	Additional photomontages prepared by Jeff Stevenson (produced at request of Alnwick District Council)
CD	54.	Alnwick District Landscape Character Assessment
CD	55.	Northumberland Coast Area of Outstanding Natural Beauty Management Plan (2004-2009) (a) Northumberland National Park Authority Management Plan, 3 rd review Framework document (2003)
CD	56.	Countryside Agency, 'Countryside Character Volume 1 – The North East' - relevant extracts
CD	57.	The National Trust, 'Shifting shores: living with a changing coastline' 2007 http://www.nationaltrust.org.uk/main/w-shifting_shores.pdf
CD	58.	'And the weather today is...' Climate Change in the North East, report commissioned by the North East Assembly on behalf of Sustainability North East http://www.northeastassembly.gov.uk/document.asp?id=186

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CD	59.	RSPB Survey (Public Attitudes to Wind Farm Development)
CD	60.	National Trust publication, 'Forecast? – Changeable!' http://www.nationaltrust.org.uk/main/w-climate_change-forecast_changeable.pdf
CD	61.	Countryside Commission, 'Environmental Assessment – The Treatment of Landscape and Countryside Recreation Issues', CCP 326 (1991)
CD	62.	Countryside Commission, 'Wind Energy Development and the Landscape', CCP 357 (1991)
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CD	64.	British Wind Energy Association Press Release, 'Public Support for Wind Power' (30 March 1994)
CD	65.	Chris Blandford Associates, 'Wind Turbine Construction Monitoring Study', Countryside Council for Wales (1994)
CD	66.	Durham County Council, Unpublished, 'Impact Assessment Matrices' (1996)
CD	67.	Simon, A.M., 'A Summary of Research Conducted into Attitudes to Wind Power from 1990-1996', Anne Marie Simon Planning and Research on behalf of British Wind Energy Association (1996)
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CD	71.	Dudleston, A., (System Three Social Research), 'Public Attitudes towards Wind Farms in Scotland', Scottish Executive Central Research Unit (August 2000)
CD	72.	Scottish Natural Heritage, 'Guidelines on the Environmental Impacts of Windfarms and Small Scale Hydro Electric Schemes' (2001)
CD	73.	The Countryside Agency, 'Landscape Character Assessment: Guidance for England and Scotland' (2002) http://www.countryside.gov.uk/Images/Chapter%201%20LCA_Guidance_tcm2-29977.pdf
CD	74.	The Landscape Institute, Institute of Environmental Management and Assessment, 2002, 'Guidelines for Landscape and Visual Impact Assessment', Second Edition May be viewed, <u>not</u> downloaded at: http://www.amazon.co.uk/Guidelines-Landscape-Visual-Impact-Assessment/dp/041523185X
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CD	76.	Robertson Bell Associates Research, 'Lambrigg Wind farm – Public Attitude Survey', RBA/NWP (April 2002)
CD	77.	Scottish Natural Heritage and The Countryside Agency Landscape Character Assessment Series 'Topic Paper 9: Climate change and natural forces – the consequences for landscape character' (2003) http://www.countryside.gov.uk/Images/TP9%20final_tcm2-16285.pdf
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CD	79.	CAG Consultants and Land Use Consultants, 'Towards a Sustainable Energy Strategy for Cornwall', Consultation Draft (August 2003)
CD	80.	MORI Scotland Research, 'Public Attitudes to Windfarms, Results of a study commissioned by the Scottish Executive' (August 2003) http://www.scotland.gov.uk/socialresearch
CD	81.	Scottish Natural Heritage and The Countryside Agency Landscape Character Assessment Series 'Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity' (2004) http://www.countryside.gov.uk/Images/LCA%20Topic%20Paper%206_tcm2-18220.pdf
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CD	83.	English Heritage, 'Wind Energy and the Historic Environment' (2005) http://www.helm.org.uk/upload/pdf/Wind_Energy_%28final%29.pdf
CD	84.	CPRE, 'Mapping Tranquillity' (2005) http://www.cpre.org.uk/library/results
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CD	87.	North East Regional Assembly, 'Windfarm Development and Landscape Capacity Studies: Knowesgate and Harwood Forest' (June 2006) http://www.ignite-ne.com/ignite/Documents-hvstr.nsf/LookupUNID/46469FABC552C218802571C5004E803C/\$file/windfarmdevelopmentlandscapecapacitystudy.pdf
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CD	92.	ETSU for the DTI, 'The Assessment & Rating of Noise from Wind Farms' ETSU-R-97 (1996) http://www.dti.gov.uk/energy/sources/renewables/publications/page21743.html
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CD	99.	'Wind Turbine Generator Systems – Part 11: Acoustic Noise Measurement Techniques', IEC 61400-11:2002 2 nd Edition (2002)
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CD	101.	Van den Berg, G.P., 'Effects of the Wind Profile at Night on Wind Turbine Sounds', Journal of Sound & Vibration (2003) http://www.nowap.co.uk/docs/windnoise.pdf
CD	102.	'Wind farm noise', P. Styles, letter by Prof P Styles and S Toon printed in The Scotsman (August 2005).
CD	103.	'Proposed criteria for the assessment of low frequency noise disturbance', Report for DEFRA by A Moorhouse et al, DEFRA Contract No. NANR45 (February 2005) http://www.defra.gov.uk/environment/noise/research/lowfrequency/pdf/nanr45-criteria.pdf
CD	104.	'Low frequency noise and wind turbines', BWEA Briefing Sheet (2005) http://www.bwea.com/pdf/briefings/lfn_summary.pdf
CD	105.	'Wandylaw Wind Farm Cumulative Noise Assessment', SKM/Ridge Wind (November 2006)

