

Copeland LDF Progress

EXECUTIVE MEMBER: Councillor George Clements

LEAD OFFICER: Julie Betteridge

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PURPOSE OF REPORT: To consider the following:

1. A presentation on the "Cumbria Renewable Energy Capacity and Deployment Study."
2. Core Strategy text in relation to Policy ER2 Planning for the Renewable Energy Sector and companion Policy DM2 in the Development Management DPD.
3. Core Strategy text for the rest of the Economic Opportunity and Regeneration chapter and associated Development Management Policies.
4. Background and Evidence Base material in support of Item 3.
5. Consultation on the government's proposed Neighbourhood Planning Regulations.

RECOMMENDATION: Members are asked to consider all the documentation and approve the Core Strategy and Development Management Policies text to go forward to the consolidated version which will be the subject of a formal resolution by the Working Party in January. Also to approve the consultation response to government on its Neighbourhood Planning Regulations – subject to any addition that the Council's Planning Panel may wish to make at its 4th January meeting.

1.0 RENEWABLE ENERGY

- 1.1 A study to provide a renewable energy evidence base for all the Cumbria local authorities' LDFs has been prepared. This was entirely funded by a government grant of £60K. It is a technical study focussing on capacity issues around the county up to 2030 and does not contain policy wording itself – it has been produced to help the authorities develop their own policy approach, particularly now in the absence of the Regional Spatial Strategy.
- 1.2 A short presentation will be made on the study at the Working Party meeting followed by discussion on a revised draft of the Core Strategy Policy ER2 and Development Management Policy DM2. A short report on the main findings is attached as Appendix 1 to this report.

2.0 POLICIES RELATING TO ECONOMIC OPPORTUNITY AND REGENERATION

- 2.1 Policies ER1 – 6 inclusive of the Core Strategy and Policies DM1 – 9 inclusive of the Development Management DPD have been thoroughly revised from the versions published in the Preferred Options report. These cover nuclear and non-nuclear energy matters as well as general employment land supply. The revisions are on the back of responses received from consultees and the new evidence base material lately received from GVA and SKM (already sent out to members of the Working Party) plus our own internal topic papers (attached as Appendix 2 to this report).
- 2.2 A full version of the Core Strategy chapter on Economic Opportunity and Regeneration is included in the agenda papers together with an extract from the Development Management DPD (Appendix 3). There will be plenty of opportunity for discussion over the full range of subjects covered but as previously noted most of the material in Item 3 is still to be signed off by our partners and as a consequence all related discussion must be dealt with under Part II arrangements. Full disclosure of the Evidence Base and background papers will be made when the consolidated text for both the Core Strategy and Development Management DPD are brought to the Working Party for a formal resolution in January.

3.0 NEIGHBOURHOOD PLANNING REGULATIONS CONSULTATION

- 3.1 The Localism Act is introducing a new, community level of planning. From 1st April 2012 community forums will be able to produce Neighbourhood Plans, Development Orders or Community Right to Build Orders in their area and, subject to support through a local referendum, local authorities are duty bound to take them on board in their planning regimes. The government has drafted new regulations to cover the process and a consultation is in train until 5th January.
- 3.2 A proforma is attached as Appendix 4 to this report which sets out a proposed response on behalf of the Council to the government's set questions. This requires debate at the Working Party meeting and members' views will be sent to the DCLG along with those of the Council's Planning Panel in a consolidated form in the New Year. Additionally, the DCLG leaflet "An Introduction to Neighbourhood Planning" is appended for information.

BACKGROUND PAPERS

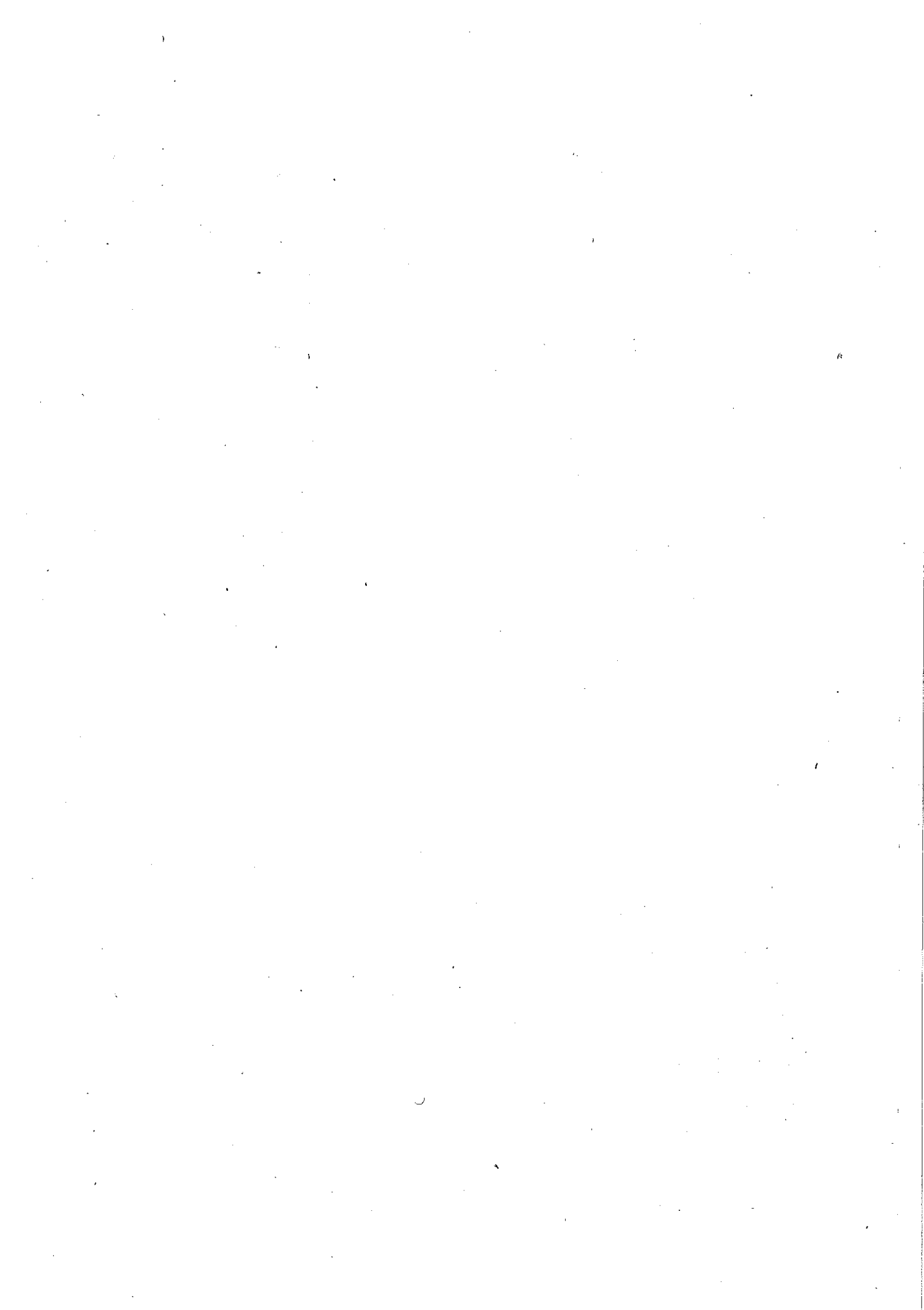
Draft Projections Paper – Projecting Employment and Housing Change (GVA)

Draft Employment Land Review Update (GVA)

Draft Nuclear Topic Paper (SKM)

APPENDICES

- Appendix 1** Report on the Cumbria Renewable Energy Capacity and Deployment Study
- Appendix 2**
 - a) Economic Development Land Supply (CBC Draft Topic Paper)
 - b) Nuclear New Build Legacy Strategy (CBC Draft)
- Appendix 3** Economic Opportunity and Regeneration Chapter from Core Strategy plus extract from Development Management DPD
- Appendix 4** Proforma response to consultation on Neighbourhood Planning Regulations



LDF Working Party

6th December 2011

Cumbria Renewable Energy Capacity and Deployment Study – Evidence Base for the Copeland Local Development Framework (LDF)

REPORT OF: Chris Hoban, Senior Planning Policy Officer

Executive Summary

A Cumbria wide study assessing the potential energy capacity from renewable resources was undertaken to provide a comprehensive evidence base to support each of the local planning authorities' LDFs. This report highlights the main findings of the study for Copeland.

Recommendations

To note the Cumbria Renewable Energy Capacity and Deployment Study and its contents.

Introduction

The UK has a legally binding target to cut carbon emissions by 80% by 2050 and sees increased energy generation from renewable sources as one way to help achieve this, with a commitment to source 15% of UK energy from renewable sources by 2020.

The North West Regional Spatial Strategy (RSS) included two policies for renewable energy (Policies EM17 and EM18) together with some indicative targets for renewable generation at a county level up to 2020 (Tables 9.6 and 9.7a-9.7c). Following the enactment of the Localism Bill the RSS (including the renewable targets within it) has been revoked.

In anticipation of this, and also to provide a robust evidence base within Cumbria for each local planning authority, the Cumbrian authorities agreed to commission a study to provide an assessment of renewable energy capacity and deployment for Cumbria and each of its local planning authority areas.

The *Cumbria Renewable Energy Capacity and Deployment Study* was completed in August 2011 and demonstrates how Cumbrian local planning authorities can help the

UK meet its target and also provide robust evidence to be used as part of the evidence base to inform each authority's Local Development Framework. It outlines the potential capacity for the period up to 2030, which is in line with most Cumbrian Core Strategies.

The Study was funded entirely by the North West Improvement and Efficiency Partnership and the project was overseen by a Steering Group with members from all Cumbria Planning Authorities (except Barrow).

What the Study Covers

The Study provides an outline of the overall potential technical capacity from each renewable source for Cumbria and each planning authority area. It then goes on to identify how much of that overall potential is realistically deployable by 2030.

It considers a full range of on-shore renewable technologies comprising:

- **On-shore Wind** (commercial wind and small scale wind)
- **Biomass** (plant biomass, animal biomass, energy from waste and biogas)
- **Hydropower** (small scale hydropower)
- **Microgeneration** (solar photovoltaic, solar water heating, ground source heat pumps, air source heat pumps and water source heat pumps)

Off-shore resources (i.e. off-shore wind, wave and tidal) were discussed in the Study, and the resource that could be available from off-shore technologies is acknowledged, but they do not feature in the overall capacity figures for Cumbria or any of its districts. The Study also does not take account of nuclear energy (which is classed a low carbon source of energy).

Finally, the Study gives an indication of the carbon and economic impacts of different renewable technologies, considering their effects in terms of cost per unit of energy, jobs created and carbon savings.

It should be noted that the Study does not set targets and it is not proposed to set specific targets in the LDF based on the Study. This is largely due to the uncertainty of future national policy as demonstrated with the change to Feed in Tariffs for solar photovoltaic that has recently been announced.

The Study also does not provide, or seek to provide, areas of search for renewable energy generation.

How the Study was Undertaken

The Study is based on the research that was used to support the targets in the North West RSS, but at a more localised level to provide specific data for Cumbria and its local

planning authorities. It was undertaken by the same consultants who produced the evidence base for the RSS and complies with the DECC methodology, but uses some customised assumptions and data sources to reflect local characteristics.

The study has a number of distinct stages. Firstly, it looks at the existing deployment in each of the local planning authority areas (operational and with planning consent) to establish the baseline for Cumbria. It also considers likely energy demand for the county.

In order to determine the overall deployable capacity a number of steps were undertaken where the following were assessed:

1. Naturally available resource
2. Technically accessible resource
3. Physical environment constraints of high priority
4. Planning and regulatory constraints
5. Economically viable potential
6. Deployment constraints (supply chain)
7. Regional ambition – target setting

The first two stages are designed to determine the extent of the accessible renewable resources, while stages 3 to 7 then refine and reduce these overall figures as constraints are considered.

The outcome of this is a deployable capacity for the county and each of the constituent local planning authorities.

Results of the Study

The Study found that Cumbria has a high natural resource for renewable energy (4,542 MW), but also a large number of high quality landscapes and designations which significantly reduce what is deployable. The total accessible resource in Copeland is 340 MW, which represents 8% of the Cumbrian total.

The Study indicates that renewable energy deployment in Cumbria will increase from the present level of 295MW to 606MW in 2030. This would equate to between 10% and 13% of the county's energy requirement being supplied from on-shore renewable sources in 2030.

In Copeland, 17MW of renewable energy is currently being generated, with virtually all of it coming from commercial wind. The Study suggests that renewable energy generation could increase to 46MW by 2030.

Much of the renewable generation in Cumbria currently occurs in Allerdale, and it will continue to have the largest deployment in 2030, but the Study also identifies significant potential that could be deployed in Eden, Carlisle and South Lakeland by 2030.

This is shown in Chart 1 below, where the blue bars show the current capacity and the red bars the additional generation in 2030 for each local planning authority. It shows that renewable energy in Copeland could more than double in the next 20 years, but that the level of growth in renewable energy is smaller than for most other Cumbrian planning authorities (both in relative and absolute terms).

Chart 1: Current and Projected Additional Deployment by Local Planning Authority

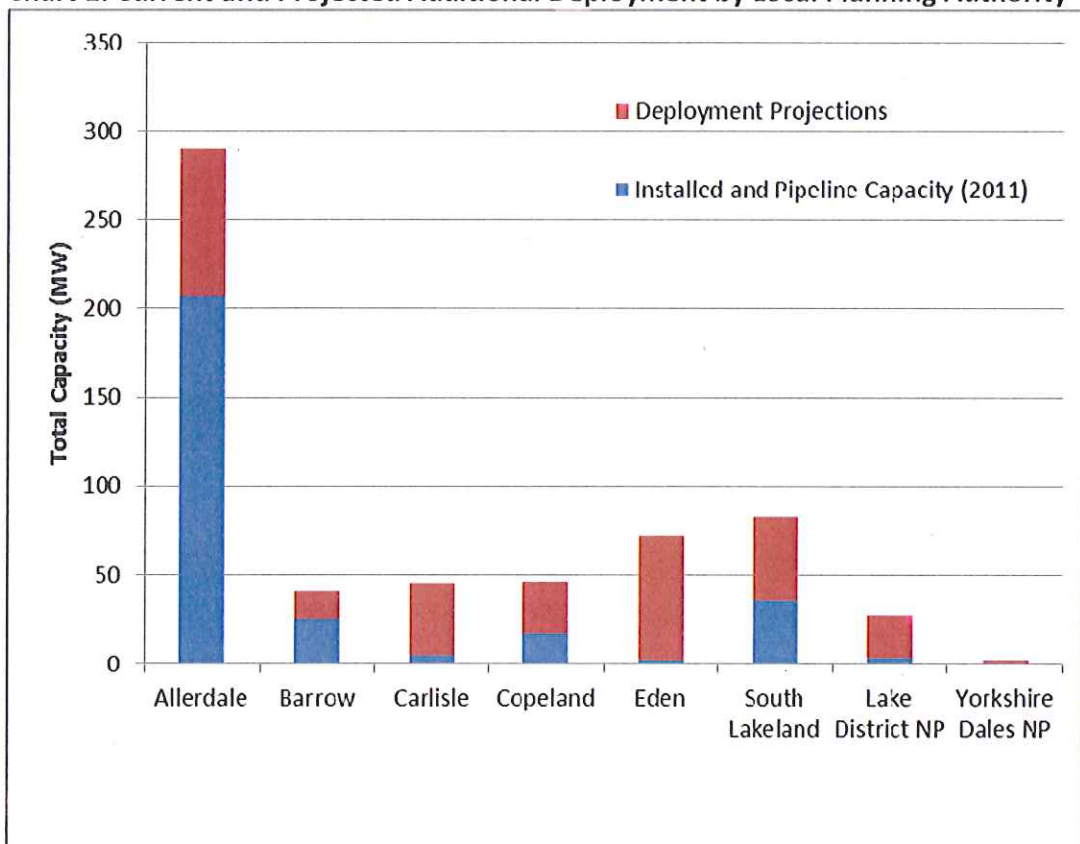


Chart 2 below shows the likely spread of renewable energy between each of the local planning authorities in Cumbria. This clearly shows Allerdale as having the largest proportion of renewable energy in 2030, with Copeland contributing approximately 8% of the Cumbrian total.

Chart 2: Cumbria Deployment Projections in 2030 by Local Planning Authority

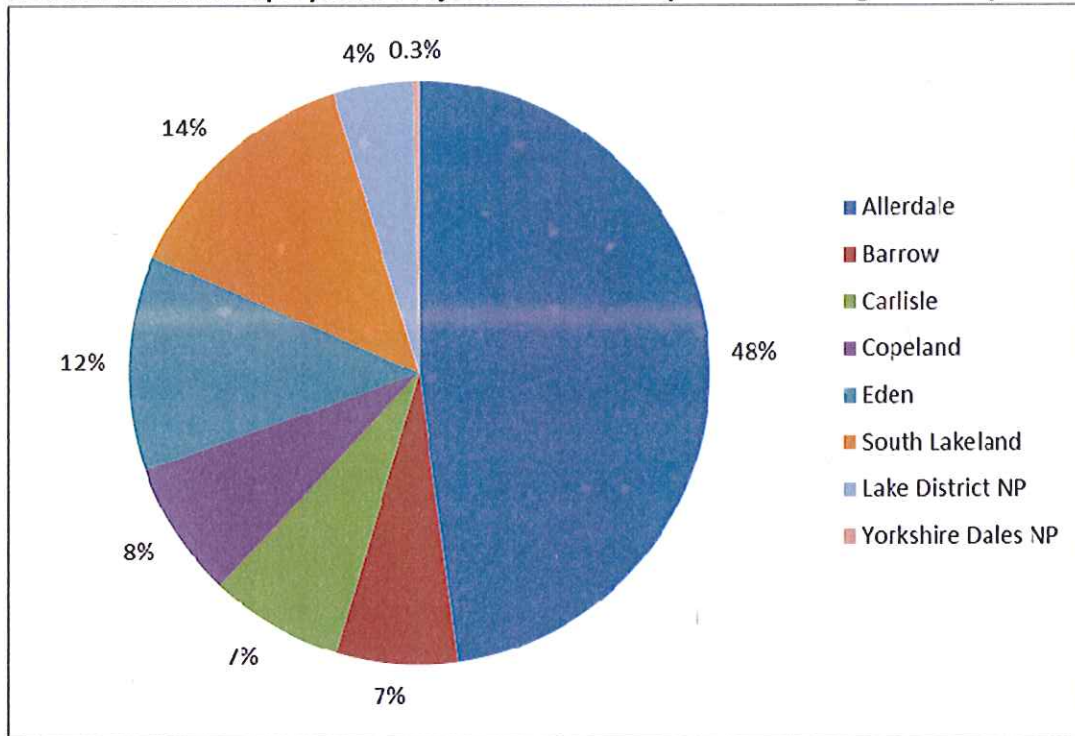


Table 1 below shows this in greater detail. It compares the total renewable energy deployed in each local planning authority, together with the percentage each local planning authority contributes towards the Cumbrian total in 2011 and 2030.

