

**COPELAND BOROUGH COUNCIL: EXAMINATION OF THE COPELAND CORE
STRATEGY AND DEVELOPMENT MANAGEMENT POLICIES**

**WRITTEN STATEMENT PREPARED BY TURLEY ASSOCIATES ON BEHALF OF REG
WINDPOWER LTD**

HEARING AGENDA MATTER 4: STRATEGIC POLICIES (ST1 – ST4)

REPRESENTOR NUMBERS: 79

HEARING DATE: 9 APRIL 2013

Introduction

This Statement is provided by Turley Associates (TA) on behalf of REG Windpower Ltd ('REG'). It responds to the questions asked by the Inspector in respect of Matter 4: Strategic Policies (ST1 – ST4).

The principal questions of relevance to REG's previous submission are questions 1 and 5, which state:

1. *Is the overall strategy consistent with sustainable development principles as contained in the Planning Framework (NPPF), including reference to the 'Model Policy'.*
5. *Do the strategic policies provide sufficient clarity and detail for users of the Plan to understand the intention behind the Council's approach?*

REG note that in the Schedule of Minor Modifications document (CD 1.4) at change reference 2, that reference to the 'Model Policy' from the Framework on sustainable development is to be inserted. REG support this proposed change as it accords with their previous submissions; however REG still have significant reservations as to whether the overall strategy, which is set out in the Strategic Policies, is consistent with the sustainable development principles and policy of the Framework.

Paragraph 156 of the Framework confirms local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver, *inter alia*, climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape. In addition, paragraph 157 goes on to state that crucially, Local Plans should:

“...plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework...”

In previous submissions REG have highlighted to the Local Authority that part (C) (ii) of policy ST2 ‘Spatial Development Strategy’ is unsound, by virtue of the criterion being inconsistent with national policy. This is because the current wording of the criterion is ambiguous for users of the plan seeking to submit applications for renewable energy, as it seeks to restrict developments to those which “minimise” environmental and amenity impacts. This proposed wording is set out without giving any detail as to how far minimisation of impacts is required or when, indeed, the Council would deem impacts to be minimised.

In considering whether this approach is consistent with the Framework, reference is made to paragraph 98, which confirms that when determining applications local authorities should, *“...approve applications if its impacts are (or can be made) acceptable.”* Accordingly, it was suggested at previous stages by REG that in order to ensure consistency with this provision of the Framework, the wording of part (C) (ii) of policy ST2 should be amended to take account of this wording. This suggested wording is reproduced below for ease of reference:

(ii) Energy – renewable: support for renewable energy generating capacity at sites which best maximise renewable resources and where impacts are (or can be made) acceptable.

We note from the schedule in Core Document CD1.4 that the Council have not decided make the minor amendment suggested. Further, in the Council’s response in Core Document 1.3, the Council state the reason for using the term “minimise” is due to local hostility to wind turbines and that it is actually a less restrictive test than that advocated in the Framework. The Council state that if impacts have been reduced or mitigated, that it is implicit that impacts have been minimised, but this does not seem logical and again this could lead to a higher policy test when seeking permission for renewable energy schemes than that set out in the Framework. Importantly, this policy approach and justification has not been clearly explained in the policy or its supporting text and the Council’s response therefore only serves to confuse matters. It is therefore reasonable to conclude there is insufficient clarity on their approach and justification for departing from the Frameworks advocated approach.

Anticipated local hostility to development proposals is not considered to be a legitimate reason to deviate from the approach advocated in national planning policy; indeed, were this a relevant consideration for planning policy development, it would undoubtedly result in plans that were wholly ineffective. It is for this reason that impacts of scheme should be considered within the parameters of acceptability, which is currently achieved through adherence to established benchmarks (e.g. ETSU-R-97 for noise impacts from wind farms).

REG note the Council’s second point that the footnote to paragraph 98 caveats the policy, stating, *“unless material considerations indicate otherwise.”* It is asserted that REG omitted to

consider this in their representations; however, there is no reference or explanation in the policy or supporting text explaining that this particular material consideration supports their policy approach. It is accepted that in determining individual applications, the National Park and Heritage Coast may be a valid material consideration on some sites; however, it is not considered this justifies the higher test and inconsistency with national planning policy across the whole borough.

Consequently, REG cannot agree that the overall strategy is consistent with sustainable development principles as contained in the Framework, nor indeed can it be said that this strategy plans positively for development in accordance with paragraph 156 of the Framework.

Left as currently worded, Policy ST2 would not provide any clarity for wind farm developers or provide them with the certainty that applications would be assessed in a positive, objective and transparent way. Requiring the impacts of renewable energy schemes to be “minimised”, which is a more stringent policy test, is open to interpretation and it may therefore potentially deter proposals for renewable energy schemes at a time when encouraging such development and ensuring a security of energy supply is of critical importance nationally.

It should be noted that this policy approach has been adopted throughout the Core Strategy and Management Policies document (in Policies ER2 and ENV5, for example). REG consider that in order for the plan to be considered sound, the policy approach set out by REG above should be adopted throughout the plan.