

**READOPTION OF WIND ENERGY SPD**

**EXECUTIVE MEMBER:** Councillor Cath Giel  
**LEAD OFFICER:** Mike Tichford  
**REPORT AUTHOR:** John Hughes

**Summary and Recommendation:** The County Council together with most other Cumbrian Authorities produced a Supplementary Planning Document on Wind Energy last year. This document is to support implementation of the Council's renewable energy policies in the Adopted Local Plan. After the requisite consultation processes this was adopted by Council on 25<sup>th</sup> September 2007. Unfortunately the required Adoption Statement was not advertised straight away because staff were involved on other tasks. The Regulations allow for only a 3 months period following formal Adoption for any claim by an aggrieved person for Judicial Review. This period has now elapsed and to meet the Regulations the decision to adopt the SPD has to be reconfirmed. Accordingly Members are requested to reaffirm Adoption of the Wind Energy SPD.

**1. BACKGROUND**

- 1.1 Potential wind energy developers have previously been guided by a joint Cumbrian authorities' Supplementary Planning Guidance document adopted in 1997. This was in obvious need of review and replacement to bring up to date against the authorities' new Local Development Frameworks and the changing government and regional policy contexts.
- 1.2 At the national level a new Planning Policy Statement on Renewable Energy (PPS 22) was published in late 2004 and new regional targets for renewable energy production were set out in the draft Regional Spatial Strategy for the North West (which is currently with the Secretary of State who is due to publish an amended version for consultation shortly).
- 1.3 The Council's policies on Wind Energy accord with the latest requirements in seeking to ensure that potential schemes do not cause significant harm to landscape character or involve unacceptable visual impacts. There are other environmental, economic and social effects to be considered as well. The new SPD is a guide for developers particularly concentrating on the landscape and visual impact issues based on a new Landscape Capacity Assessment.
- 1.4 The SPD has been formally adopted by all the Cumbrian authorities involved but neither Allerdale nor Copeland Councils published their

Adoption Statements immediately after the formal Council resolutions. Because of this an insufficient period of time is available to interested parties to seek a Judicial Review through the High Court. To be fair to all parties it is therefore recommended that additional time is provided for this purpose (although such a challenge is highly unlikely) by making a further resolution to adopt the SPD as of 22<sup>nd</sup> January 2008.

- 1.5 This resolution is to relate to the same version of the SPD as considered by Members last September. A summary of the document is appended to this report and the full document itself and Sustainability Appraisal are available for inspection in the Members' Room.

## **2. FINANCIAL AND HUMAN RESOURCES IMPLICATIONS (INCLUDING SOURCES OF FINANCE)**

- 2.1 The Council's contribution to production costs is £1000 plus Officers' time which can be accommodated within the approved budget for the Local Development Framework which is £150, 000 for 2007/08.

## **3. PROJECT AND RISK MANAGEMENT**

- 3.1 This is part of the Council's Local Development Framework - a statutory requirement encompassing all the Planning Policy documents to be produced by the Council. Full coverage of these aspects appear in the Council's Local Development Scheme on the web-site.

## **4. IMPACT ON CORPORATE PLAN**

- 4.1 One of key aims in the Draft 5-year Corporate Plan is '*Creating opportunities for community involvement*'. The Statement of Community Involvement is a key document of the Local Development Framework and helps to deliver on all aspects of the core objectives and 3.3.5 in particular.

**List of Appendices:** Cumbria Wind Energy SPD Executive Summary

### **List of Background Documents:**

- Cumbria Wind Energy SPD and Sustainability Appraisal available in the Members' Room)
- Town & Country Planning (Local Development) (England) Regulations 2004
- Planning Policy Statement 12: Local Development Frameworks

### **List of Consultees**

(consulted in the SCI production process):

Fergus McMorrow

Martin Jepson

Hilary Mitchell

John Hughes

Tony Pomfret

Accountancy Team

Corporate Communications

Corporate Policy Team

### **CHECKLIST FOR KEY ISSUES**

Impact on Crime and Disorder	Will be covered by appropriate planning policy documents.
Impact on Sustainability	All policy documents are required to have Sustainability Appraisals and Strategic Environmental Assessment (Section 7 of SCI).
Impact on Rural Proofing	Consultation methods tailored to different communities including rural areas as per the Council's SCI.
Health and Safety Implications	No direct issues.
Project and Risk Management	See 5.1 above.
Impact on Equality and Diversity Issues	Delivered via SCI which is based on inclusion and letting the individual have a voice.
Children and Young Persons Implications	Covered in paragraphs 8.7, 8.8 and 8.9 in SCI.
Human Rights Act Implications	Whole essence of SCI is about inclusion and letting the individual have a voice.

Please say if this report will require the making of a Key Decision    YES