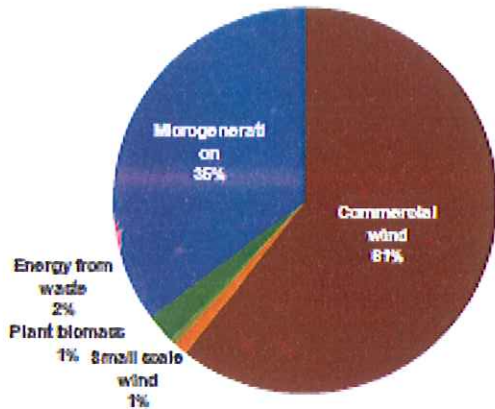
Table 1: Deployment in 2011 and 2030

	Installed and Pipeline Capacity in 2011 (MW)	% of Cumbrian Total (2011)	Deployment Projections for 2030 (MW)	% of Cumbrian Total (2030)
Allerdale	207	69.9%	290	47.9%
Barrow	25	8.4%	41	6.8%
Carlisle	5	1.7%	45	7.4%
Copeland	17	5.7%	46	7.6%
Eden	2	0.7%	72	11.9%
South Lakeland	36	12.2%	83	13.7%
Lake District NP	4	1.4%	27	4.5%
Yorkshire Dales NP	0	0.0%	2	0.3%
Total	296		606	

When the results for Copeland Borough outside the Lake District National Park are considered in more detail, the model indicated that the 46MW of renewable energy generated in 2030 would most likely be produced in the combination of renewable technologies that are identified in Chart 3 below.

Chart 3: Renewable Energy Mix in Copeland in 2030 (46MW)

RE: Deploy modelling results 2030



It can be seen that commercial wind will still form the largest component of renewable energy generated in Copeland in 2030, although its share will fall from virtually 100% now to 61% in 2030. This is because the existing wind turbines are expected to continue, whilst microgeneration is expected to form a considerable proportion of renewable energy generation in 2030 (35%).

Table 2 shows breakdown of the likely additional capacity for each technology that could be deployed between now and 2030 together with the total deployment in 2030.

It shows that the main sources of additional generation between now and 2030 are likely to be commercial wind, solar photovoltaic, solar water heating and air source heat pumps.

The final column in grey indicated the total accessible resource available for each technology in Copeland. This identifies the energy sources that could have sufficient accessible resource to exceed the predicted capacity if there is a change in policy and/or funding to support them at government or a more local level. The largest resources in Copeland are air source heat pumps, commercial wind, ground source heat pumps, solar photovoltaic and solar water heating.

Table 2: Breakdown of Renewable Generation in 2030 by Technology

Energy Source	Additional Deployable Capacity by 2030	Total Deployment in Copeland in 2030	Total Accessible Resource
Commercial Wind	10.7 MW	27.7 MW	81.8 MW
Small Scale Wind	0.4 MW	0.4 MW	2.1 MW
Plant Biomass	0.4 MW	0.4 MW	4.0 MW
Animal Biomass	0.6 MW	0.6 MW	6.2 MW
Waste Biomass	0.3 MW	0.3 MW	4.6 MW
Biogas	0.1 MW	0.1 MW	0.6 MW
Hydro Power	0.0 MW	0.0 MW	0.0 MW
Solar Photovoltaic	7.6 MW	7.6 MW	21.2 MW
Solar Water Heating	4.1 MW	4.1	19.8 MW
Ground Source Heat Pumps	0.8 MW	0.8 MW	25.7 MW
Air Source Heat Pumps	3.6 MW	3.6 MW	102.7 MW
Water Source Heat Pumps	0.1 MW	0.1 MW	1.7 MW
Total	29 MW	46 MW	270 MW

The Study also considered three alternative scenarios (energy mixes) for delivering the identified potential capacity in each area. The scenarios were:

- Scenario 1 – Matching the mix outlined in the UK Renewable Strategy
- Scenario 2 – Projecting the current energy mix forward
- Scenario 3 – No new commercial wind energy

If Scenario 1 was to be pursued then almost all of the accessible biomass and energy from waste resources in the borough would have to be utilised, and even then there would be a shortfall that would need to be made up from either commercial wind or microgeneration.

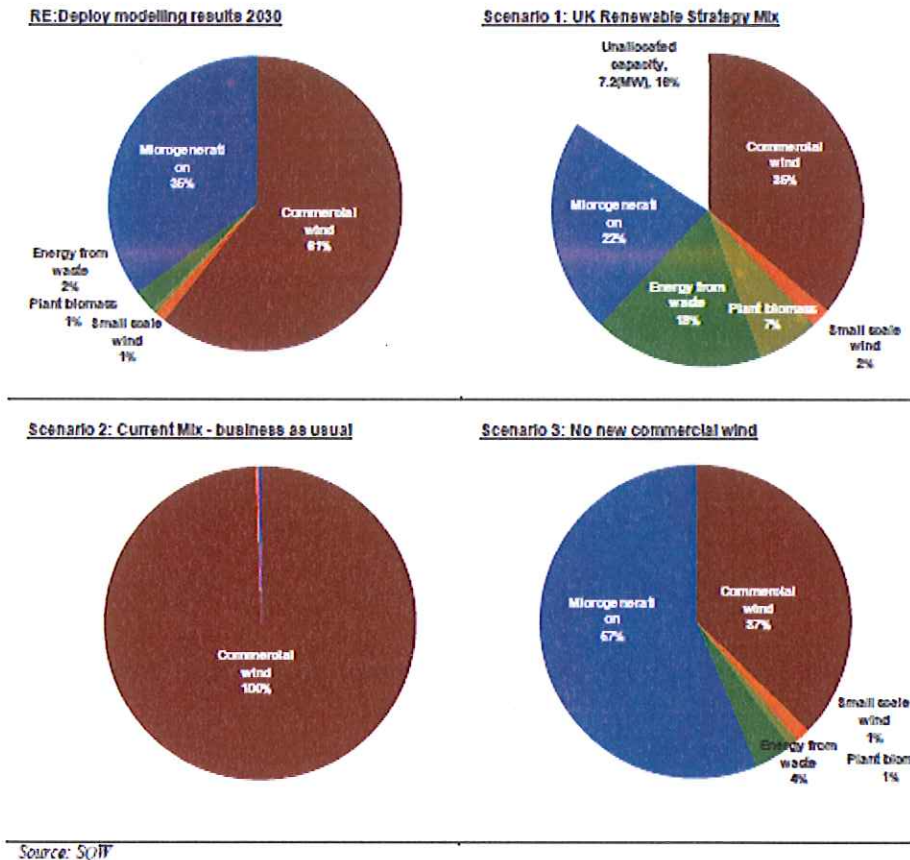
Scenario 2 would result in all 46MW of renewable energy to come from commercial wind in 2030.

Scenario 3 would require a policy decision to support additional microgeneration so that it forms almost two thirds of the renewable energy mix in 2030.

This is shown in Chart 4.

Chart 4: Scenario Results for Copeland

Table H-8: Scenario results for Copeland (total = 46 MW)



Finally, the Study considered some economic effects of different renewable technologies. It found that:

- Commercial wind deployment is likely to provide the greatest carbon saving and at the lowest cost (with microgeneration costing the most for the carbon saved)
- Microgeneration has the potential to create the largest number of jobs

What it Means

There is likely to be additional commercial wind development in Copeland between now and 2030. However, it is likely to be relatively small compared to most other districts and will form a smaller proportion of the overall renewable energy supply as other sources are deployed.

The alternative scenarios and economic assessment provides the Council with the opportunity to determine other Copeland Borough Council policies, such as whether to actively promote and seek funding to support microgeneration across the borough. Any

such approach could meet the Council's aspirations as Britain's Energy Coast as well as link to other agendas such as the Economic Blueprint for West Cumbria and reducing Fuel Poverty.

The Study will be used to inform the evidence base for the Copeland LDF and used to support Core Strategy Policy ER2, but the Council does not intend to set any specific targets based on this Study (as had been done in the RSS).

The Study also does not seek to provide policy. This will continue to be provided in Local Development Framework Policies ER2 and DM2 in the LDF, with additional guidance in the *Cumbria Wind Energy SPD (2008)* and any subsequent refreshing of this.



Executive Summary

The purpose and scope of the study

1. This study on Renewable Energy Capacity and Deployment in Cumbria provides a comprehensive evidence base for developing appropriate and robust local planning arrangements with regard to renewable energy. It is a technical study only and does not constitute policy for any of the Cumbrian Local Planning Authorities. The work was undertaken by SQW and Land Use Consultants and was overseen by a Steering Group consisting of representatives from Cumbria County Council, Allerdale Borough Council, Carlisle City Council, Copeland Borough Council, Eden District Council, South Lakeland District Council and the Lake District National Park Authority (LDNPA).
2. The study draws on previous work including the *Northwest Renewable and Low Carbon Energy Capacity and Deployment Study (2010)* and the DECC/CLG methodology *Renewable and Low Carbon Capacity Assessment Methodology for the English Regions (2010)*.
3. This study has involved a detailed and localised assessment of the amount of resources available that could be used to generate renewable energy up to 2030 – in other words the overall *potential technical capacity* (expressed in MW). The resources and technologies investigated include wind, biomass, energy from waste, hydropower, solar and heat pumps. In recognition of the high environmental quality in Cumbria, specific research was undertaken into capacity within Protected Landscapes.
4. The study was also concerned with taking these results a step further and translating them into a level of renewable energy deployment that is realistic to reach by 2030 i.e. the *deployable capacity*. This involved the analysis of a number of key constraints and opportunities associated with economic viability, supply chain, grid connection/distribution, planning acceptance rates and other factors. It also took into account the amount of renewable energy already installed, and in the pipeline (under/awaiting construction or consented), within each Local Planning Authority (LPA). Scenario testing was undertaken to examine different mixes of renewable energy technologies that could be deployed.
5. The study has been undertaken against a backdrop of a rapidly changing national policy context for planning and energy. Table 1 provides a summary of the key policy developments for renewable energy generally, and specifically in relation to Cumbria.

Table 1: Summary of policy context

Planning policy

- National planning policy: Planning Policy Statement 22 Planning for Renewable Energy and Supplement to PPS1: Planning and Climate Change; national planning system review imminent, Localism Bill intending to shift power from central government back into the hands of individuals, communities and local authorities.
- Regional Spatial Strategies likely to be revoked, but still remain a material considerations although renewable energy targets have little weight.
- All LPAs locally have or are developing renewable energy targets aiming to support the increased deployment of renewable energy. Cumbria's Wind SPD is of particular benefit.



Energy Policy

- Policy on renewable energy capacity is fast moving and changing to take into account emerging technologies and targets at the national and global level.
- Government is committed to furthering deployment of renewable energy.
- Key current policy: UK Renewable Strategy, 2009 (source 15% of energy needs from renewable sources by 2020).
- Key financial incentives:
 - The Renewables Obligation which is the main mechanism for supporting large-scale generation of renewable electricity.
 - Renewable Heat Initiative announcement in March 2011 – phase 1 non-domestic from June 2011, phase 2 domestic from autumn 2012.
 - Premium Payment scheme for domestic renewable heating systems targeted at off gas grid properties starting 1 August 2011.
 - Feed in Tariffs support renewable energy generators with capacity less than 5 MW – currently under review to make efficiency savings due to be complete by end 2011. In June 2011 fast track decisions were announced on changes to the tariffs for anaerobic digestion plants and larger solar projects >50kW.
- Energy Bill 2010 – 3 key measures: The Green Deal, measures to enable low carbon technologies, further provisions including support to the private sector, the Energy Company Obligation and measures to support energy efficiency.
- Electricity Market Review White Paper, 2011, identifies key challenge of meeting electricity demand as 25% of current capacity is removed over the next 10 years due to plant closures and introduces specific measures to attract investment, reduce the impact on consumer bills and create a secure mix of electricity sources including gas, new nuclear, renewables and carbon capture and storage.
- UK Renewable Energy Roadmap, 2011, sets out shared approaches (across England, Wales, Scotland and Northern Ireland) to unlock renewable energy potential by building on existing actions and introducing new measures to promote greater deployment of eight key technologies.
- Emerging legislation: potential revision of Climate change levy; more support to LAs & communities re: ownership of renewable assets.
- Sub-regional energy initiatives such as Britain's Energy Coast and recent EZ submission provide further supportive policy environment.

Source: SQW

What is Cumbria's overall energy demand and how much renewable energy is already generated?

6. Using regional energy consumption statistics from DECC, Cumbria's total energy demand in 2007 was identified as approximately 18,000 GWh (i.e. energy output rather than generation capacity) with demand from Industrial and Commercial sectors being 50% higher than the domestic sector. Road transport demand is substantial and is spatially linked to the path of the M6. Domestic demand is higher in more rural areas probably linked to older and less energy efficient dwellings.
7. To provide a benchmark level for consideration of renewable energy generation potential and policies/targets, projections of Cumbria's energy demand to 2030 have been made. These projections are based on two of DECC's published national energy 'Pathways': the Reference case (no attempt made to de-carbonise or maximise energy generation from renewable sources) and Pathway Alpha which involves a concerted effort to reduce overall energy demand, to increase energy generation from low carbon electricity and to produce and import sustainable bioenergy:
 - Reference case – energy demand for Cumbria increases by 7% between 2010 and 2050 driven by a 40% increase in domestic energy demand and a 12% increase in Industrial and Commercial demand, offset by a 28% fall in demand for energy for

land transport. Emissions are likely to increase. Energy demand in 2020 and 2030 is projected to decrease slightly to 17,900 GWh and 17,800 GWh respectively.

- Alpha Pathway – energy demand for Cumbria falls by 14% between 2010 and 2050 driven by a 38% fall in energy demand for transport, partly offset by a 13% increase in Industrial and Commercial demand. Domestic demand falls by 6% to 2030 then rises to match 2010 levels by 2050 and emissions decrease. Energy demand in 2020 and 2030 is projected to decrease to 16,000 GWh and 14,200 GWh respectively.
8. Cumbria's current renewable energy installed capacity, plus the projects that are planned and about to be developed (i.e. the "pipeline") was just over 295 MW at April 2011. The analysis indicates that this is provided from just under 400 separate installations. Interestingly, the installed and pipeline capacity exceeds the North West Regional Spatial Strategy target for electricity for Cumbria of 237 MW at 2010 showing that the sub-region is already progressing well in contributing towards the national renewable energy target of meeting 15% of the UK's energy needs from renewable sources by 2030.

Cumbria's potential resource for generating renewable energy

9. The detailed assessment of potential renewable energy resources in Cumbria has been undertaken in relation to 2030 as this fits well with planning horizons and is also realistic in terms of the time it can take for renewable energy developments to be consented and installed. In addition, we have also noted where the identified capacity is likely to increase (or decrease) considerably by 2050 to provide a longer term view. The assessment involved first, identifying the opportunity for harnessing the renewable energy resources on the basis of what is naturally available within the context of the limitations of existing technology solutions. Second, the assessment included addressing the some of the more "fixed" constraints to the deployment of technologies in relation to the physical environment and planning regulatory limitations to identify a more realistic measure of capacity and potential.
10. The total onshore potential technical capacity (i.e. the accessible renewable energy resource) in Cumbria is assessed to be 4,542 MW or 4.5 GW. Table 2 summarises the potential for each technology. The capacity results in italics and red font are not included in the aggregated results because they are provided for context rather than as accurate assessments. Those additional results cover sources such as offshore renewables and solar farms as well as CHP/district heating which are not renewable sources and so are not included in the aggregated total.

Table 2: Potential technical renewable energy resource capacity in Cumbria by technology (at 2030)

Technology group	MW by technology group	Sub Category Level 1	Sub Category Level 2	MW by sub-category
Wind (onshore)	2885.6	Wind - commercial scale	Wind – commercial scale	2858.3
		Wind – small scale	Wind – small scale	27.3
Wind (offshore)	<i>2900</i>	Wind (offshore)	Wind (offshore)	<i>2900</i>
Tidal	<i>6200</i>	Tidal	Tidal	<i>6200</i>

Technology group	MW by technology group	Sub Category Level 1	Sub Category Level 2	MW by sub-category
Wave	500	Wave	Wave	500
Geothermal	---	Geothermal	Geothermal	---
		Plant biomass	Unmanaged woodland (electricity)	6.8
			Unmanaged woodland (heat)	41.4
			Energy crops (electricity)	6.2
			Energy crops (heat)	23.6
			Waste wood (electricity)	4.4
			Waste wood (heat)	3.8
Biomass	212.0 ¹		Agricultural arisings	3.0
		Animal biomass (aka EW)	Wet organic waste	90.0
			Poultry litter	2.8
		Waste	Municipal Solid Waste (MSW)	19.4
			Commercial & Industrial Waste (C&I)	20.7
		Biogas	Landfill gas	1.8
			Sewage gas	4.9
Hydropower	69.7	Small scale hydropower	Small scale hydropower	69.7
		Commercial scale hydropower	Commercial scale hydropower	0
Microgeneration	1374.7	Solar	Solar Photovoltaics (PV)	150.5
			Solar Water Heating (SWH)	135.4
		Heat pumps	Ground Source Heat Pumps (GSHP)	213.2
			Air Source Heat Pumps (ASHP)	852.7
			Water Source Heat Pumps (WSHP)	22.9
Large scale solar	326.2	Solar farms	Solar farms	326.2
		Solar infrastructure	Solar infrastructure	0.02
Combined Heat & Power	126.5	CHP	CHP	126.5
TOTAL	4542.0			4542.0

Source: SQW and LUC

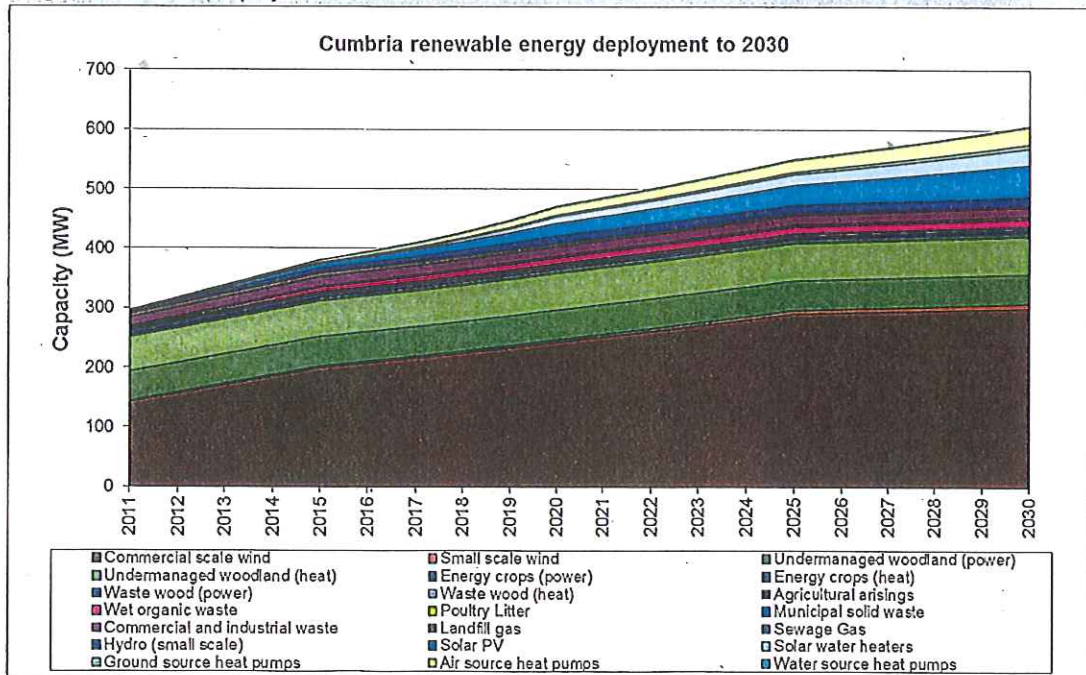
¹ Unmanaged woodland (Electricity), Energy crops (Electricity) and Waste wood (Heat) have been excluded as heat and energy production for these technologies are mutually exclusive.