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CD	106.	'Middlemoor Wind Farm and Wandylaw Wind Farm – Cumulative Noise Impact', Hoare Lea Acoustics Report (rev 13 December 2006)
CD	107.	'Middlemoor Wind Farm and Wandylaw Wind Farm – Derivation of Noise Limits Accounting for Cumulative Impacts', Hoare Lea Acoustics Report (rev 28 April 2006)
CD	108.	'The measurement of low frequency noise at three UK wind farms', M. Hayes, DTI Report W/45/00656/00 (2006) http://www.dti.gov.uk/energy/sources/renewables/explained/wind/onshore/page31267.html
CD	109.	'Advice on Findings of the Hayes McKenzie Report on Noise Arising from Wind Farms', URN 06/2162 (November 2006) http://www.berr.gov.uk/files/file35592.pdf
CD	110.	Department for Business Enterprise and regulatory Reform, 'Research into aerodynamic modulation of wind turbine noise' Report by University of Salford (July 2007) http://www.berr.gov.uk/files/file40570.pdf
CD	111.	Government statement regarding the findings of the Salford University report into Aerodynamic Modulation of Wind Turbine Noise, BERR, Ref: 2007/033 (1st August 2007) http://www.berr.gov.uk/files/file40571.pdf
Aviation		
CD	112.	DTI Interim guidance 'Wind Energy and Aviation Interests' (2002) http://www.bwea.com/pdf/Wind-Energy-and-aviation-interim-guidelines.pdf
CD	113.	CAP 764 http://www.caa.co.uk/docs/33/Cap764.pdf
CD	114.	CAP 738 http://www.caa.co.uk/docs/33/CAP738.PDF
CD	115.	Correspondence between nrl and MoD (a) Letter from Julian Chafer, dated 3 October 2007 (b) Alistair Darling's letter to David Edwards of SLP Engineering Ltd, dated June 2007 (c) Email from John Ainslie to Julian Chafer dated 14 September 2007 (d) Email from Julian Chafer to John Ainslie dated 12 September 2007 (e) MoD presentations at the 2005 BWEA 27 Conference (presentations of Julian Chafer and Wing Commander Nicky Loveday) (f) MoD presentation at the 2006 All-Energy Conference (presentation of Julian Chafer).
Ecology and Ornithology		
CD	116.	Managing Natura 2000 sites: the provisions of Article 6 of the Habitats Directive 92/43/EEC
CD	117.	English Nature [Natural England] letters: (a) dated 17 March 2006; and (b) 9 November 2006
CD	118.	RSPB letters:

CD Number		Document
		(a) RSPB objection letter of 13 February 2006; and (b) RSPB letter of 27 February 2007 withdrawing their objection.
CD	119.	Percival, S.M & Percival, T. 'Middlemoor, Northumberland proposed wind farm breeding bird survey' Report to Npower Renewables (2003)
CD	120.	Percival, S.M & Percival, T. "Middlemoor Wintering Bird Survey 2003-2004". Report to Npower Renewables (2004)
CD	121.	Percival, S.M., 'Middlemoor, Northumberland proposed wind farm breeding bird survey'. Report to Npower Renewables (2005)
CD	122.	Percival, S.M & Percival, T., 'Post Submission Ornithological Report. Middlemoor Wintering Bird Survey 2005-2006'. Report to Npower Renewables (2006)
CD	123.	Middlemoor Wind Farm – Outline Habitat Management Plan (OHMP)
CD	124.	Minutes of the meetings with Natural England, RSPB and NWT: (a) 02/02/2006; and (b) 11/07/2006.
Cultural Heritage		
CD	125.	The Florence Charter, 'Historic Gardens' (1982) http://www.international.icomos.org/e_floren.htm
CD	126.	White Paper on Heritage Protection for the 21 st Century http://www.culture.gov.uk/NR/rdonlyres/D1933A0E-14F6-4AE0-8DDF-E6745380E88B/0/hrp_whitepaper_doc1.pdf (a) Predicting and managing the effects of climate change on world heritage: a joint report from the World Heritage Centre, its advisory bodies, and a broad group of experts to the 30th session of the World Heritage Committee (Vilnius, 2006) (b) 'Gardening in the global greenhouse: the impacts of climate change on gardens in the UK', The UK Climate Impacts Programme (November 2002) (c) 'Climate Change and the Historic Environment', English Heritage (January 2006)
Constructions Traffic and Highways		
CD	127.	(a) Middlemoor Accident Locations (01/07/2002 – 31/06/2007) (b) Accident locations sheet 1 of 3 (c) Accident locations sheet 2 of 3 (d) Accident locations sheet 3 of 3
CD	128.	Drawing No. 723155 C47 Chillingham Road Site Access
CD	129.	INTENTIONALLY BLANK
CD	130.	Paper by Transport Research Laboratory and University of Nottingham, 'Defining Driver Distraction' 8

CD Number		Document
CD	131.	Report prepared by Dalgleish Associates Ltd, 'Construction Material Requirements, Borrowpit Development Design and Environmental Review'
CD	132.	Report prepared for the Scottish Executive by Dr Brendan Wallace on behalf of the Transport Research Planning Group, 'External-To-Vehicle Driver Distraction' (2003)
CD	133.	'Review of accident data surrounding wind farms across the UK', Highway Agency Report prepared by Faber Maunsell in relation to A14 Cambridgeshire Wind Farm (November 2004) (a) Addendum
CD	134.	Mouchel Parkman Report, 'Proposed wind Farm Development, Middlemoor. Transport Statement' (November 2005)
CD	135.	Mouchel Parkman Report, 'Proposed Wind Farm Development, Middlemoor. Transport Statement – Supplementary Document' (February 2006)
CD	136.	Mouchel Parkman Report, 'Proposed Wind Farm Development – Middlemoor. Transport Statement - Supplementary Document 2' (April 2006)
CD	137.	Letter from the Highways Agency (6 September 2006) (a) Letter from the Highways Agency (27 July 2006)
CD	138.	REpower Systems AG, 'Knabs Ridge Wind Farm: Traffic Management Plan' (February 2007)
Other Documents		
CD	139.	RWE npower corporate responsibility report 2006
CD	140.	DTI Digest of UK Energy Statistics (DUKES) http://www.dti.gov.uk/energy/statistics/publications/dukes/page29812.html
CD	141.	'The Climate of Poverty' – a Christian Aid Report 2006 http://www.christianaid.org.uk/Images/climate_of_poverty_tcm15-21613.pdf
CD	142.	Europa Nostra Declaration on the impact of wind power in the Countryside http://www.europanostra.org/lang_en/0520_news_windturbines_declaration.html
CD	143.	Technical Advice Note 8 (TAN8)
CD	144.	Visit Scotland Survey 2002
CD	145.	Study for Friends of the Lake District by the Leeds Metropolitan University
CD	146.	Supporters' letters (extracts from file held in library)
CD	147.	Clark J, Darlington J, Fairclough G., 'Using historic landscape characterisation: English Heritage's review of HLC applications 2002-03' http://www.english-heritage.org.uk/upload/pdf/a4report.pdf
CD	148.	ASA judgement, Batsworthy Cross, Devon – Npower