11. Commercial onshore wind provides the largest proportion of the onshore resource at 62% followed by microgeneration – 30% of the total resource. In addition the potential from Solar PV farms could provide an additional 326.2 MW although it is recognised that this assessment is highly caveated due to a number of assumptions being taken into account and the outcome of the recent FIT review resulting in a much reduced financial incentive to develop solar PV farms. Finally, the potential heat demand for combined heat and power (CHP) which could be met through district heating systems is 126.5 MW – this is significant potential and the introduction of the Renewable Heat Incentive combined with technological progress is likely to lead to many more schemes coming forward. Only those resource technologies that contribute to the overall total capacity (i.e. excluding offshore sources, solar PV and CHP) were subject to the deployable resource analysis in the remainder of the study.

How much of that potential resource is realistically deployable?

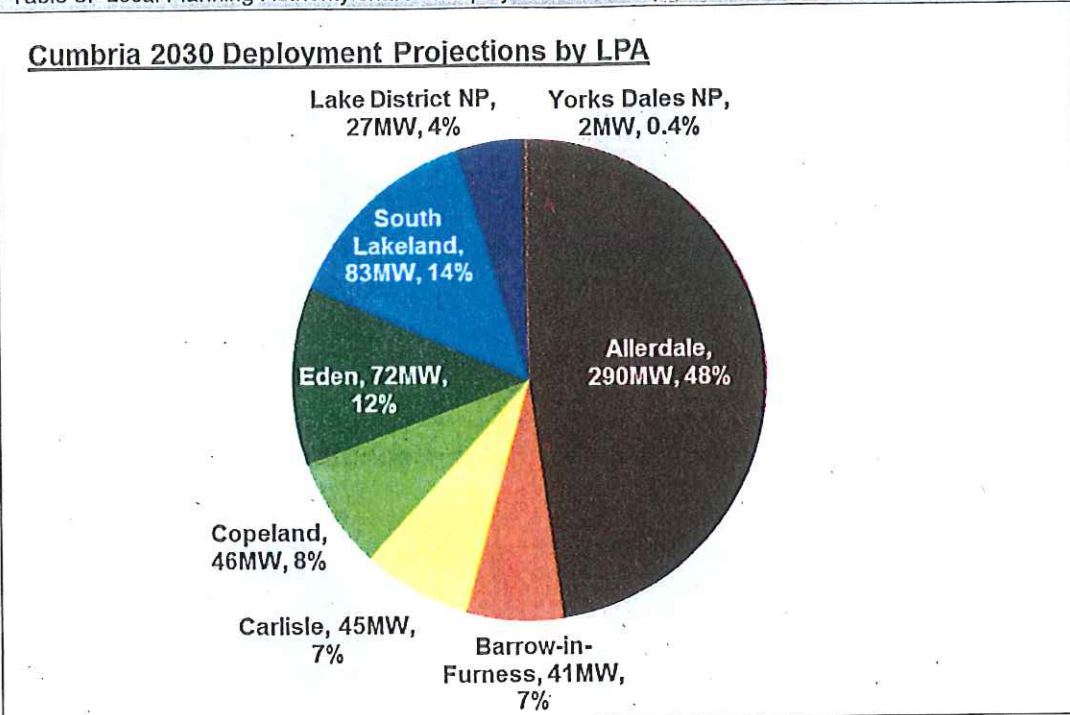
12. The Deployment Projections prepared in this study have forecast that 606 MW renewable energy could realistically be deployed within Cumbria by 2030 (including that which is already installed or in the pipeline). For all of the technologies except commercial wind, the potential technical capacity figures were used as the reference point or absolute ceiling of the amount of resource. For commercial wind, a reduced ceiling figure of 1,623 MW was used as this takes account of landscape capacity and was therefore considered to be a more realistic limit for Cumbria. The Deployment Projections were generated using SQW's *RE:Deploy* spreadsheet based tool.
13. Figure 1 shows the deployment curve or “build rates” for the different technologies under the Deployment Projections. Based on locally specific data on the installed/pipeline capacity and potential resources, the anticipated contributions of the eight LPAs to achieve the 606MW for Cumbria are shown in Figure 2.

Figure 1: Cumbria deployment curve to 2030



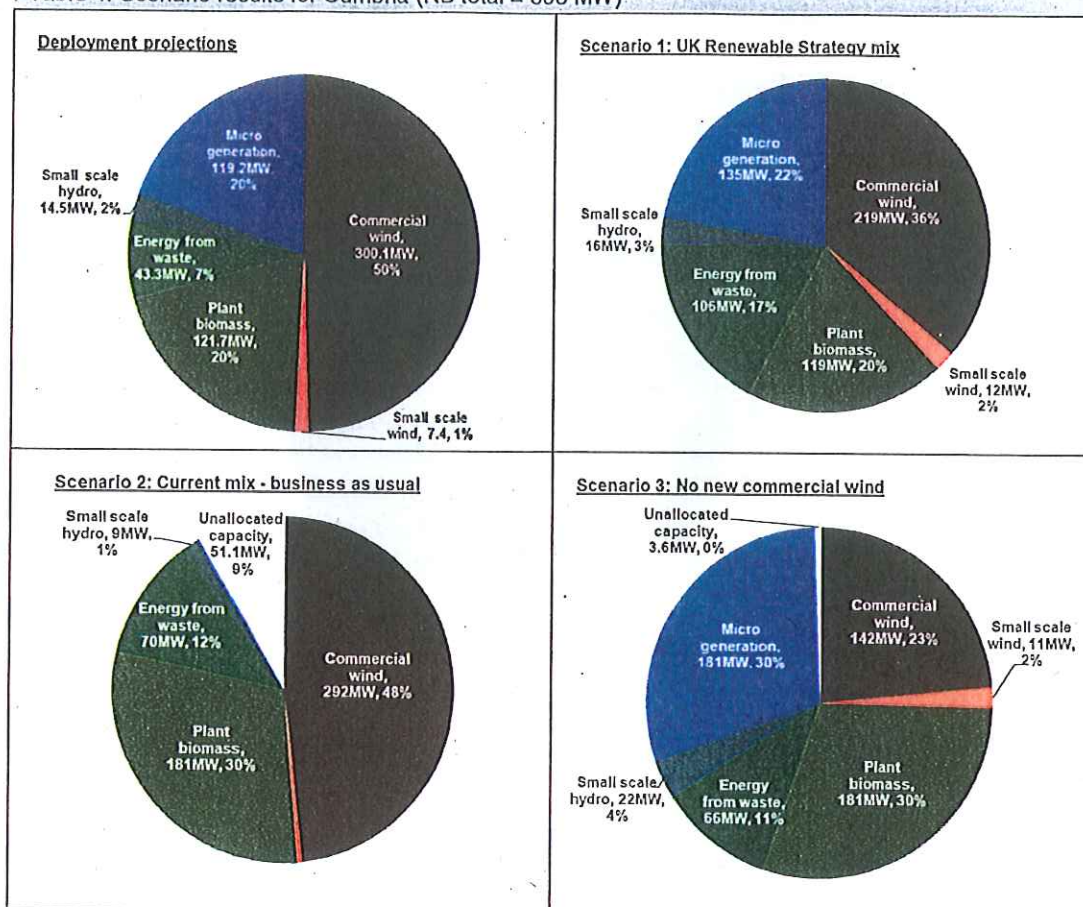
Source: SQW

Table 3: Local Planning Authority share of deployment at 2030 (NB: total = 606 MW)



14. Three further scenarios were investigated to illustrate how Cumbria could achieve the same level of deployment at 2030 by different mixes of technology. The three scenarios were agreed following consultation with the Steering Group and their main features and differences between them are:
- *Scenario 1: 'UK Renewable Strategy mix'*, which reflects the indicative national technology proportions identified within the UK Renewable Energy Strategy 2009 to obtain 15% of the UK's energy needs from renewables by 2030.
 - *Scenario 2: 'Current mix – business as usual'* projects forward the current installed capacity mix within each of the Cumbria LPAs (the mix differs between LPAs according to characteristics of current installed capacity).
 - *Scenario 3: 'No new commercial wind'* assumes that there will be no new commercial wind deployment over and above that which is currently installed, under construction, awaiting construction or consented.
15. Table 4 illustrates the different mixes associated with the Deployment projections and the three further scenarios.

Table 4: Scenario results for Cumbria (NB total = 606 MW)



Source: SQW

Strategic impacts and opportunities associated with increased deployment

16. A qualitative analysis of risks and opportunities for Cumbria accompanied the quantitative work on constraints and scenarios. That analysis indicated that in terms of:
 17. Economic viability
 - Cumbria has the potential to deliver renewable energy on a significant scale if it is made sufficient economic policy priority.
 - Continued financial incentives will be important to maximise deployment specifically from commercial scale wind and microgeneration.
 - A coordinating group, with dedicated offer support, promoting renewable energy would be beneficial.
 18. Supply chain
 - The need for skill development in hydropower and biomass installation was highlighted by consultees although experienced engineering and design, and turbine

manufacture companies are based in Cumbria. Addressing any skills shortages will be important to reach the uplift in deployment envisaged regardless of the scenario – although these technologies feature most predominantly in the *No new commercial wind scenario*.

- Fuel supply is an issue for biomass, as is the need for sustainable woodland management and known, engaged woodland owners – the potential for significant woodland creation should be maximised as a way of meeting demand within the sub-region, but importing may also be required in future.

19. Planning and political

- More certainty and consistency in planning policy interpretation and decision making should help encourage greater deployment
- Sustained objection to commercial scale wind, albeit by the minority, is an important consideration that needs to be taken into account and managed pro-actively.

20. Technology development

- CHP and heat pumps are two technologies for which there is significant untapped technical capacity. National technological developments are needed for deployment to be fully maximised, and locally there will be opportunities to support firms involved in the associated supply chains (manufacture and installation).
- The large uplift in microgeneration in all scenarios, but particularly for the *No new commercial wind scenario* may prove challenging.

21. Community ownership

- There is limited interest in community ownership of renewables schemes although there are examples of successful projects such as the Bay Wind community initiative. Awareness raising, including visiting other projects such as the Bay Wind Community projects and the development of informed guidance, e.g. 'how to' guide covering technical and financial issues, could help to increase the current uptake which is minimal.

22. Job creation

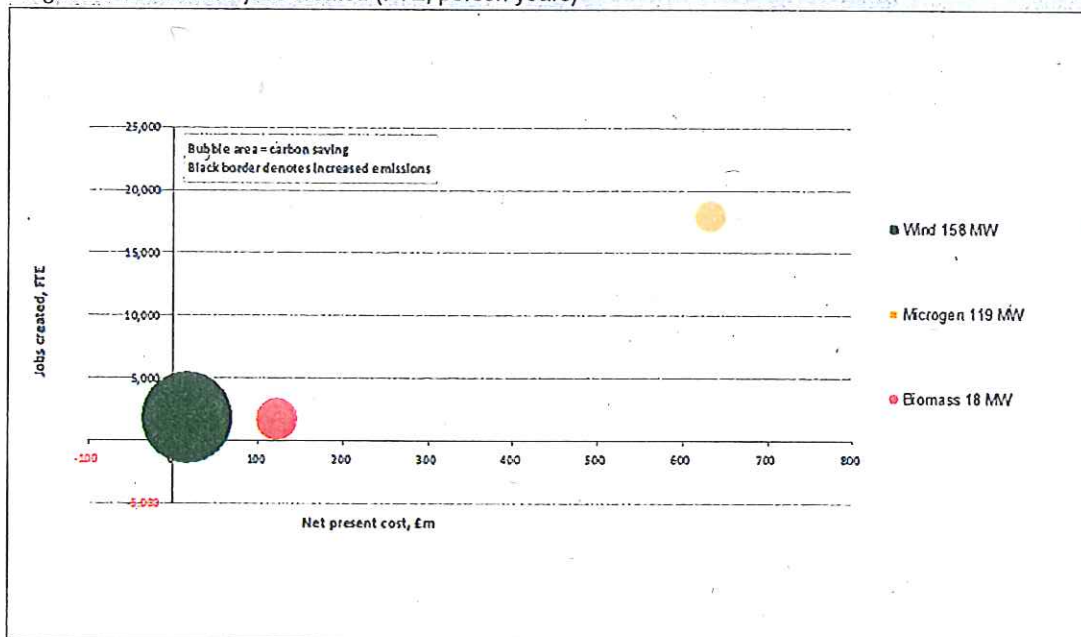
- Positive job creation impacts can be created through the increased deployment of renewable energy, particularly microgeneration which through its individual-property based characteristics is labour intensive.

23. Specific attention was also placed on the anticipated **environmental impacts** associated with the Deployment Projections. Overall, the most significant environmental impacts are likely to result from commercial scale wind, plant biomass and energy from waste. These technologies are prevalent in all scenarios (except the *No Commercial Scale Wind scenario*), and so it is envisaged that each of the deployment scenarios would result in landscape and visual impacts. As such, the cumulative landscape and visual impact resulting from future development of these technologies, combined with the existing deployment, is likely to be of a high

magnitude given the sensitivity of the landscape in Cumbria. Noise is also considered to be a potential impact (both short and long-term) in the case of these technologies. However, this potential is highly dependent on the location of future developments, and is only likely to occur where these technologies become concentrated within a locality, with the magnitude being enhanced where schemes are in proximity to sensitive receptors (e.g. residential development, schools etc.). There are also potential impacts associated with air quality and traffic and transport (both short and long term). Cumulative impacts are likely to arise where biomass and energy from waste plants become concentrated in a specific locality. Depending on the degree of concentration and the scale of individual plants, this would be of a medium-high magnitude.

24. Further analysis was also undertaken to consider the likely **carbon and economic impacts** using the PACE tool² which is a transferrable model to compare the impact of various interventions associated with moving towards a low carbon economy. This tool was applied to the Deployment Projections for Cumbria looking specifically at three technologies: commercial scale wind, energy from waste in the form of anaerobic digestion and solar photovoltaics. Figure 2 summarises the impacts analysis through illustrating the costs, jobs and carbon savings all in one chart. It is evident that commercial wind deployment is likely to save the most tonnes of carbon (largest bubble) and cost the least amount of money (furthest to the left). Nevertheless, in employment terms, microgeneration deployment has the potential to create the most new jobs (highest up the y-axis).

Figure 2: Total cost v jobs created (FTE, person years)



Source: SQW Note: The job figures are full-time equivalent person years. They include manufacturing, build and installation jobs for deployment until 2030 and operation and maintenance jobs associated with this deployment.

² The PACE (Prioritisation of Actions for low Carbon Economy) tool was developed by SQW for Cornwall Council as part of the EU INTERREG Regions for Sustainable Change programme

Main conclusions from the study

25. This study has provided a wealth of updated evidence and new analysis of the local possibilities for renewable energy across the Local Planning Authorities in Cumbria to 2030 and beyond. The main conclusions arising from the study are that:
- **Cumbria has abundant natural resources for renewable energy, but the deployment of these need to be undertaken in such a way that does not compromise the value and inherent quality of its natural landscapes, many of which are designated. Throughout this study, we have respected the need to ensure that projections for future energy deployment do not detract from Cumbria's outstanding environment. Taking this and a range of other constraints into account it is forecast in this study that Cumbria has deployable onshore renewable energy resources of 606 MW by 2030. When converted into energy generation (GWh) and taking into account load factors for the various technologies, the potential energy generation figure is 1,861 GWh. This compares with the energy demand projections provided in Chapter 3 which suggest, depending on which pathway is followed, that future energy needs could be between 14,000 and 18,000 GWh at 2030. This suggests that Cumbria could provide between 10 and 13% of its energy requirements from onshore renewables by 2030. The UK Renewable Strategy, 2009, suggests that 15% of total future energy needs (and 30% of electricity) should come from renewable sources by 2020, but it should be noted that this aspiration is not expected to be disaggregated to local areas. Cumbria is currently a net exporter of energy and this is likely to be the case for renewable energy due to the abundance of natural resources.**
 - **Interestingly, the current installed and pipeline capacity (295 MW) already exceeds the North West Regional Spatial Strategy electricity target for 2010 for Cumbria which was 237 MW. However it should be noted that this target was based on the North West Sustainable Energy Strategy which was published in 2006 since when there have been considerable advances in technological developments for renewable energy and more financial incentives are now available. In addition, the targets were calculated on a top down basis by identifying projected energy demand for the North West at 2030, calculating 20% of this (as the North West Sustainable Energy Strategy set out for the North West to meet 20% of its energy needs by 2020) and then dividing this amount between Cumbria, Cheshire, Merseyside, Lancashire and Greater Manchester. Cumbria is a net energy exporter and likely to continue to be so, particularly for renewable energy and therefore it is important that targets are developed on a capacity rather than a demand basis capitalising upon the natural resources with which the county is endowed.**
 - **Cumbria needs to significantly increase its current level of deployment (295 MW) if it is to meet the 606 MW that is considered deployable. The Deployment Projections provide the most easily achievable mix as they are based on realistic assumptions concerned with economic viability, supply chain, grid constraints and recent planning acceptance. The UK Renewable Energy Strategy mix scenario would require a substantial increase in energy from waste which may not be realisable,**

whilst the *No new commercial wind scenario* which is likely to be more politically acceptable and has the least environmental impacts, requires a substantial uplift in the deployment of microgeneration. Some microgeneration technologies are not yet economically viable on a widespread basis and this target is extremely challenging in terms of the scale of the uplift and viability of deploying this with regards to owner interest, availability of financial incentives, quality of stock and technological development.

- **Microgeneration provides an exciting opportunity in terms of economic benefits and particularly job creation.** The analysis of qualitative aspects revealed that there are a good number of existing microgeneration installers so there is a local labour market benefit that can be achieved. Continued support via Feed in Tariffs, or other financial incentives in the future, plus a supportive local policy environment should help maximise take up. Potential funding sources for wider scale roll-out retrofit and new housing include European funding (already being accessed in Cumbria for retrofit including renewable energy measures), section 106 and the Community Infrastructure Levy. Supportive planning policies are also important particularly those that require more than the minimum Code for Sustainable Homes requirements and Merton type policies where it is specified that a certain proportion of energy should be generated on site.
- **Continued deployment of commercial wind is likely to be required to meet the identified level from the deployment modelling and it is notable that some LPAs with large technical capacity have no existing or planned developments.** An appropriate planning environment, which is in place across Cumbria particularly with the Wind SPD in place, is essential as will be the continuation of financial incentives. Wind also provides the cheapest option as identified through the carbon and economic impact analysis and will achieve the highest carbon saving. Whilst noting the importance of commercial wind in Cumbria's future renewable energy deployment mix, it is important to have cognisance of the cumulative environmental impacts that this can impose. Allerdale for example has a significant installed capacity with regards to commercial wind (at just under 90 MW) yet could realistically deploy a further 60 MW over the next 20 years. This is a fairly significant deployment of commercial wind within one district which would not be without environmental impacts.

Recommendations

26. The key recommendations from the study are summarised below:
 - We are aware that Cumbria County Council and the Cumbria Local Planning Authorities are **planning a series of dissemination events**. This is important and should not be restricted to climate change officers or planning officers, but include economic development colleagues due to the important of renewable energy to the Cumbrian economy as recognised through Britain Energy Coast's proposals. Related to this, we are aware that a series of training events have been undertaken throughout 2011 to raise awareness of different types and scale of renewable energy technologies

amongst officers and communities. This could be built upon with further awareness sessions for elected members linked to the findings from this report and including site visits to provide first hand experiences of different types and scales of renewable energy developments.

- Individual LPAs may wish to undertake **further work to refine the results** and select the most appropriate scenarios to provide the evidence base to help to take forward their renewable energy ambitions. This could be linked to target setting to set a clear goal and also enable measurement of progress. In addition, further analysis may be important for individual LPAs in relation to economic viability, opportunities, carbon abatement potential and environmental impacts.
- **Increasing the profile of renewable energy to an overarching policy priority** linked to Britain's Energy Coast proposals could provide substantial economic and environmental opportunities for Cumbria in to the future. In addition, the skills opportunities presented through the growth of the sector and its supply chains need to be fully optimised and it is recommended that **supply and demand mapping concerning skills and supply chain** are undertaken for the increased deployment of biomass, hydropower and microgeneration. Whilst recognising the significant economic boost that can be provided through capitalising upon renewable energy opportunities, it is important to also acknowledge the importance of tourism to Cumbria's economy and the role of the natural environment in attracting visitors. Therefore cumulative impacts and the consideration of landscape character must be taken into account with regards to the siting of individual developments.
- Related to the above point, there is an identified need to **develop an ongoing co-ordinating group working to raise the profile of renewable energy** and ensure that future deployment is maximised, within environmental constraints, and that its benefits are fed back into local communities via the development of local supply chains, community schemes etc. The Cumbria Renewables Panel could potentially provide the vehicle.
- Whilst there is already a **reasonably well developed planning environment in place** with regards to local policies and the wind SPD, there appear to be some concerns with regards to the **interpretation and delivery of said policy**. Reviewing the consistency of interpretation and implementation of existing policies including the Wind SPD across LPAs will help foster a more supportive environment for the deployment of renewable energy within Cumbria.
- Due to the **landscape quality across Cumbria and prevalence of Protected Landscapes**, we recommend that **further work** is undertaken to fully understand and assess all of the impacts from a significant uplift in renewable energy deployment, particularly commercial scale wind.
- In order to take the **assessment of heat demand and potential for CHP developments** further, **additional research** should be undertaken concerning future development and its heat demand, potential future waste heat sources and a review of existing and planned heat infrastructure across the county.

1: Introduction

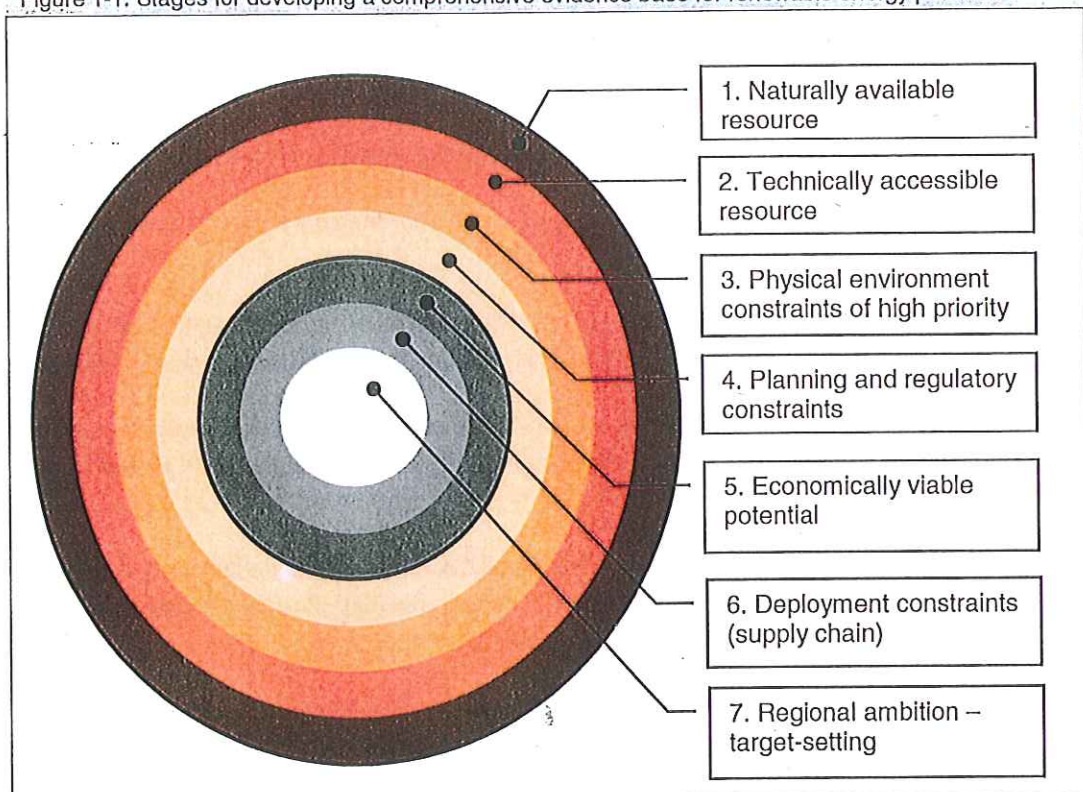
- 1.1 SQW Ltd (SQW) and Land Use Consultants (LUC) were commissioned by Cumbria County Council in September 2010 to prepare a Renewable Energy Capacity and Deployment Study for Cumbria. The study provides a comprehensive evidence base that will facilitate local planning authorities across the region to develop well-founded policies that support renewable energy deployments. It is a technical study only and does not constitute policy for any of the Cumbria Local Planning Authorities. The study was overseen by a Steering Group consisting of representatives from Cumbria County Council, Allerdale Borough Council, Carlisle City Council, Copeland Borough Council, Eden District Council, South Lakeland District Council and the Lake District National Park Authority (LDNPA).
- 1.2 Cumbria is committed to becoming a low carbon economy and in order to move towards ensuring its contribution towards the UK's target of meeting 15% of its energy needs from renewables by 2020 (as required by the UK Renewable Energy Strategy, 2009), the need for a consistent evidence base across its local authorities was recognised. With the planned revocation of Regional Spatial Strategies, and with them regional (and sub-regional) targets for renewable energy generation, it is important that local areas are proactive in looking to maximise their future renewable energy deployment and in commissioning this study, it is clear that Cumbria takes its responsibilities seriously.
- 1.3 For this study, potential renewable energy capacity is assessed at 2030. The rationale for this end date is that it aligns well with providing an evidence base for local planning horizons and also provides sufficient time to allow for infrastructure to be put in place in order to realise the deployable capacity. For some technologies, such as wind, future potential capacity will not necessarily increase. However, others which are more related to consumption and development, such as waste and microgeneration which is associated with buildings, may change relatively significantly and this can be factored in based on existing projections; for example as a result of housing growth and development.
- 1.4 The key objectives of the study are to:
- examine current approaches to renewable electricity generation and renewable heat provision including commercial, community and small scale renewable technologies
 - explore the full range of options to optimise renewable energy and combined heat and power, tri-generation and district heating production in the context of a rural sub-region, including exploring whether there can be less of a reliance on onshore commercial scale wind energy schemes
 - reflect current government approaches and good practice
 - support sub-regional plan making and target setting.
- 1.5 The study also builds on the Northwest Renewable and Low Carbon Energy Capacity and Deployment Study which SQW and LUC completed last year. That study was undertaken

using nationally endorsed DECC and CLG methodology: *Renewable and Low Carbon Capacity Assessment Methodology for the English Regions (2010)* - hereafter referred to as 'the DECC methodology' - also developed by SQW and LUC. The focus of that project was to refresh the evidence base for the potential for renewable energy in the North West. It provided a comprehensive assessment of the potential accessible energy resources at 2020 with the following key finding for Cumbria:

- Cumbria has a very large commercial scale wind resource (10,399MW or 44% of the North West's resource), but also extensive areas of designated land due to its landscape and environmental quality. Cumbria has the largest sub-regional resource in terms of managed woodland (plant biomass) and wet organic waste (animal biomass). Cumbria also has 66% of the North West's small scale hydropower potential accessible resource.

1.6 In this Cumbria-specific study, the task was first to assess the technical renewable energy capacity of the sub-region, within the framework of the DECC methodology (stages 1-4 of the framework in Figure 1-1), but using customised assumptions and data sources reflecting local characteristics.

Figure 1-1: Stages for developing a comprehensive evidence base for renewable energy potential



Source: DECC, *Renewable and Low Carbon Energy Capacity Methodology: Methodology for the English Regions, 2010*

1.7 This was then translated into the more realistic potential deployable capacity, taking into account key constraints using SQW's *RE: Deploy* tool (stages 5-6 from Figure 1-1). Constraints included economic viability, supply chain, grid connection/distribution and planning acceptance were applied to provide an assessment of the amount of renewable energy that could be realistically deployed by 2030. Scenario testing was then undertaken to

examine different mixes of renewable energy technologies that could be deployed to reach this level. Alongside this, an analysis of qualitative risks/opportunities and impacts (including environmental impacts) was undertaken to identify actions required to help Cumbria contribute towards national renewable energy targets.

- 1.8 Throughout the study, it has been important to maintain a balance between capitalising upon Cumbria's significant assets for renewable energy generation and recognising and protecting its outstanding natural environment. This has required particular consideration of Protected Landscapes and their settings in order to ensure that neither renewable energy nor nature conservation objectives will be compromised.
- 1.9 We would like to pass on sincere thanks to the Steering Group whose support and advice throughout the study development process has been invaluable.

Status of the report

- 1.10 This is the final report which supersedes all previous outputs. It is a technical study only and does not constitute policy for any of the Cumbria Local Planning Authorities.

Structure of the report

- 1.11 The remainder of the report comprises the following:
- Section two sets the scene by providing the wider context, in terms of energy policy and planning policy, for the deployment of renewable energy across Cumbria.
 - Section three provides our analysis of energy demand both currently and projected forward to 2030.
 - Section four details the scale and location of current installed renewable energy schemes, and those at an earlier stage in the planning process, across Cumbria.
 - Section five sets out the results from the technical resource capacity assessments for Cumbria as a whole, and for each of the individual Local Planning Authorities (LPAs).
 - Section six provides the results of the deployment modelling and analysis which reduces the technical renewable energy potential to a more realistic forecast of deployable renewable energy by 2030.
 - Section seven analyses the implications of deploying this scale of renewable energy in economic, social and environmental terms.
 - Section eight details our overall conclusions and recommendations for taking forward the evidence provided in this report and using it to inform future economic, environmental and planning policy development.
- 1.12 In addition, the evidence base from this study includes 10 annexes, provided in a supporting document, covering:

- a review of sub-regional studies to inform the development of assumptions for assessing technical capacity
- revised technological assumptions detailing how and where these diverge from the DECC methodology
- references and datasets used in the course of the study
- details of organisation that have been consulted throughout the study
- summary of installed and proposed renewable energy developments across Cumbria
- review of protected landscapes
- map access details
- results of the deployment and scenario modelling by Local Planning Authority
- focus group details: programme, attendees and completed SWOTs
- conversion table: to document the conversion factors used (to move between energy capacity in MW and energy output in GWh) and to illustrate the scale of development associated with the overall deployment forecasts.



Renewable Energy Policies ER2 and DM2

- 1.1.1 The Government has set a target to supply 15% of the UK's energy from renewable energy by 2020 (as set out in the 2009 Renewable Energy Directive). One way local authorities can help achieve this is by providing positive planning policies for renewable energy. In addition, national planning guidance, in the form of the current PPS22 and its likely replacement in the National Planning Policy Framework, also require Local Development Frameworks to include policies that support renewable energy.

Policy ER2 – Planning for the Renewable Energy Sector

The Council will seek to support and facilitate new renewable energy generation, at locations which best maximise renewable resources and minimise environmental and amenity impacts within acceptable limits. Criteria on renewable energy development / generation are set out in Policy DM2.

- 1.1.2 In 2010, Cumbria Vision received a report on *The Scope for Renewable Energy in Cumbria* which concludes that the county could become a considerable exporter of energy from several renewable sources.
- 1.1.3 In August 2011 the *Cumbria Renewable Energy Capacity and Deployment Study* was completed on behalf of the local authorities in Cumbria to assess the potential capacity from renewable sources of energy between 2011 and 2030. The purpose of the Study was to help local planning authorities in Cumbria to understand the available resources of each renewable energy technology and also the likely scale of deployment for each technology between 2011 and 2030. The Study considers the potential of the following technologies:
- **On-shore Wind** (commercial wind and small scale wind)
 - **Biomass** (plant biomass, animal biomass, energy from waste and biogas)
 - **Hydropower** (small scale hydropower)
 - **Microgeneration** (solar photovoltaic, solar water heating, ground source heat pumps, air source heat pumps and water source wheat pumps)
- 1.1.4 Off-shore resources (i.e. off-shore wind, wave and tidal) were discussed in the Study and the energy that could be generated from off-shore resources is acknowledged, but they do not contribute to the renewable energy capacity figures for Cumbria or any of its districts.

- 1.1.5 The Study found that while Cumbria has a high natural resource for renewable energy (4,542MW), it also has a large number of high quality landscapes and designations which significantly reduce what is deployable. It indicates that once the constraints (environmental, transmission, supply chain, economic viability, and planning and regulatory constraints) are taken into account Cumbria's renewable energy deployment is likely to be 606MW in 2030.
- 1.1.6 A similar picture is seen in Copeland, where the current renewable generation of 17MW is predicted to increase to 46MW in 2030. The Study also gives an indication of the mix of technologies that will come forward in the future. Currently commercial wind is the source of virtually all renewable energy in Copeland. The Study indicates that it will remain the largest component of Copeland's renewable energy mix into the future, but as part of a greater mix of technologies and highlights the increased role that microgeneration can play in the future.
- 1.1.7 It is not proposed to set specific targets for renewable technologies in the Core Strategy even though the *Cumbria Renewable Energy Capacity and Deployment Study* provides potential deployment figures for each individual technology. This is because the development and uptake of newer technologies, such as microgeneration, can be strongly influenced by changes to government policy and funding as well as local priorities.
- 1.1.8 Instead, the LDF provides a positive policy framework together with the aspiration to deliver 46MW from renewable sources by 2030.
- 1.1.9 It should be noted that this figure is not a ceiling, and that if funding and policies at a local and national level are directed towards renewable energy (especially microgeneration) then this figure is likely to be exceeded. This is especially relevant given the aspirations of the Economic Blueprint for West Cumbria and the number of jobs that can be created from microgeneration.
- 1.1.10 In the future, community scale renewables schemes may become an increasingly significant to meeting local energy requirements.

Renewable Energy Proposals

- 1.1.11 Policies ST2 and ST3, outline the overall spatial and regeneration strategies, including those for energy developments in the Borough, whilst Policy ER2 provides a positive statement to support and facilitate new energy production from renewable sources. As there are likely to be proposals for renewable energy developments in locations which have not yet been identified it is important to provide relevant criteria to ensure that potential impacts of renewable energy generation proposals are minimised.

Policy DM2 – Renewable Energy Generation in the Borough

Proposals for renewable energy development in the Borough must satisfy the following criteria:

- A Proposals should be developed with the Borough's community and key stakeholders in accordance with the Council's current adopted approach to stakeholder involvement**
- B There would be no significant adverse visual effects**
- C There would be no significant adverse effects on landscape or townscape character and distinctiveness**
- D There would be no unacceptable impacts on biodiversity or geodiversity**
- E The proposals would not cause an unacceptable harm to features of nature or heritage conservation importance**
- F There are no unacceptable impacts of noise, odour, dust, fumes, light or other nuisance that is likely to affect residents and other adjoining land users**
- G Any waste arising as a result of the development will be minimised and managed appropriately**
- H Provision is made in proposals for the removal and site restoration at the end of the operating life of the installation**

Adequate mitigation measures would be secured to minimise the potential impacts of any renewable energy development proposals and to deliver significant benefits to the community where the scheme is to be sited wherever possible. If necessary such measures would be secured through Planning Obligations.

- 1.1.12 Whilst there is a general support for renewable energy, the development of installations can lead to adverse effects which need to be managed effectively. As a result Policy DM2 is designed to minimise the impacts from the following issues:

Appendix 3: List of Reference Documents

- Potential adverse impact on the character of an area, either on their own or cumulatively
- Potential adverse impact on existing development, including noise, odour, vibration, (in the case of wind turbines, shadow flicker, and electromagnetic interference)
- Provision for the removal of all equipment and installations and site restoration on the cessation of energy provision
- The siting and design of proposals having regard to the capacity / character of the landscape

1.1.13 In addition to DM2, further guidance on wind energy developments is provided in the Cumbria Wind Energy Supplementary Planning Document (SPD) and any subsequent update of it.