CD Number		Document
CD	149.	Council of European Union: Presidency Conclusions 8/9 March 2007 (incl Annex I - Energy Policy for Europe)
CD	150.	DTI Consultation May 2007 - Reform of the Renewables Obligation
CD	151.	'Middlemoor Wind Farm: Risk Assessment of Private Water Supplies', Entec UK Limited (October 2007)
CD	152.	'Middlemoor Wind Farm: Risk Assessment of Rock Estate Private Water Supply', Entec UK Limited (October 2007)
CD	153.	Wandylaw: Planning Officer's Report
CD	154.	Landscape Character Areas, Benson and AXIS overlaid with turbine positions
CD	155.	Applicant's letter dated 30 October 2007, Environmental Statement - Errata
CD	156.	Correspondence, Applicant/BERR re: amendment to the Proposal description
CD	157.	Applicant's letter dated 12 November 2007 re: challenge to CS Policy S21
CD	158.	Habitat Management Scheme, November 2007
CD	159.	Report of the Panel, Examination in Public March – April 2004, Northumberland County and National Park Joint Structure Plan 2002 to 2016
CD	160.	Onshore Wind Energy Planning Conditions Guidance Note, Renewables Advisory Board and BERR, October 2007
CD	161.	Landscape Character Assessment, Guidance for England and Scotland, Topic Paper 5: Understanding Historic Landscape Character
CD	162.	English Heritage, 'Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment,' Second Stage Consultation
CD	163.	Alnwick District Council: Local Development Scheme, Revised April 2007
CD	164.	BERR, "A Guidance Note on Section 36 of the Electricity Act 1989", October 2007
CD	165.	Jeffrey Stevenson Associates, Notes in Response to Queries put at the Inquiry
CD	166.	Extract, Natural England website, 'North East Climate Change Experts Aim to Save Region's Unique Wildlife Habitats'
CD	167.	Landscape Character Areas, Benson and AXIS overlaid with turbine positions and 800m circumference zone
CD	168.	Summary for Policymakers of the Synthesis Report of the IPCC Fourth Assessment Report, Draft Copy 16 November 2007, and DEFRA News Release CD 168A – Scottish Executive Decision, 8 August 2007, Snowgoat Glen, Keltie

CD Number		Document
		Castle Estate and Knowes Farm, Nr Dunning
CD	169.	Ministerial Speech Summary, 'Gordon Brown Calls for Tougher Targets to Tackle Climate Change' 18 November 2007
CD	170.	Transcript, Douglass John Merritt v The SoS for the Environment Transport and The Regions and Mendip Council
CD	171.	LDF Core Strategy, correspondence between the Council and PINS, re: errata and text adjustments
CD	172.	Note from Jeffrey Stevenson, 'View from Dunstanburgh Castle', response to SANE's photograph
CD	173.	Bridleway Routes in relation to Turbine Layout
CD	174	Middlemoor Wind Farm Operational Noise Management Scheme, Hoare Lea Associates, November 2007
CD	175	Alnwick Castle Parks RPG Map

Annex A – Schedule of Conditions, pursuant to consent under section 36 of the Electricity Act 1989

- 1) The development shall be of up to 75MW capacity and comprise:
 - (a) Up to 18 wind turbine generators with a capacity of 3MW or more, not exceeding 75MW overall capacity and a maximum blade tip height of 125 metres.
 - (b) Two 80 metre high anemometry masts.
 - (c) A substation building and underground cable electrical connections.
 - (d) Maintenance tracks for access to the wind turbines.
 - (e) Associated plant, buildings and civil engineering works.