Appendix 2a

COPELAND LOCAL DEVELOPMENT FRAMEWORK

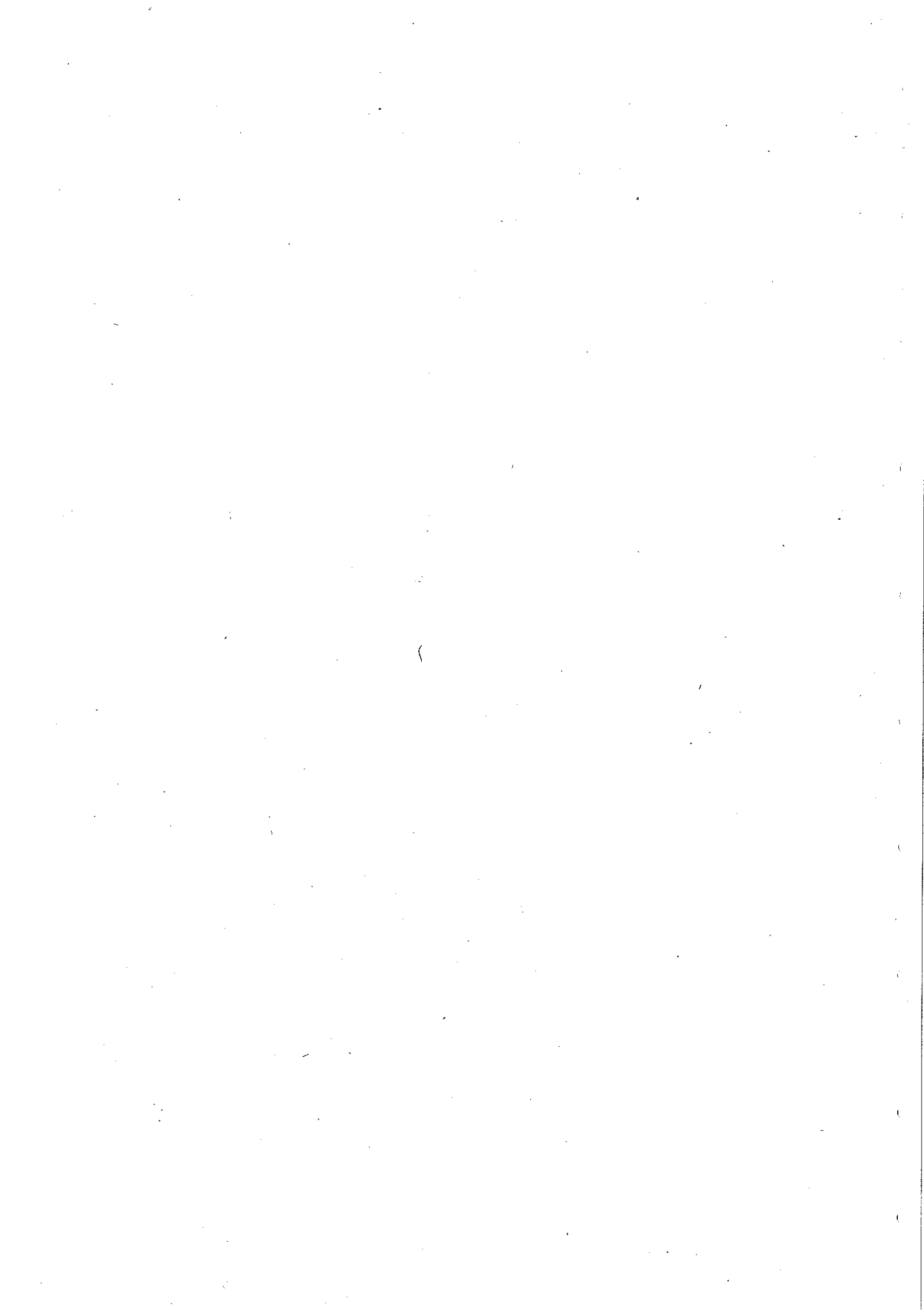
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December 2011



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EMPLOYMENT LAND

CORE STRATEGY TOPIC PAPER

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Background

Economic Change in the twentieth century

The traditional industries, mostly extractive, which drove the nineteenth century growth of the main settlements, declined during the 20th century. Early efforts to provide for alternative employment relied on the approach typical from the 1930s to the 1960s. On the one hand there were incentives to firms to move to Development Areas (of which West Cumbria was one) – many of these firms were not long-lived, and the general migration of manufacturing to lower cost countries has taken its toll. On the other, land was made available, but this often relied on availability, for example of former colliery land; as accessibility has become a more and more critical factor in employment location, West Cumbria in general, and particular locations remote from trunk roads, such as Moresby Parks and Leconfield (Cleator Moor), have struggled to compete.

The nuclear sector arrived in the 1950s with the development of the Sellafield complex. Today as many as 12,500 people (about 40% of all the employees in Copeland) work at the plant. This means that the area has one of the highest proportions of people employed in knowledge-based industry in the country. The site is also host to over 60% of the UK's nuclear waste; decisions are needed to deal with this legacy and also to consider a new generation of nuclear power stations at potential sites in the Borough. At present some of the reprocessing operations at Sellafield have an uncertain future, and whilst decommissioning is itself a major employer and a potential source of international business, the Sellafield labour force will be expected to decrease steadily in the long term.

The 21st century response

The emerging response to this in Cumbria was the development by Cumbria Vision of 'Britain's Energy Coast: A Masterplan for West Cumbria', which was adopted in 2007 (and was recently reviewed by the 'West Cumbria Economic Blueprint'). It is designed to build on Copeland's nuclear and engineering strengths and to create further knowledge-based opportunities, as well as to diversify the economic base, there is also a lesson of history from both coal and nuclear ages not to rely on one single industry. Whilst the Council does not have the authority to make decisions about the future role of nuclear in Copeland, the Local Development Framework has a major role to play in implementing the Energy Coast Masterplan and diversifying the Borough's economic base.

Other sectors are those associated with a large rural area. Jobs in agriculture have been falling for a number of years, but the sector is still an important contributor to the local economy and the principal means of maintaining the countryside and landscapes which are valued by local people and visitors; new approaches to development in rural areas are needed to support farm enterprises and other rural businesses. Tourism is an important focus of opportunity within the Borough, especially given the overlap with the Lake District National Park and the presence of the Coast-to-Coast footpath. There is identified potential for this sector to grow from the current 1.8 million visitors a year and £95million expenditure, by some 5% each year. This will require new and improved attractions, facilities and accommodation throughout the Borough.

Locational focus of planned development and land supply

Strategic Policy ST2 sets out a settlement hierarchy which underpins all locational choice in the Borough. Employment location is expected broadly to follow this hierarchy, though it will be modified where, for example, activities are of a kind which is not appropriate or a good neighbour in urban/populated areas, or where the benefits of reducing car use are outweighed by the impact of frequent lorry deliveries. In general, though, much of the expected employment growth will be of a kind that could be located in the key centres, and this is the underlying aim. In particular, as the Employment Land and Premises Study observes (p.94), opportunities in Whitehaven town centre can add to supply but require less land-take; they could also respond to a perceived shortage of quality stock in the centre (ELPS p.65).

In fact, notwithstanding the importance of Sellafield, jobs are already strongly concentrated in the towns, as Figure 1 shows.

Table 1: Location of jobs in Copeland

Total, Copeland Borough	29,530
Sellafield	11,938
Total, non-Sellafield jobs	17,412
Whitehaven*	8,694
Egremont	2,444
Millom and Haverigg	1,715
Cleator Moor	1,114
Rest of Copeland	3,445
* 7 Whitehaven Wards	

Source: NOMIS 2009

Drivers of Change and the Growth Agenda

The principal over-arching influences on spatial strategy development are:

- Climate change and the drive for greater sustainability
- The 'Energy Coast' concept and economic growth
- Household change and housing growth
- Change in the nuclear industry

Climate and Sustainability

For the purposes of employment land designation, the key climate change-related factor is the need to optimise sustainability of location. The distribution of development envisaged by Policy ST2 responds to this. For example, the ELPS notes the potential of central Whitehaven to house office

and other uses more efficiently than out-of-town sites. However, choices are not always straightforward; in Copeland we additionally have to take account the location of our existing sites, which reflect in part their history, but also the difficulties posed by geographical constraints, such as floodplains or topography, around the towns.

The 'Energy Coast' and economic change

There is a strong connection in Copeland - stronger than in most places - between the issue of climate change and the issue of economic change. This reflects the importance of the energy sector in the local economy; and its potential to respond to climate change and a low-carbon strategy. The 'Britain's Energy Coast' Master Plan sets out how Copeland and Allerdale could take advantage of the potential of nuclear, wind, and water energy to become a very important player in this strategy.

It is a strategy both for energy generation and for economic growth. The energy sector is clearly the key driver in economic terms, and is likely to become more so. Sellafield's 12,500 employees - the great majority of them West Cumbria residents - are predominant in an economy with about 66,500 jobs (Copeland and Allerdale Boroughs). The forecasts suggest that what happens to this total jobs figure over the next 20 years will very much depend on what happens in the energy sector.

Research has been carried out to update the assumptions underlying the Energy Coast Master Plan (*Projections Paper – Projecting Employment and Housing Change November 2011*) to inform the 'Blueprint'. This looks at three scenarios – a 'baseline' which concludes that, due primarily to decommissioning, the Borough would lose substantial numbers of jobs by 2026; 'nuclear new build', which predicts a smaller loss (with peaks during power station construction, and up to 1,000 employed after commissioning); and 'nuclear investment', with a range of other processes which may emerge at Sellafield, and the job supply remains broadly static.

Table 2: The Range of Employment Scenarios

<i>Scenario (West Cumbria)</i>	<i>Employment 2011</i>	<i>Employment 2026</i>	<i>Change 2011-26 %</i>
Baseline	59,573	57,737	
Nuclear new build	59,573	59,345	
Nuclear investment	59,576	62,663	
(Copeland)			
Baseline	26,566	23,384	-12%
Nuclear new build	26,566	24,784	-6.7%
Nuclear investment	26,569	27,793	+4.6%

Source: 'Projections Paper – Projecting Employment and Housing Change'. Spatial Implications of Britain's Energy Coast paper November 2011

The paper refers to a policy “challenge” – to be able to react to the ‘baseline’ position whilst also allowing for the full potential of nuclear investment. The Core Strategy aims to do this by ensuring a supply of land, and other strategic policies, which encourage diversifying inward investment and at the same time create an environment which will allow the nuclear industry to reach its full potential.

Household change and housing growth

This subject is covered in more detail in the Housing Topic Paper. For the purposes of this paper it should be recognised that in Copeland the housing stock is particularly intimately linked with economic development prospects. The ECMP and the ‘Blueprint’ have noted that the Borough is not well provided with ‘aspirational’ housing, which supports perceptions that, notwithstanding the high quality jobs on offer at Sellafield and other nuclear-related sources, a large proportion of managerial and professional staff are not attracted to live in Copeland and are prepared to commute substantial distances instead.

Thus, policy for economic diversification and growth is supported by policies

- designed to encourage the improvement of the range of housing on offer in Copeland;
- in terms of numbers, ensuring that there is enough land available to support growth and, correspondingly, adapt to a reversal of the trend of population decline;
- developing the attractiveness of the towns, especially Whitehaven (which already demonstrates that high quality housing development can succeed in the town).

Change in the nuclear industry

The nuclear industry accounts directly for about 40% of the jobs available in Copeland, and indirectly for an estimated further %. The ‘Blueprint’ analyses a set of future scenarios markedly different from the assumptions in force when the Energy Coast Master Plan and Local Plan were produced, for the following reasons.

1. Expectations of the future of decommissioning, alongside other operations at Sellafield, are evolving and the forecast rate of job contraction is now much slower than it was in 2008.
2. The proposed power station at Sellafield will bring almost a thousand permanent jobs, and an estimated 4,000 temporary jobs during construction.
3. New nuclear investment streams are being developed. There is not enough detail or certainty about these to enable this round of plan preparation to take them into account - if necessary, a review or partial alteration of the Core Strategy can cater for them at an appropriate time. However, they are a factor in planning for housing in the medium to long term, and that is why the Local Development Framework plans for a housing figure based on forecast need, whilst also making sure there is flexibility for an aspirational level of development.

Taking forward the Local Plan

The background to producing the Local Plan (2001-2016, adopted 2006) was strongly similar to the continuing context outlined above. In particular:

1. the background socio-economic characteristics of the Borough have not changed significantly;
2. Sellafield job projections were pessimistic, implying a loss of 7,000 jobs, 27% of the Copeland labour force, by 2015.

The approach was based on retaining a portfolio of employment land catering for 'high end' development (mainly, at Westlakes Science and Technology Park) but also for smaller-scale and locally-based manufacturing and commercial development on the existing stock of industrial estates and other sites. In general little demand was identified to re-allocate land for other uses such as housing, though Devonshire Road in Millom was the subject of one such change.

The approach has had limited success. This can be attributed to four factors.

1. As a peripheral area, distant from main routes, West Cumbria has to work hard to attract the kind of investment need to diversify.
2. In an increasingly competitive environment, the quality of much of the Borough's employment land is problematic.
3. Development prospects have been blighted, during half of the time since the Plan was adopted, by the aftermath of the 'credit crunch' – as usual, the economic slowdown has impacted most on areas of low development value, of which West Cumbria is one.
4. The demise of the Regional Development Agency, and the advent of a more fragmented approach to Government funding in which regeneration is explicitly not prioritised, leaves West Cumbria at a disadvantage when the distribution of growth-directed public funds is concentrated on areas which are already successful.

However, there are encouraging signs. Westlakes has been successful in showing that a quality science park can grow in West Cumbria. In addition, a number of developments of great potential look to be on the way to fruition, notably the package of sites at Pow Beck (guided by the SPD adopted in 2009); Whitehaven's first modern office development at Albion Square; and the mixed use development on the Mark House site on the harbourside.

These signs of incipient success, the continuing broad-based support among stakeholders, and the lack of suggestion that there is another way, indicate that this broad strategic direction continues to be valid, and the Core Strategy is thus based on that foundation. However, the loss of key sources of gap funding will make securing development more challenging.

Responding to regional and national policy

Regional and sub-regional strategy

The Regional Spatial Strategy (RSS) is now in the process of being revoked, but at the time of drafting, planning authorities are still required to conform to it. Much of the production period of the Core Strategy has taken place while the RSS was still in force, and the strategy has therefore been drafted to conform with it.

West Cumbria was singled out as a priority for investment addressing regeneration and worklessness (policies RDF1 and W1), with Whitehaven (along with Workington) singled out as a location for regionally significant economic development (W2). Although policy W4 advocates the de-allocation of surplus employment land, it makes an exception for sites that "provide, or have the potential to provide, an important contribution to the economy of the local area". (This supports the Borough Council's position that, although there is a surplus of land compared to historic take-up rates, and some sites are expected to be de-allocated in the site allocation process, most sites have particular characteristics that mean they have that potential to contribute.)

The Core Strategy also recognises the Cumbria Sub Regional Spatial Strategy (adopted in 2008), part of the Community Strategy for Cumbria. This has an approach to development which flowed from the (no longer extant) Structure Plan, and is based on a hierarchy of 'major' development in Whitehaven (along with Workington and Maryport across West Cumbria); 'moderate' development in Cleator Moor, Egremont and Millom (along with Aspatria, Cockermouth, Silloth and Wigton); and 'small scale' development in local service centres and other locations identified in local development frameworks. The spatial approach of Core Strategy policies ST2 and ER6 reflects this.

The strategy supports provision for high value business development, along with further and higher education to develop skills (especially nuclear-related) at Westlakes, identified as a strategic investment site by the Regional Economic Strategy (as was Lillyhall). It advocates economic diversification including development of the tourism industry.

The National Planning Policy Framework (NPPF)

The NPPF is the most up-to-date expression of national planning policy. It carries forward, in a more concise form, policies which are essentially in continuity, as far as economic development is concerned, with the predecessor Planning Policy Statement 4 (PPS4). The Core Strategy is based on the policies previously consulted upon in the Preferred Options report, which were drafted to comply with PPS4. Having tested the Core Strategy against the NPPF, the Borough Council is confident that the Core Strategy's economic development policies, along with the rest of the plan, remain compliant with national guidance.

The NPPF states that the local plan (correctly, the Local Development Framework) "should include strategic policies to deliver ... economic development requirements". The background and evidence base sections above indicate what these are for Copeland. They continue an approach to regeneration developed relatively recently, with wide stakeholder support, to respond to a situation which has not fundamentally changed in the few years since the Energy Coast Master Plan and Local

Plan were adopted. They are supported by the evidence base, as independently reviewed most recently in the West Cumbria Economic Blueprint.

Collaborative working (NPPF para. 29)

This section of the strategy has been drawn up in consultation with Cumbria County Council, Allerdale Borough Council and business interests, as consultees. (The strategy has also been tested against the Lake District Core Strategy and is accepted by the National Park Authority.) That consultation has been bolstered by the continuing partnership approach of strategy development for the Energy Coast, which involves those authorities and key elements of the business community.

Assessing economic development land supply and demand (NPPF para. 30)

Requirements have been extensively investigated, by independent consultants, in the preparation of the Employment Land and Premises Study and in the review of that and other evidence for the Blueprint. The supply has been assessed as more than enough to meet demand.

It is acknowledged that much of the supply has constraints of quality and accessibility. But these reviews of the supply have demonstrated, firstly, that the Westlakes Science and Technology Park should provide a good supply of quality 'B1' land well into the plan period; and secondly, that there are no better candidates available for employment allocation. (From a sub-regional perspective, Copeland also benefits from the Lillyhall strategic site close to its northern boundary.) Complementing this, the Council is acting, with support from Sellafield, to create a supply of high quality office space in Whitehaven town centre (another Master Plan objective).

Supporting economic development (NPPF paras. 73-75)

The Core Strategy recognises, and sets out in spatial terms, the economic vision and strategy of the ECMP and its update in the Blueprint. The partners are satisfied that West Cumbria is supplied with (pre-existing) strategic sites at Lillyhall and West Lakes, along with proposals to develop the strategic significance of south and central Whitehaven; and that these are a realistic focus for promotion of inward investment. The strategy is in place both to support the critically important nuclear sector, and to nurture and develop other sectors, notably renewable energy, tourism and (probably energy-linked) knowledge and information technology industries. Priority areas have been identified for regeneration (primarily, in Whitehaven and the three smaller towns); infrastructure needs have been identified; and the Council is open to the development of new working practises, though this is contingent on the development of a high quality broadband network, in which the Council is actively supporting the County Council's Connecting Cumbria initiative.

Promoting the vitality and viability of town centres (NPPF paras. 76ff.)

Town centre development is not actively considered here. But it should be noted that development in Whitehaven (as referred to above) is an integral part of the ECMP approach. It is backed up by a strategy for Whitehaven in the Whitehaven and Harbourside SPD, which has been brought forward in parallel with the Core Strategy. The Core Strategy also prioritises regeneration and growth in Cleator Moor, Egremont and Millom.

Sub-regional strategic context – the Energy Coast Master Plan

The Energy Coast (originally West Cumbria Spatial) Master Plan, adopted in 2007, articulated a vision for the economic development over 20 years, and acts as a guide for public investment to realise that vision.

The ECMP sets out *strategic themes* as follows.

1. Business and enterprise; building on West Cumbria's strengths associated with nuclear and renewable energy, supporting diversification, and increasing the value of the tourism sector.
2. Skills and research; a globally competitive energy and environmental technology cluster, backed up with similar quality research operations, and a growing supply of the requisite skills to take advantage of changes in the nuclear sector and new markets.
3. Connectivity and infrastructure; improving the capacity of main rail and road routes, along with the Port of Workington, and access to Carlisle Airport.

Under the last heading is a commitment to strengthen the sub-regional portfolio of development opportunities, whose priorities are

- the strategic sites at Westlakes Science and Technology Park (and Lillyhall in Allerdale),
- Whitehaven harbour and town centre (as well as Workington town centre and Maryport harbour in Allerdale),
- short term priority employment areas at Bridge End in Egremont and Leconfield in Cleator Moor,
- longer term investment at Moresby/Whitehaven Commercial Park and Pow Beck (plus various sites in Allerdale),
- housing market renewal, accompanied by new housing development in north, east and south Whitehaven, (along with sites in Workington and Maryport), and
- 'aspirational' housing in central Whitehaven, St Bees, and sites not at that time identified around Egremont and Cleator Moor (as well as in Workington).

In 2011/12 the ECMP has been updated by the West Cumbria Economic Blueprint. The Blueprint concludes, in effect, that the original vision remains broadly valid, and the partners involved agree that the key principles should be

1. Excellence in energy;
2. Diversification and innovation;
3. Connected West Cumbria;
4. Quality of Life, Quality of Place – this last representing a new stress on a theme picked up but given less prominence in the ECMP.

In terms of prioritising sites, the Blueprint singles out the following.

- Westlakes Science and Technology Park.
- Albion Square, Whitehaven, to increase the number of workers in the town centre and set it up as a place for investment in town centre office space.

- 'secondary' employment sites at Egremont and Cleator Moor.
- nuclear new build and, potentially, Sellafield extension.
- leisure opportunities near Cleator Moor.
- Whitehaven town centre investment.
- housing sites in south and north east Whitehaven, and around Egremont and Cleator Moor.

(along with, in Allerdale, Lillyhall, Workington Port, 'secondary' employment land at Maryport, further investment in Workington town centre, Derwent Forest as a leisure sector opportunity, and housing at Workington, Maryport and Wigton).

This list compares closely with those which were focused on by the ECMP, and referred to specifically in the Core Strategy 'Preferred Options' Report. It also demonstrates the continuation of the sub-regional approach which underlies Core Strategy preparation in both Copeland and Allerdale.

Evidence base research

The West Cumbria Employment Land and Premises Study (ELPS), 2008

This (DTZ for Allerdale and Copeland Councils) was published in October 2008. Its conclusions advocated an employment land portfolio comprising a mix of sites appropriate to current and future demand of a range of occupiers whilst allowing a degree of flexibility.

The following policy interventions were recommended. All of these themes are picked up, insofar as the planning system is able to address them, in the Core Strategy, as indicated by policy references in brackets.

1. Raise the quality of public realm to enhance investor perceptions, focusing particularly on sites identified as priorities for investment. *(ER5)*
2. Improve the quality of life by promoting development of higher value housing at appropriate locations and enhance cultural facilities in the towns. *(SS1 and SS3, supported by site allocations, and SS5)*
3. Secure better build quality. *(ER5 supported by development management policies DM10 and DM11, and the proposed design quality SPD)*
4. Encourage home working and 'work hubs'. *(ER6)*
5. Promote alignment across public sector agencies. *(Not a specific policy aim, but sub-regional working underpins many aspects of implementing the Core Strategy)*
6. Support business start-up and growth, for which availability of appropriate accommodation is essential. *(ER 4-6 supported by the Council's economic development function)*
7. Support the nuclear industry, with a land portfolio which meets its needs. *(ER1 and ER3, ER4-6)*
8. Site-based policy interventions; de-allocation where appropriate *(ER4, site allocations DPD)*, protecting needed employment land against loss *(ER4)*, refurbishment and reconfiguration *(ER5B, ER6D, supported by application of economic development funds)*, town centre accommodation *(being pursued at Albion Square in Whitehaven initially)*.

The ELPS also classifies the existing site portfolio, with

- Westlakes, Leconfield and Bridge End extension identified as priority investment sites,
- a number of others as 'management sites', with one, Whitehaven Commercial Park, needing a more proactive approach,
- Pow Beck and Cleator Mills suitable for alternative uses if they emerge,
- seven sites, in total about 19m hectares, recommended for deallocation *(which will be considered in detail in the site allocation DPD)*,
- the portfolio of Whitehaven town centre sites *(all referred to in the Core Strategy)* recommended for mixed use development with a stress on tourism and/or office use.

These conclusions have informed, and generally been followed in, Core Strategy preparation, and site allocation issues will be picked up as that Development Plan Document is produced.

The ELPS has been re-evaluated during 2011, in the light of changing circumstances, by the 'Blueprint' work, and in particular the Employment Land Review Update (December 2011).

Employment Land Review Update conclusions, 2011

The Update concludes that the diagnosis of the ELPS remains valid.

A more detailed assessment of viability concludes that under current market conditions only Westlakes and Bridge End among Class B1/B2 sites, and Quay Street and the twin bus station/bus depot sites in Whitehaven, are definitely commercially attractive. At the other end of the scale those considered not viable are much the same as the list recommended by the ELPS for de-allocation. The remainder are classed as marginal, including Pow Beck and other sites in south Whitehaven, Leconfield and Whitehaven Commercial Park.

An assessment of the 'B1' land supply, dominated by Westlakes but also including a number of small sites in and around Whitehaven town centre, can be expected to provide a suitable supply of high quality land for the whole Plan period.

At recent rates of take up there is a substantial surplus of land available for the general supply to meet local need for indigenous growth and warehousing/manufacturing. (about 25 hectares, if the sites recommended for de-allocation are discounted, against projected demand for 8 ha.) Some of this land is likely to be suitable for uses associated with nuclear new build (six sites, total area 10.77 ha., mostly suitable for B2 manufacturing, within 15 minutes' drive of the Sellafield site, in addition to Westlakes).

Future scenarios

The 'Blueprint' research has incorporated scenarios for the future, based on different employment outcomes –

1. a 'baseline' dominated by employment contraction related to nuclear decommissioning,
2. 'nuclear new build' which is self-explanatory, and
3. 'nuclear investment', relying on the fulfilment of possible new activities at Sellafield.

These have enabled a more detailed look at the possibilities for house building requirements. Analysis of likely demand for employment land relies on two scenarios. The first, or 'low range', relates to the 'baseline' position; the second, or 'high range', assumes nuclear-related growth, such as the site requirements referred to in the previous paragraph. (Note that in this context, the power station itself, and activity within the Sellafield site, are outwith the land supply as that land is not openly available on the market.)

Adequacy of supply

According to the 'low range' scenario there is, on the face of it, a sizeable surplus of employment land in the Borough (54 hectares, or about 35 hectares if all sites analysed as unattractive are de-allocated). However, if the predictions related to nuclear investment come to fruition, the picture changes significantly. In total there would remain enough land, and the 'B1' supply is adequate. However, 'general' B2/B8 supply might be taken up. Thus, possible nuclear-related demand will be a consideration in the site allocation process and a cautious approach to de-allocation may be justified. The balance between supply and demand is shown numerically in Table 3 below.

Table 3. Employment land supply and demand (in hectares)

	<i>Supply</i>	<i>Demand</i>	<i>Flexibility</i>
'Low range' land requirements			
Offices/'hi tech' (Class B1)	35.74	25.26	10.48
Industry/warehousing (B2/B8)	52.26	8.28	43.98
Total	88.00	33.54	54.46
'High range' land requirements			
Offices/'hi tech' (Class B1)	35.74	27.23	8.51
Industry/warehousing (B2/B8)	52.26	21.93	30.33
Total	88.00	49.16	38.84

Source: Employment Land review Update

GVA for Allerdale and Copeland Borough Councils December 2011

Going forward: the Core Strategy and beyond

Despite a strong focus on Whitehaven, it is important to maintain a geographic spread of employment opportunities, particularly in view of the rural nature of Copeland and consequent accessibility and transport realities. The ELPS (p.94) recommends ensuring that there is adequate employment space to support rural areas, and that places like Cleator Moor and Egremont, which are at risk of job losses resulting from contraction in the nuclear sector, continue to be seen as important albeit smaller-scale employment locations. At the same time, the Council recognises the national trend towards more home-based working, and will generally seek not to obstruct proposals which involve work from home, conversions, and similar localised requirements, providing they comply with other planning considerations.

Most respondents have supported this preferred approach to locating employment sites, stating that the geographical spread of land allocations should reflect the settlement hierarchy. There is also full support for encouraging home working in the Borough, because it would provide more flexible working and help boost the local economy; respondents suggested that policy should facilitate the development of live-work units and small scale employment uses in residential areas.

Westlakes Science and Technology Park: one special requirement that will be met outside the immediate centre (though within the wider town area) of Whitehaven is the provision of high-quality premises for Research & Development (R&D), and especially inward investment, at the Westlakes Science & Technology Park. The vision for this site is to combine higher and further education, research and production with a specific emphasis on the nuclear and energy sectors. The ELPS (p.100) stresses the importance of maintaining the site's differentiation - as a knowledge-based campus - from other locations: notably Lillyhall, which despite its 'strategic' label is in danger now of becoming a default business location for activities which could perfectly well be located in the town centres (ELPS, p.17).

Respondents have also supported the continuation of the Local Plan's use restrictions at Westlakes, so that it could continue as a flagship site for high-value business, attract inward investment, and be complementary to Lillyhall. As part of this approach it will be important to maintain high standards of design and landscaping on the site.

The strategic focus

The core of the spatial strategy is in Core Strategy policy ST2, which sets out a clear general principle that the main focus for development should be Whitehaven, with growth also supported in Cleator Moor, Egremont and Millom.

The supporting policy ST3 identifies the specific locations whose development is fundamental to both the spatial and economic development strategies:

- Sellafield, including the land to the north identified for the power station;
- the group of sites in south and central Whitehaven;
- the three smaller town centres;
- Energy Coast Master Plan sites additional to those in Whitehaven.

Economic regeneration policy ER6 supports this approach and contains criteria for evaluating smaller scale proposals in smaller settlements, safeguarding Westlakes for the right kind of development, and the promotion of home working.

Policies ER1 to 3 relate specifically to the distinct requirements of the important energy sector, with a focus on the continuing development of Sellafield, the more open approach (subject to environmental and amenity considerations) necessary for renewable energy, and an additional focus on associated development where ST2 is more applicable.

Evidential work (particularly the ELPS) indicates that the existing supply is, in quantity and quality, likely to be able to meet foreseeable needs. It is not likely, therefore, that additional employment land will be allocated at this stage. There are, however, locations with potential for strategic scale development, which can be regarded as a reserve which could emerge if needed. These are the Marchon site in Whitehaven (see below) and Hensingham Common on the north eastern edge of Whitehaven, which could play a role supporting nuclear new build, and would offer particular potential if the Whitehaven Eastern Bypass (not currently programmed) were brought forward.

WHITEHAVEN AND THE HOWGATE/DISTINGTON LOCALITY

Whitehaven is a key focus for sites fulfilling strategic regeneration priorities. They include key gateway and harbourside sites in Whitehaven town centre with the following identified as a strategic portfolio of development sites (previous Local Plan site identification numbering in brackets):

- Harbourside sites - Quay Street Car Park (WTC1), Gough's Car Park (Strand Street/Marlborough Street) and Mark House, the former Victorian public baths and the Paul Jones Pub, Strand Street (WTC2), recently given planning permission for a mixed residential and office development.
- The northern gateway sites ; the former Bus Depot and Garage, Bransty Row (WTC4) and former Bus Station and Works, Bransty Row (WTC5)
- Albion Street North and South (WTC8 and 9); now with planning permission for offices intended to house staff moved off the Sellafield site.
- Former YMCA Building, Irish Street
- Sites on the south side of the town centre; Jackson's timber yard and adjoining land, Newtown/Catherine Street (WEOS2) and West side of Preston Street (WEOS3)
- Sites at Ginns/Coach Road (WEOS4, west side and WEOS 5 & 6 on Coach Road)

Development of these sites will be guided by a new Supplementary Planning Document (SPD) which is currently in production, with a draft subject to public consultation in 2012. This will particularly relate to the important design and Conservation Area issues involved. The SPD is informed by the Conservation Area Assessment work carried out for the Council, and the Broadway Malvan "Development Framework" (2007). The Council would expect appropriate uses or mixes of use on the sites appropriate to town centre or edge-of town centre locations. These will be primarily office, retail, tourism and/or leisure uses aimed at increasing the commercial performance of the town centre and substantially increasing its employment base. Some additional housing could be incorporated in suitable mixed use developments.

Two other locations, each previously identified as an 'opportunity site' in the Local Plan, feature in the strategic sites list:

- Pow Beck Valley. Planning permission has been granted for a new stadium and associated rugby and football facilities for the town's main clubs, in association with a sports village complex, housing and limited commercial redevelopment guided by an already adopted Supplementary Planning Document.
- The Marchon site. This large site, alongside spectacular scenery on the coastal footpath route to the town centre, and close to other regeneration areas in south and south west Whitehaven, is still the subject of plans to deal with contamination from previous chemical and coaling activities. Whilst a considerable area within it should be used to contribute to and improve the appearance and accessibility of the coast, it is large enough also to accommodate a mixture of other uses, such as tourism development and offices.

In the short term Marchon may be suitable for development associated with nuclear new build, such as off-site accommodation or training facilities; other sites within Whitehaven are considered by the Council to be suitable for other associated development with 'legacy' potential, such as permanent housing and hotel accommodation. Uncertainty as to when its contamination risks will be dealt with, and its potential for a range of uses, mean that it is not included in the employment land supply.

- Hensingham Common. There is a further area of land, physically suitable for employment development though not within the Whitehaven boundary, on the former Keekle Head opencast site to the north east of the town. This is not at present likely to be attractive to the market owing to its relative inaccessibility by road, and is not currently included in the supply. However, the line of the Whitehaven Eastern Bypass runs along its southern edge. If that were completed the site would offer about 20 hectares of level land in a potentially strategic location, not far from Lillyhall and readily accessible to Sellafield. Development would require consideration of sustainability implications and a travel plan.

Regeneration and development on these sites complements the continuation of housing market renewal, via partnerships between the main Registered Social Landlord (Home Housing Group) and private developers, in south and west Whitehaven

Economic Opportunity and Regeneration

The Employment Land and Premises Study has already flagged up a need to improve the quality and marketing of existing sites in the locality, notably the Whitehaven Commercial Park at Moresby Parks. It has also noted that some poorer quality sites, like Furnace Row (Distington) and Red Lonning at Whitehaven, should no longer be designated for employment in the Sites Allocations DPD. The focus instead should be on investing in the strategic sites mentioned above, and Westlakes Science and Technology Park. Although there is still a superficial surplus of employment land, the continuation of a supply for smaller and expanding local firms remains important. It should be noted that there is no evidence of demand for residential development on the Commercial park, which is in any event not in an appropriate location for housing.

Elsewhere there is a need for a flexible approach including working from home subject to normal protection of residential amenity.

Complementing this, the Core Strategy encourages, and other Local Development Documents will provide for, improvement of the retail 'offer' in Whitehaven, based on the existing shopping area but recognising the potential for appropriate edge-of-centre development and improvement along with support for remodelling of existing shops to provide units more suitable for modern retailing, without detracting from the Georgian character of the main shopping frontages. Additionally, the trend for greater tourism in the town should be consolidated, and better hotel provision would be a major step forward.

In terms of skills development and education the locality is well placed between Lillyhall and Westlakes Science and Technology Park and with the largest secondary school provision in the Borough concentrated at Red Lonning/Hensingham. In all cases there is sufficient land available for likely expansion requirements over the plan period. However it will be important to improve access to the sites especially from the more deprived wards like Sandwith and Harbour in Whitehaven and Distington.

CLEATOR MOOR LOCALITY

It is expected that growth in the energy sector will bring opportunities for additional business development in Cleator Moor, such as further relocation of Sellafield jobs where a Sellafield site is not essential (ER1). There may be potential for renewable energy production in the locality including wind and hydro (ER2) and any National Grid connection programme will undoubtedly have some impact on local communities given available routing options which are close to Cleator Moor (ER3). Regeneration and other vacant sites in Cleator Moor could also provide opportunity for temporary accommodation relating to new nuclear power station construction workers. There will be opportunities for office and workshop/warehouse development at Leconfield Street and the Phoenix Centre and encouragement will be given to new business clusters with food processing being particularly appropriate given the wide rural hinterland. Similarly the Council will try to accommodate proposals involving working from home and rural workshops on existing sites like Frizington Road and Rowrah Station so long as no amenity problems are posed (ER6).

EGREMONT LOCALITY

Growth in the energy sector could likewise bring opportunities for additional business development, including relocation off-site of Sellafield jobs not needing to be on the licensed site, as well as opportunities arising from decommissioning (ER1). There may be potential for renewable energy production in the locality including wave power (ER2) and any National Grid connection programme will again have some impact on local communities given available routing options which are close to Egremont. There is land suitable for longer term employment use which could provide opportunities for development associated with nuclear new build. The Bridge End industrial estate and its expansion land adjoining St Thomas Cross are an important part of maintaining quality employment sites locally near Sellafield, and the Beckermest Estate will still provide limited expansion potential for less neighbourly businesses (ER4).

The local labour force will be equipped for future employment opportunities, particularly in relation to opportunities arising from the decommissioning of Sellafield and future nuclear and other energy based industries (ER11). The location of West Lakes Academy in Egremont is an important element in this drive and the Council will ensure that the Academy's planning needs continue to be met.

MID COPELAND LOCALITY

As a location for employment Sellafield dominates mid Copeland. The Cross Lanes site in Seascale and the Beckermet industrial estate offer a limited amount of land which may be attractive to small firms requiring a location near to the site. Otherwise, employment development in mid Copeland, as for rural areas across the borough, will be guided by Core Strategy and development management policy for rural locations.

MILLOM/SOUTH COPELAND LOCALITY

The energy sector may also offer employment opportunities to South Copeland residents. Some respondents have referred to major renewable energy potential in the Duddon Estuary, where a barrage could provide significant local employment and economic spin-offs and associated infrastructure improvements could include better transport links. However, this proposal has not demonstrated that is feasible or can co-exist with the extremely valuable natural environment of the estuary, and in view of that, inclusion in the Local Development Framework is premature.

It will be important to facilitate regeneration in Millom. However, the main focus for this is likely to be the town centre and existing employment areas in need of upgrading. The Employment Land and Premises Study does not suggest new land allocations and actually recommends that the Local Plan Millom Pier employment site is de-allocated. It is a fairly exposed location on the estuary; the Council feels that with careful design this could become a feature development for the town, incorporating tourism and high quality business accommodation, but there is also a case for it continuing in its present use, in accordance with the owner's wishes and recognising its continuing potential for bulk landing and/or servicing for offshore energy installations.

Conclusions

Common sense, as well as national planning policy, place upon the local planning authority two primary duties. Firstly, it must ensure that there is enough suitable land genuinely available to satisfy the needs of the local economy over the next fifteen years. Secondly, it should take care that excess land is not being hoarded for industrial development which is unlikely to happen, when it could be made available for other uses.