The development shall be constructed and operated in accordance with these details.

- 2) No development under this consent shall take place without the prior written confirmation of the Secretary of State that (s)he is satisfied adverse impacts of the development upon the air defence radar at RAF Brizelee Wood can be overcome or are acceptable. No turbine shall operate until a system of control, necessary in the interests of national security, has been submitted to and agreed in writing by the Secretary of State.
- 3) The commencement of development shall be no later than five years from the date of this consent.

Annex B - Schedule of Conditions, pursuant to deemed planning permission under section 90(2) of the Town and Country Planning Act 1990

Time limit for commencement and operation of the wind farm:

- 1) The development hereby permitted shall be commenced within five years of the date of this permission.
- 2) This permission is for a period of 25 years from the date the development is first connected to the electricity grid.
- 3) No development under this permission shall take place without the prior written confirmation of the Secretary of State that (s)he is satisfied adverse impacts of the development upon the air defence radar at RAF Brizlee Wood can be overcome or are acceptable. No turbine shall operate until a system of control, necessary in the interests of national security, has been submitted to and agreed in writing by the Secretary of State.

Prior to Construction:

- 4) Before development begins, a construction method statement shall be submitted to and approved in writing by the local planning authority and thereafter the construction of the development shall only be carried out in accordance with the approved statement. The construction method statement shall include measures to secure:
 - (a) Details of the site compound and temporary structures including parking and storage provision to be used in connection with the construction of the development together with reinstatement provision on completion of construction.
 - (b) The excavation use and restoration of the borrow pits.
 - (c) Dust management.
 - (d) A settlement facility for removing suspended solids from surface water run-off during construction works.
 - (e) Cleaning of site entrances and the adjacent public highway.
 - (f) Pollution control in respect of:
 - water courses and groundwater
 - subsoil
 - bunding of fuel storage areas
 - sewage
 - (g) Temporary site illumination.
 - (h) Details of the methods to be adopted to reduce the effects of noise occurring during the construction period to acceptable levels and in accordance with BS5228.
 - (i) Disposal of surplus materials.

Mitigation of Environmental effects:

- 5) The hours of operation of the construction phase of the development and any traffic movements to or from the site associated with the construction of the development hereby permitted shall be limited to 0730 hours to

1800 hours on weekdays and 0730 hours to 1300 hours on Saturdays and no work or associated traffic movements shall take place on Sundays or Bank Holidays unless otherwise previously agreed in writing by the local planning authority except that emergency works may be carried out at any time provided that the Applicant/Operator retrospectively notifies the local planning authority of the emergency works within 24 hours.

- 6) All works of breaking up, opening, or boring under any land and all works of erection, construction, engineering construction or demolition, associated with the construction, commissioning or decommissioning of the Wind Farm shall be subject to an application for prior consent within the meaning of section 61 of the Control of Pollution Act 1974.
- 7) The turbines shall all rotate in the same direction.
- 8) Before the erection of the wind turbine details of the colour and finish of the towers, nacelles and blades shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) No part of any structure shall carry an advertisement, lettering or logo, other than those required for health and safety reasons.
- 10) Before construction of the substation building is begun, full details of the design and all external materials of the building shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved details.
- 11) No construction work shall take place on the route of, or immediately adjacent to, a public right of way until a scheme to ensure the safety of users of the right of way (by appropriate signage, temporary diversion or temporary closure) has been submitted to and approved in writing by the local planning authority. The scheme shall be carried in full accordance with the approved details.
- 12) No development shall begin until details of a scheme designed to protect wildlife and fauna during the construction period (as outlined in table 9.5 of the Environmental Statement) has been submitted to and approved in writing by the local planning authority. The scheme shall then be implemented in full as approved.
- 13) No development shall begin until a habitat management scheme including hedgerow enhancement and re-instatement within the site, complete with a programme of implementation, has been submitted to and approved in writing by the local planning authority. The scheme shall follow the details set out in CD158 submitted to the Inquiry. The approved scheme shall be implemented in full as agreed.
- 14) All electrical cabling between the individual turbines and the on site connection building on the application site shall be installed underground. No electricity produced by the development shall be supplied for public consumption until all electrical cabling between the on site connection building and the connection to the electricity grid at Denwick has been installed underground.