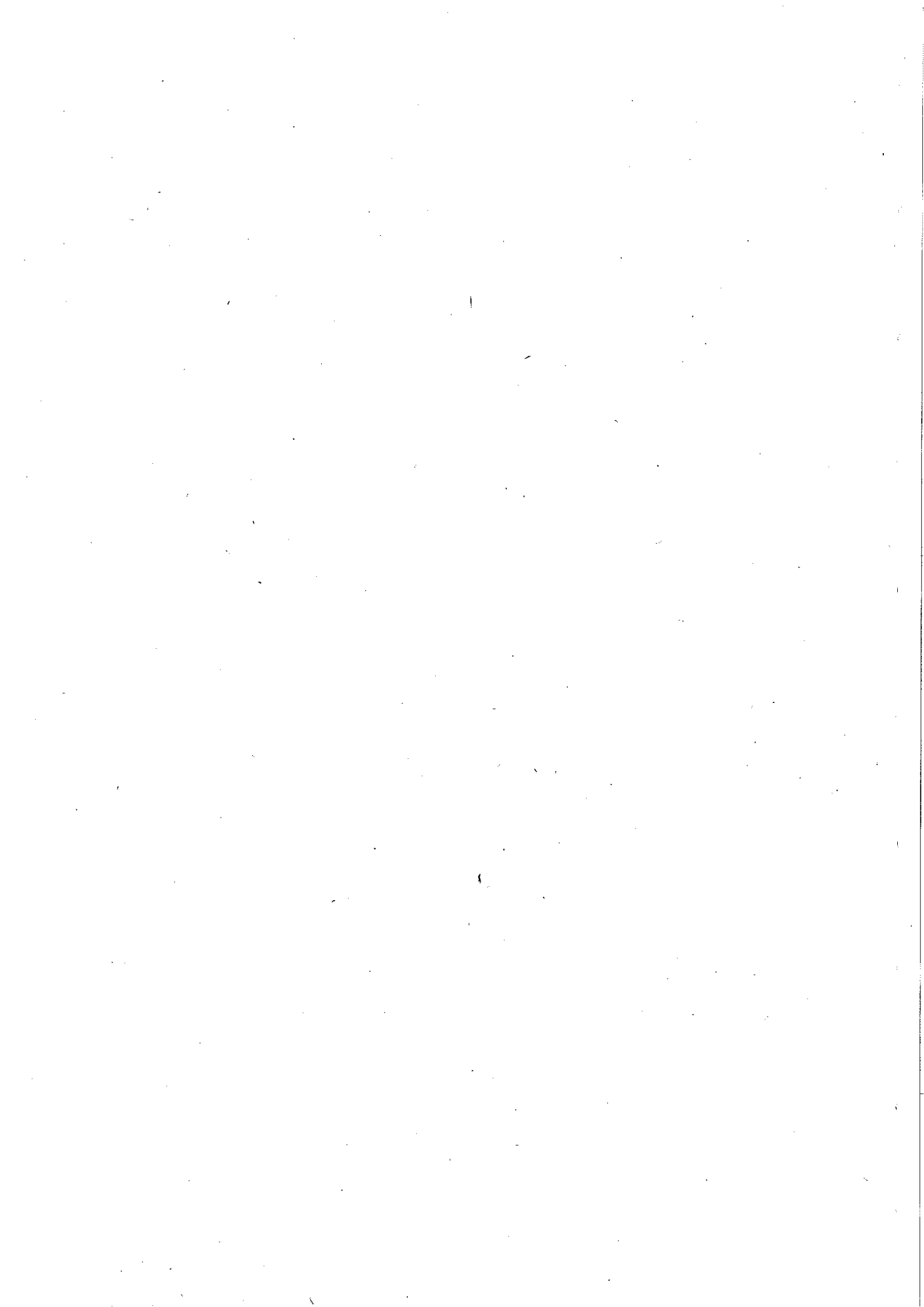
On the adequacy of supply, the Borough Council is satisfied that there is demonstrably enough land available, in the right kind of locations for the purposes for which sites have been identified. There is some risk that, if the full range of nuclear development possibilities happens, the supply may come under strain; but that is not likely to happen for several years and can be dealt with either by a review of site allocations, or by bringing forward land (such as that at Hensingham Common) not at present taken into account.

At present there is more than enough land to meet the level of demand that the local economy has generated in the recent past. But there is also a wide range of other possibilities to cater for. Copeland has to balance the requirements of an evolving nuclear sector, be ready to respond to what may be rapid development in that sector, and be able to offer sites attractive to other inward investors who may reduce the Borough's dependence on the nuclear sector, whilst also keeping a supply of sites for local companies needing more space.

In addition, it has been shown elsewhere (by evidence summarised in the Housing Topic paper) that the portfolio of housing land is big and varied enough to likewise meet Copeland's needs. That, and the nature of the employment land available, mean that there is little evidence of competing demand.

On this basis the Council concludes that it is entirely sensible to keep a surplus of land available to meet the needs of businesses in or coming to Copeland.

November 2011



NUCLEAR NEW BUILD LEGACY STRATEGY

CONSTRUCTION AT SELLAFIELD
AND THE DELIVERY OF
COPELAND'S DEVELOPMENT OBJECTIVES

September 2011



Proud of our past. Energised for our future.

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SELLAFIELD POWER STATION LEGACY STRATEGY

SUMMARY

This note looks at the expectations for, and implications of, nuclear power station construction, as follows.

1. It is assumed at this stage that the project will employ a peak workforce of 5,000 on site, with a workforce of around 4,000 over the majority of the project period. This will require up to 3,000 permanent or modular accommodation units, plus several hundred temporary dwellings (such as chalets) at the construction peak.

A range of other likely site requirements is identified – hotel, park and ride, HGV holding areas, bulk storage and small load consolidation, off-site fabrication, training and induction.

2. The application for the development, and much (possibly, all) of the associated works, will be considered by the Major Infrastructure Planning Unit of the Planning Inspectorate, subject to Secretary of State decision if so directed. The Council is not the planning authority in this case and that must guide our approach to dealing with the developer and the consequences of the development.

3. The Council will be most likely to succeed in its objectives if its approach is soundly based on adopted strategic planning policy. The principles should be:

- **Built development (accommodation, hotel and training facilities, recreation and service facilities) should be in the main towns or recognised locations such as West Lakes Science Park.**
- **Wherever possible, sites used should be those identified as needing regeneration by development, as identified in the Core Strategy; and there should be a 'legacy' of sites serviced, usable and available for further use.**
- **Worker facilities (notably, for recreation), on or near campus, could be available for community use where feasible, and should remain as 'legacy' for community use afterwards.**
- **As regards accommodation, synergies should be sought with community objectives, including as much permanent housing as possible, hotel, caravan or chalet sites (perhaps in partnership with operators) in locations and to a standard suitable for tourism after-use.**
- **'Legacy' should also focus on socio-economic benefits, especially the opportunity to boost diversification by developing the supply chain locally.**
- **Funds available for mitigation and/or community benefit should be used to meet needs identified by Locality partnerships and in the Local Development Framework Infrastructure Strategy.**

SELLAFIELD POWER STATION LEGACY STRATEGY

1. Nuclear new build – basic assumptions

At present the assumption is for a construction period running from 2015 to 2023, the workforce peaking around 2019-21. All these figures are subject to revision as more becomes known about the details of the project.

Peak work force	5000
Recruited locally	500
Long term, buying homes locally	500
Renting / B&B	500
Short-term temporary accommodation (e.g. chalets)	500
Purpose-built worker housing (i.e. permanent dwellings or 'campuses' of modular semi-permanent housing blocks)	3000

The above estimates are differently structured than those for Hinkley (where a larger number recruited locally or using existing housing is predicted) due to the different geography, smaller catchment population and housing supply in West Cumbria. A review of those estimates, based partly on emerging information from Somerset and on research done as part of the West Coast economic Blueprint study, suggests that the workforce may be 4,000 or less, with an attendant estimate of 1,500 temporary accommodation bedspaces.

Size of the workforce over time

More will become known about this once the reactor type, and thus construction method, are established. The Hinkley Point projection is that the workforce (current peak estimate 5,600) will be over 5,000 only for about 18 months. This may be the time of peak demand for holiday park-type accommodation, on currently estimated Sellafield timescales around the years 2019-2021.

There are expected to be 4,000 on site for a longer period – over 4 years – and over 3,000 for about 7 years. Thus there may be scope for some campus land to be turned over for reuse before the end of the construction period, in the early 2020s.

The scope for permanent homes, probably in partnership with a house builder and/or social housing provider, should be explored. There is a portfolio of suitable land capable of taking several hundred dwellings, including a group of sites in south central Whitehaven near Corkickle rail station.

Other likely requirements

Hotel accommodation – owing to Copeland's limited hotel offer, we understand that hotel/conference facilities might be part of the picture (unlike Hinkley Point where it has not been mentioned). Whitehaven town centre, preferably harbourside, must be the prime contender for this in 'legacy' terms, as the lack of a reasonable quality hotel is a major detractor from the town's tourism potential.

Park and ride – Hinkley Point has two facilities projected. For Sellafield most car-borne traffic is likely to come from the north on the A595, which indicates that park and ride is highly desirable. Possible locations include:

- a site on the north side of Whitehaven (such as the Moresby/Hensingham Common opencast site, or
- land at Lillyhall, or
- the Corus site which is accessible by rail).
- A site might be provided on the south side of Whitehaven.
- It might also be appropriate to have a park and ride site in the Millom area to pick up workers coming from the south and south east looking for a train from Barrow.

HGV holding area and smaller load consolidation –

- Corus,
- Moresby or
- a site at Lillyhall if the first two do not measure up.

Off-site sea landing and bulk storage facility –

- at present there are no firm indications of a jetty being built at Sellafield;
- assuming a larger scale off-site requirement, the Port of Workington, with its developing bulk handling capacity, looks a likely candidate. In terms of legacy, this would clearly be preferable as a permanent addition to the area's transport infrastructure.

Possible off-site fabrication facilities (reactor or other components)

- Port of Workington/Corus;
- Moresby.

Training/induction centre may be off site

- This might be a cue for opening up more of West Lakes Science Park, with a building or buildings of appropriate quality to be used as 'legacy'.
- Sites in Cleator Moor include Leconfield Business Park and Ehenside School (the latter may also be suitable for worker accommodation, which would be the preferred use.

- The Ginns and associated land in south Central Whitehaven are well located for such a facility.
- The Rhodia/Tamar ('Marchon') site, also well located in Whitehaven, could take a mixed use development including a training facility.

Wider aspects of the potential legacy.

Associated jobs, including supply chain. Areva have estimated that each development using their reactors would generate 10,000 jobs in construction, 3,000 jobs in the supply chain, and up to ten thousand indirect jobs.

These figures may be overstated, but it is clear that there is an opportunity to draw as much as possible of this employment into West Cumbria. This can be done by engaging with the developer as to where advantages can be achieved in having these companies locally based or represented, and the training and other infrastructure to support them.

Environment.

1. It is assumed that those parts of the site not required for future use will be restored to green field condition. This will provide an opportunity to work with the Borough Council to develop the biodiversity and (as far as is appropriate) recreational value of the land.

2. Where land has been used off-site for associated development, the Borough Council will wish to see all or parts of the site:

- capable of retention as land serviced and, as far as possible, laid out for re-use;
- restored for community use (for example, as informal open space, or for recreation, with buildings made over for re-use if feasible);
- restored to green field condition, with improved natural habitats where possible, as part of the Borough's 'green infrastructure'

2. The Planning (Development Consent Order) Process

The Borough Council accepts that, where application is made for development consent for a Nationally Significant Infrastructure Project, the Council is not the planning authority and will not determine the application.

The key elements of the planning process – that is, an application to the Major Infrastructure Planning Unit for a Development consent Order – are understood as follows.

- Before submitting the application the developers must carry out community dialogue.
- There must also be a dialogue with affected local authorities.
- Statutory bodies must be consulted and an Environmental Impact Assessment carried out.
- The effectiveness of the consultation must be demonstrated in a Statement of Community Consultation.
- The local authorities' view of how effective the consultation was will be a 'key issue' for the Inspector.
- The local authority should prepare a Local Impact Report regarding impacts on their area (the Act refers to them individually but presumably it may be appropriate for a joint LIR to be submitted). It is recommended that work on the LIR begin in advance of the application being submitted.
- The developers may include 'associated' development, including off-site elements, in the application. There is guidance on this, which indicates that off-site worker accommodation does not qualify as 'associated development'. EDF have found it to their advantage to rely on the conventional planning process for the jetty at Hinkley Point and presumably it will be possible for this approach to be adopted for other elements if there is a good relationship between developer and local planning authority.

The Council regards it as desirable, and potentially to the advantage also of the developer, that as much associated development as possible should be mutually agreed and be dealt with via the planning system in advance of the Development Consent Order being determined.

3. The Council's approach

The approach of the Borough Council to the application, and pre-application discussion, will be based on the following principles.

1. **A clear planning policy foundation** for dealing with major infrastructure projects, and a clear statement that this will be the base on which the Council builds its approach to negotiating with the developer and making representations to the Major Infrastructure Unit.
2. **A proactive effort to reach an understanding with the developer**, leading to a Statement of Common Ground which covers as much ground as possible, especially off-site development and 'legacy'.
3. **A robust, evidence-backed Local Impact Report** for submission to the MIPU Inspector, including an assessment of impacts which need to be mitigated and compensated for (e.g. by 'community benefit' funds).

The strategic framework

Impacts of the power station itself, and associated development, can be measured as to

- (1) how far the proposals fit with Copeland's plans for its future development,
- (2) what legacy they could create, and
- (3) how that legacy can help Copeland's plans to be fulfilled.

The LDF Core Strategy, when adopted, will give us a robust base for that approach.

The Core Strategy builds on themes of the Sustainable Community Strategy, notably making West Cumbria a better place (quality of life, accessibility), making it more prosperous (more economic diversity, higher value services) and raising aspirations (social capital, health, education).

Relevant Core Strategy objectives are:

- *diversifying the economic base;*
- *providing a wide range of land and premises for business;*
- *protecting the viability of town centres;*
- *focusing major development in the towns;*
- *ensuring that settlements are sustainable, accessible, and meet community needs;*
- *improving access to jobs, services.*

These are helpful to develop a case for locating 'associated development' in places which are compatible with the strategy, and will underpin the case for community benefits to meet needs and mitigate the effects of the development. In terms of mitigation, the anticipated impacts need to be set out.

Potential Impacts of New Nuclear Build

Local issues that need to be adequately addressed in the Local Impact Report consist of at least the following:

Construction-related issues

1. Construction management
2. Transport issues such as the routing of vehicles during construction, improvements to the road system, and use of rail and sea for access
3. Technical regulatory issues, e.g. on-site waste storage, site decommissioning

Environmental issues

4. Ecological impacts (in particular, on nearby designated sites)
5. Coastal protection
6. Layout and design with regard to landscape/visual character assessment, including cumulative effects, with special regard to views from the National Park.

Social issues and legacy

7. Local community issues during long construction period
8. The housing of workers in the local area and any long term implications for housing, both permanent and (with possible alternative after uses) temporary;
9. Economic impacts upon the area during and after construction, both positive (skills development) and potentially less so (impact on prospects for economic diversification including on tourism demand)
10. To ensure that the benefits (including financial contributions) are enjoyed by local communities and that there are lasting benefits to mitigate against the loss of economic activity which will follow departure of the construction workforce.

The following table sets out relevant strategic (Core Strategy) policies in terms of how the anticipated developments can be compatible with Council's development objectives in the short to medium term, and how they can further those objectives in the longer term.

4. Meeting Copeland's strategic objectives; guidance for nuclear new build development and legacy.

Strategic policy	Development implications	Legacy implications
<p>ST1 Strategic Development Principles</p> <p>Environmental sustainability – e.g. –</p> <ul style="list-style-type: none"> • reuse existing buildings and previously developed land; • minimise need to travel; • prioritise development in the main towns; <p>Economic & social sustainability – e.g. –</p> <ul style="list-style-type: none"> • support diversity in jobs, invest in education and training; • create a better housing 'offer'; • improve accessibility of jobs and services; <p>Protect the Borough's assets – e.g. –</p> <ul style="list-style-type: none"> • better recreational opportunities; • restoration of vacant and derelict land; <p>Ensure creation of quality places – e.g. –</p> <ul style="list-style-type: none"> • good design; • new development should remediate ground contamination. <p>ER6 Location of Employment and ER7 Town centres also apply here.</p>	<p>Associated development is best located in or adjacent to the towns, exploring opportunities to</p> <ul style="list-style-type: none"> • reuse brown field land, with reclamation and mediation of contamination where required; • make use of non-car transport, e.g. with park and ride; • expanding or improving community facilities for shared use (e.g. recreation, healthcare) where appropriate; • improve the townscape with quality architecture where permanent buildings are involved, and landscaping. 	<p>There is an opportunity to provide facilities which will be usable permanently after the construction contract ends, such as:</p> <ul style="list-style-type: none"> • sports and recreation facilities; • communal buildings at accommodation campuses, for community use; • healthcare facilities provided for workers (if planned to complement local healthcare plans); • tourist (e.g. budget hotel) or student accommodation; • hotel with conference facilities; • education/training facilities. <p>Where sites will be vacated and cleared of buildings, they could be laid out to enable future availability as prepared, serviced land for development.</p>
<p>ST2 Spatial Development Strategy</p> <ul style="list-style-type: none"> • Largest scale development should be in Whitehaven (at least 45%). • Development should contribute to regeneration of the other three towns (at least 10% each). • Development should take place outside settlement boundaries only when necessary. 	<p>Whitehaven should be the primary focus in Copeland when looking at sites for associated development; the other three towns (including Millom if feasible) should also be a priority.</p> <p>The policy allows for essential infrastructure outside these towns, and for development at Westlakes Science and Technology Park.</p>	<p>Provision as above, plus housing investment, in these towns.</p> <p>West Lakes Science Park, along with identified sites in Cleator Moor and south Whitehaven, appear appropriate for education/training development with legacy potential.</p>

Strategic policy	Development implications	Legacy implications
<p>ST3 Strategic Regeneration Priorities</p> <ul style="list-style-type: none"> • Sellafeld power station and ... • Whitehaven – Pow Beck Valley, Coastal Fringe, Woodhouse/Kells; • Town centre renewal in the other towns; • Energy Coast proposals. 	<p>Some Whitehaven sites have potential for nuclear-related development such as:</p> <ul style="list-style-type: none"> • off-site offices • hotel accommodation • permanent housing 	<ul style="list-style-type: none"> • Tourism and housing related work in Whitehaven justifiable as mitigation for disrupting effects of NNB construction. • Town centre renewal (townscape) work also justifiable on similar grounds. • Permanent worker housing a possibility on sites to south of Whitehaven town centre. • 'Energy Coast' sites should qualify as mitigation in terms of need to optimise Whitehaven's attractiveness. • Town centre renewal work justifiable candidate for 'community benefit' especially if linked to community objectives.
<p>ST4 Securing infrastructure Strategy for Infrastructure identifies priorities.</p>	<p>The Strategy for Infrastructure (LDF evidence base document supporting ST4) identifies priorities for a range of physical, social and 'green' infrastructure proposals, some of which would be associated development, others qualifying as legacy or 'community benefit'.</p> <ul style="list-style-type: none"> • Priorities for infrastructure are in the Core Strategy evidence base. • Associated projects in skills development and training could beneficially overlap with existing courses and institutions. • Potential for investment in expansion of The Lakes College or at Westlakes Science Park 	<p>Educational premises could be adapted to offer academic or vocational training in skills suitable to encourage enterprise in sectors diversifying the local economy.</p>
<p>ER3 Support infrastructure for the Energy Coast Locational principles set out. Investment in skills</p>	<p>Sites so far identified as associated development possibilities are mostly 'brown field'.</p>	<p>Sites in need of reclamation and/or remediation should be targeted, leaving a legacy of a better development land portfolio in the Borough.</p>
<p>ER5 Improving the Quality of Employment Space</p>		

Strategic policy	Development implications	Legacy implications
ER8 Whitehaven Town Centre	Central Whitehaven (including the cluster of sites around The Ginns) offers possibilities for a range of associated development; hotel, housing, off-site offices, conference and training facilities.	In central Whitehaven permanent buildings would be sought, with similar uses remaining as legacy.
ER9 (A) Key Service Centres	Egremont, Cleator Moor and (subject to travel arrangements being feasible) Millom offer site possibilities for associated development.	Legacy would depend on nature of sites and their use (see list arising from ST1 above)
ER10 Renaissance Through Tourism		Hotel(s) – budget and/or with conference facilities. Possible synergy between temporary accommodation and future tourist use, such as caravan or chalet parks. Visitor centre interpreting nuclear industry and its local role.
ER11 Developing Enterprise and Skills	<ul style="list-style-type: none"> • Associated projects in skills development and training could beneficially overlap with existing courses and institutions. • Potential for investment in expansion of The Lakes College or at Westlakes Science Park • Non-local suppliers should be encouraged to consider the advantages of developing a presence in West Cumbria 	Educational premises could be adapted to offer academic or vocational training in skills suitable to encourage enterprise in sectors diversifying the local economy. Companies encouraged to move into the area can broaden Copeland's economic base and enrich its skills mix, whilst taking advantage of its resources in energy-related and other relevant economic infrastructure.
SS1 Improving the Housing Offer and SS3 Housing Needs, Mix and Affordability	HOUSING Seek some permanent housing – look for scope to do deals with house builders and/or RSLs for selling on and later occupation. Seek financial mitigation of effects on housing market (RSL for affordable accommodation?)	