- 15) Before development begins, a layout, based on the submitted plans forming part of the application, showing the location of the access tracks and turbines to within 5 metres of the installed position, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in full in accordance with the approved layout.

Highways:

- 16) Prior to the delivery of any turbine components, a scheme detailing site access/delivery arrangements (as outlined in the Highways Agency's consultation response to the application, dated 6 September 2006) shall be submitted to and approved in writing by the local planning authority. It shall show:
- (a) Detailed drawings of the proposed new access road and junction with the A1(T).
 - (b) The detailed traffic management plan to be employed at the A1(T)/C47 North Charlton junction.
 - (c) A scheme detailing the delivery route of the turbine components and other components and materials.

The access/delivery arrangements shall be carried out in full accordance with the approved scheme.

Decommissioning:

- 17) Not later than 12 months before the expiry of the 25 year period of planning permission, a scheme for the restoration of the site including the dismantling and removal of all elements above ground level and the removal of turbine bases to a depth of 1 metre, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out and completed within 12 months of the expiry of the planning permission hereby granted.
- 18) If any wind turbine generator hereby permitted ceases to operate for a continuous period of 12 months then, unless otherwise agreed in writing by the local planning authority, a scheme for the decommissioning and removal of the wind turbine generator and any ancillary equipment and structures relating to the generator, shall be submitted to and approved in writing by the local planning authority within 2 months of the cessation period. The scheme shall be implemented in full within 6 months of the date of its approval by the local planning authority.

Noise:

- 19) The Applicant/Operator shall nominate a representative to act as a point of contact for local residents. This representative shall have responsibility for dealing with any noise complaints made during construction, operation, and decommissioning of the Wind Farm and for liaison with the local Environmental Health Unit. The nominated representative's contact details shall be submitted to and approved in writing by the local planning authority, before any development begins.

- 20) Noise emissions from the operation of the Wind Farm shall be controlled in accordance with the Middlemoor Wind Farm Operational Noise Management Scheme, prepared by Hoare Lea Acoustics and dated November 2007 (CD174 submitted to the Inquiry).
- 21) The Applicant/Operator shall submit a noise monitoring programme to cover the operation of the Wind Farm to verify that the noise criteria in the Middlemoor Wind Farm Operational Noise Management Scheme are being met. The programme shall specify the locations from which noise will be measured, the frequency of monitoring, the equipment details, and the sampling techniques and methodology. The results of any monitoring carried out in accordance with the programme shall be made available to the local planning authority immediately after its completion. Should the results indicate that further monitoring or a revision of the programme is required, the Applicant/Operator shall undertake to carry this out. The required noise monitoring programme details shall be submitted to and approved in writing by the local planning authority before any development begins, and shall be carried on in accordance with the approved details.

Archaeology:

- 22) No development shall take place until a scheme of archaeological investigation and subsequent programme of work has been submitted to and approved in writing by the local planning authority. The approved scheme and programme shall thereafter be implemented in full.

Electromagnetic Interference:

- 23) No development shall take place until an investigation of the present TV signal strength in the area to the east and south east of the Wind Farm, as far as and including Alnmouth, has been conducted and the information supplied to the local planning authority, together with recommendations for any works advised by a suitably qualified engineer to be reasonably necessary to mitigate any predicted significant adverse effects of the wind farm on the reception of TV in this area. These works, or equivalent or alternative works as agreed by the local planning authority, shall be implemented prior to the erection of any of the wind turbines comprising this development.
- 24) In the event of a formal written complaint being received by the local planning authority within 12 months of the erection of the first wind turbine alleging adverse effects on TV reception at a dwelling existing at the time of this permission due to the Middlemoor Wind Farm, a suitably qualified engineer shall be commissioned by the Applicant/Operator to investigate the complaint and the report shall be submitted to the local planning authority. If the report concludes that there are significant adverse effects caused by the operation of the wind farm, the applicant shall implement such measures as are reasonably necessary to correct or compensate for the adverse effects.