Strategic policy	Development implications	Legacy implications
<p>SS4 Community Services and Facilities/ SS5 Open Space and Green Infrastructure</p>	<p>Recreation facilities for workers could be brought forward on a joint community use basis, on or close to 'campuses'.</p>	<p>Recreation facilities on campus sites could be built as permanent facilities to be turned over to the community after project period (identified deficiency for plastic pitches and multi-use areas in Cleator Moor, Egremont and elsewhere). Communal/mess facilities usable as legacy e.g. community halls? (Identified deficiency in Cleator Moor and Egremont). Recreation facilities candidates for 'community benefit' e.g. to meet identified shortage in Seascale. Community halls possible community benefit candidate. 'Green infrastructure' work (e.g. woodland planting, contribution to community forest</p>
<p>T1 Improving Accessibility – Transport</p>	<p>Road capacity improvements needed for purposes of efficient construction – total cost of identified schemes over £50 million in Copeland. The same proposals would also serve as mitigation. NB Whitehaven by-pass (£70 million?) not mentioned in work done by Capita. Rail capacity improvements.</p>	<p>All transport infrastructure improvements would remain as 'legacy'. Additionally, site access improvements can be pursued as part of legacy from sites developed for associated uses. Smaller schemes (cycleways, pedestrian safety improvements) would qualify as mitigation, legacy or 'community benefit'.</p>

PRELIMINARY ASSESSMENT OF POTENTIAL NUCLEAR NEW BUILD CAMPUS WORKER ACCOMMODATION SITES

Assumptions

Accommodation

1. Permanent 'legacy' accommodation is a suitable outcome on a selection of smaller sites in sustainable locations consistent with the emerging Core Strategy.
 - Apartments would probably be the most likely outcome in inner Whitehaven, not least because of lower construction costs and the possibility for modular construction on sites not in the town centre. They could be handed over to a social landlord post-construction.
 - The operator may be reluctant to consider houses and this would perhaps be a more likely option in places closer to Sellafield, for instance for managerial or professional workers and with more perceived potential for open market sale post-construction.
2. From investigation of the Hinkley Point precedent, it can be estimated that
 - a campus on site or in a location remote from a town centre would have more on-site facilities and more extensive landscaping, resulting in a relatively low density of (estimated) 50-60 persons per hectare.
 - an urban campus location could support higher densities – 80 persons per hectare looks achievable - depending on need for on-site facilities.

Numbers

Requiring temporary accommodation.

The working assumption is 3,000 bedspaces, as worked out on the page 4.

Conclusions

(based on broad site assessments featured in the Annex)

From a developer perspective there may be no clear-cut 'winners'.

Initially identified front runners

Pow Beck cluster – a clear winner from sustainability point of view, but delivery may be problematic and not suitable for a campus as there is no individual plot large enough.

Cleator Moor (Leconfield industrial estate and/or Ehenside School) – potential for numbers of units, but may not be welcome in the town due to risk of social and amenity problems. Any such fears could, however, be mitigated by careful consultation and 'legacy' benefits e.g. leisure facilities.

Leconfield does not look feasible unless a programme is rapidly forthcoming to produce a coherent site of adequate size.

Egremont – ideal in location terms – though as with Cleator Moor, there is the question of social/amenity problems caused by large numbers of temporary residents. However, sites

available here are viable housing sites which would, if otherwise likely to be developable before 2023, in effect be taken out of the market. In addition, road access is narrow and this might be problematic.

Further possibilities

Hensingham Common/Moresby opencast – as a former mine, developability uncertain, available developable area unknown, and location may be considered too remote from the site. Road access, as enhanced for coal extraction, may be adequate (or improvable enough) for the site to serve another function such as bulk storage or load consolidation.

Additional information needed

We are at a stage where we badly need some clarity on the developer's perspective -

- What will be welcome
- What will be acceptable subject to negotiation and amendment
- What would be out of the question.

Whilst it is important that Copeland sets out its stall as a basis for getting as much of we can of what we want, it may be helpful, before doing so, to sample the developer's wavelength, so that we know how to present our preferred position.

Pow Beck cluster

c. 400 units

Figures estimated are for urban density housing. These sites are too small and scattered to work as a 'campus' and the design solution – while modular housing of some type need not be ruled out – will be different.

The contractor (based on EDF statements relating to Hinkley Point) may look for partnerships with house builders, and possibly Registered Social Landlords, for staff working through the duration of the project and likely to move here full-time. Sites with planning permission are especially attractive for this category of development.

The Ginns 1.3 ha. SHLAA ref. S291, S302
80 units.

Meadow View 5.6 ha, usable c. 2.5 ha. SHLAA ref. S285, S296
120 units

Corkickle Goods Yard 3.2 ha. SHLAA ref. S282
150 units ('Pow Beck Gardens' scheme envisaged this number).

Newdale Yard 2 ha. SHLAA ref. S283
Say 50 units; topography not good.

Laundry site, Low Road c. 1 ha. Local Plan site H43
28 units. Planning permission for 28 houses and flats. 8 houses and 10 flats built, not complete and boarded up.

Advantages –

- within walking distance of town centre and Corkickle Station;
- mix of sites, close together, offering potential for variety of accommodation (some permanent).

Disadvantages –

- some sites still have active uses – CPO may be needed;
- unknown whether this arrangement would be acceptable to Nugen.

Legacy?

Completed housing available for sale or rent post-construction.

Potential for planning contributions for localised improvements eg to streetscape, nearby open space, schools.

Leconfield Industrial Estate, Cleator Moor

c.1000 units if cleared
or (say) 500 units if existing users re-arranged
14.85 ha.
SHLAA ref. CS29

Currently being promoted as a possible site for 'executive' housing (50 units assumed in SHLAA).

Otherwise an extremely run down industrial estate with little apparent market interest.

Advantages

- Central in Cleator Moor; influx would boost local trade.
- Opportunity to upgrade service infrastructure as 'legacy' and boost long term prospects for development.

Disadvantage

- Would require relocation of existing businesses, or their rearrangement concentrated on a smaller area of the site, and clearance.
- Would numbers of residents be seen as 'swamping' the town?

This site does not look like a feasible proposition for worker accommodation at present. It needs, as a minimum, a convincing programme to clear it, starting with relocation of current occupiers, which needs to start as soon as possible with either

- a. finding alternative sites and agreement in principle for those companies to go there, or
- b. a master plan and planning permission for rearrangement of the site.

It may alternatively have potential for some off-site operations as long as they are not dependent on bulk handling or if the A5086 can be upgraded, as the local roads are not suitable for high levels of HGV traffic.

Legacy?

Cleared site with improved access and circulation along with rearranged buildings allowing for marketing for employment, residential or mixed use.

Ehenside School site, Cleator Moor

1000 units
12.4 ha
SHLAA ref. CS14

Site hemmed in by housing on 3 sides, access may be an issue.
Adjoins Todholes Farm, also included in SHLAA (S158, 1.4 ha.)

Advantages

- Close to Cleator Moor services, would boost local trade.
- Opportunity to boost viability of site by improving service infrastructure.
- Site contains playing fields, retention of some of which would be a cost saving for the developer.

Disadvantages

- Would numbers of residents be seen as 'swamping' the town?
- Possible opposition to playing fields being replaced by worker housing at backs of houses?
- Adjoins two primary schools; is this an issue (eg disturbance of night shift workers)?
- Most of site area is currently former school playing fields, which are protected in the Local Plan; this would have to be addressed, with 'legacy' of improved facilities on a smaller area the justification.

A solution? Housing on Leconfield, facilities – eg for recreation - on Ehenside.

Legacy?

1. Clearance of site, provision of highway standard access and utilities appropriate to future residential use.
2. Site assessed in SHLAA as 'unviable/marginal'; legacy assets as above would improve prospect of redevelopment..
3. Sports facilities; multi-use games area(s) and changing rooms to augment pitches which could be retained in public use. (Thus rectifying an acknowledged part of 'infrastructure deficit'.)

Egremont (south) cluster

700-1000 units

17.7 ha.

SHLAA refs. CS 54,55,56,58

Advantages –

- Egremont may be favoured by Nugen as being close to Sellafield; potential for trade offs – Whitehaven sites - if they are allowed to go here?
- within walking distance of Egremont centre, benefit to local economy;
- housing land supply could be managed via releases for market housing on north side of town;
- developer might be persuaded to build some permanent dwellings on basis that this is a marketable location – all sites rated 'viable' in SHLAA.

Disadvantages –

- fragmentation on to 2 or 3 sites; unknown if developer will accept this
- large numbers might be perceived as 'swamping' town.
- too close to Sellafield as regards safety?
- may cause traffic problems due to narrow access road

Legacy?

These sites are all rated as viable for housing development.

Thus legacy is limited to leisure/sports/community facilities which are part of the 'campus' package.

Hensingham Common

1000 units+
14.6 ha
Not in SHLAA

Site could be larger than figure quoted in employment land study – 25 ha developable?
800 - 1500 units

Advantage

- for CBC, carefully designed scheme could leave a site serviced and laid out for development as 'legacy'

Disadvantages

- for Nugen; may not be favoured - location on 'wrong' side of Whitehaven, remote from main road or public transport, road connections to A595 not good.
- is the ground suitable or would stabilisation be needed?

Legacy

At present the site does not figure as a pursuable location for employment or residential development. Being on the north side of Whitehaven, with road connections to the strategic highway network needing improvement, the location has potential for significant employment development.

Thus potential legacy elements are:

1. Improvement of the road to the A595 (A595 junction and capacity improvements along the road)
2. Provision of improved site access and serviced development plots.

Marchon

2000 units+
c.50 ha
Not in SHLAA

Identified as an Employment Opportunity Site in the Local Plan. Total area 70 ha. Of which a significant part (Rhodia car parks) is being developed for housing.

Advantages

- On right side of Whitehaven.
- Could take large numbers of residents in a fairly 'out of the way' location, yet close enough to Whitehaven for strong economic benefits; a large number of workers would have less potential social impact here than in a smaller town.
- Site large enough to accommodate a mix of buildings and landscaping which may enable a feasible solution to site contamination as well as a development configuration which would allow a large campus to be built at a distance from housing.
- Considerable legacy potential in the form of site clear-up.

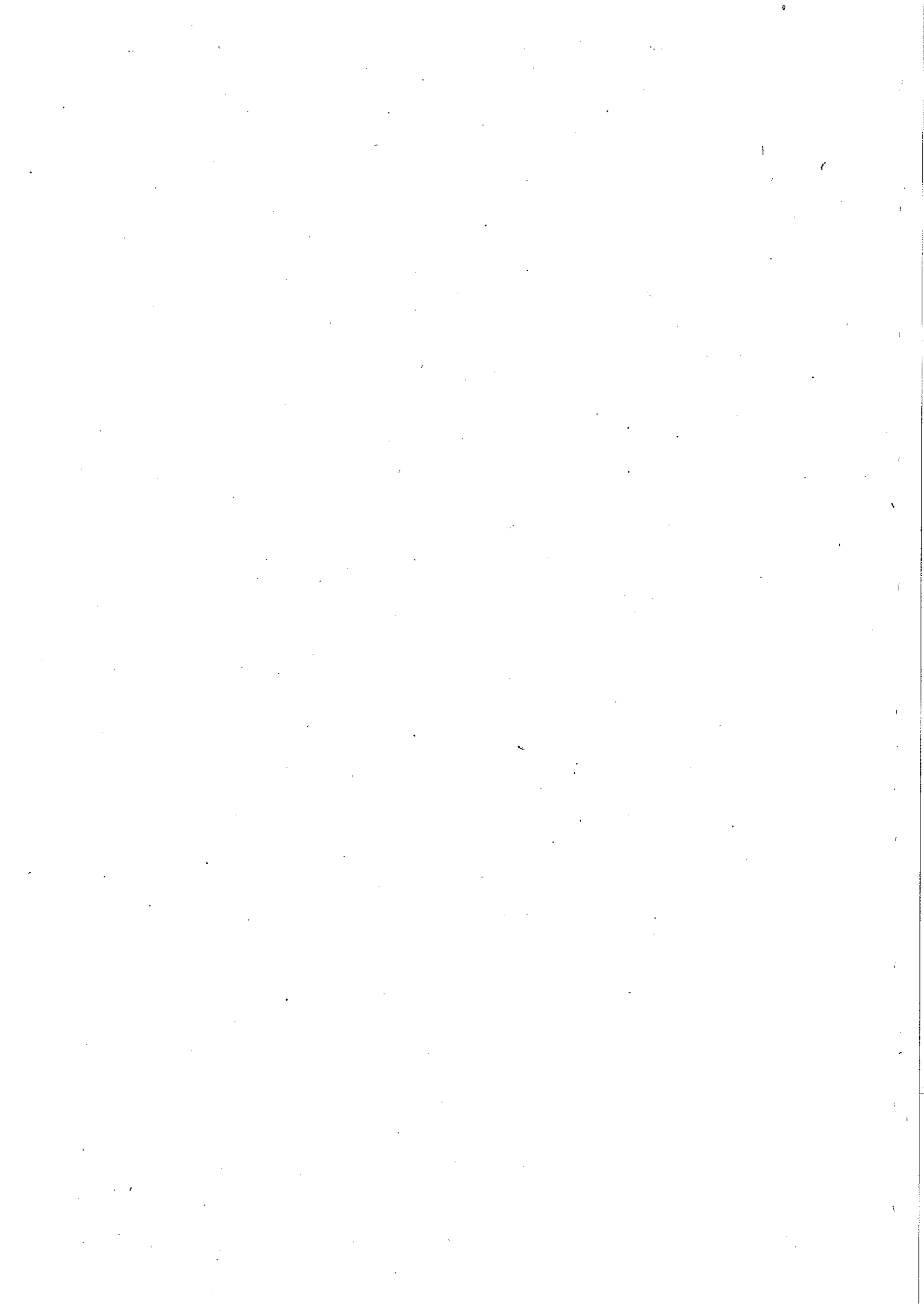
Disadvantages

- Full cost of remediation not known.
- Road access to A595 needs upgrading.

Legacy

Site remediation leaving at least major parts of the site marketable and developable.

Better road capacity between site and strategic road network.





An introduction to neighbourhood planning

What is it?

Neighbourhood planning is a new way for communities to decide the future of the places where they live and work.

They will be able to:

- choose where they want new homes, shops and offices to be built
- have their say on what those new buildings should look like
- grant planning permission for the new buildings they want to see go ahead.

The Government wants to introduce the right to do neighbourhood planning through the Localism Bill. The Localism Bill is being debated by Parliament at the moment.

Why does it matter?

The planning system helps decide what gets built, where and when. It is essential for supporting economic growth, improving people's quality of life, and protecting the natural environment.

In theory, planning has always supposed to give local communities a say in decisions that affect them. But in practice, communities have often found it hard to have a meaningful say. The Government wants to put power back in the hands of local residents, business, councils and civic leaders.

Neighbourhood planning is optional, not compulsory. No-one has to do it if they don't want to. But we think that lots of people will want to take the opportunity to influence the future of the place where they live or work.

How will it work?

There will be five key stages to neighbourhood planning.

Stage 1: Defining the neighbourhood

First, local people will need to decide how they want to work together.

In areas with a parish or town council, the parish or town council will take the lead on neighbourhood planning. They have long experience of working with and representing local communities.

In areas without a parish or town council, local people will need to decide which organisation should lead on coordinating the local debate. In some places, existing community groups may want to put themselves forward. In other places, local people might want to form a new group. In both cases, the group must meet some basic standards. It must, for example, have at least 21 members, and it must be open to new members.

Town and parish councils and community groups will then need to apply to the local planning authority (usually the borough or district council).

It's the local planning authority's job to keep an overview of all the different requests to do neighbourhood planning in their area.

They will check that the suggested boundaries for different neighbourhoods make sense and fit together. The local planning authority will say "no" if, for example, two proposed neighbourhood areas overlap.

They will also check that community groups who want to take the lead on neighbourhood planning meet the right standards. The planning authority will say "no" if, for example, the organisation is too small or not representative enough of the local community.

If the local planning authority decides that the community group meets the right standards, the group will be able to call itself a 'neighbourhood forum'. (This is simply the technical term for groups which have been granted the legal power to do neighbourhood planning.)

The town or parish council or neighbourhood forum can then get going and start planning for their neighbourhood.

Stage 2: Preparing the plan

Next, local people will begin collecting their ideas together and drawing up their plans.

- **With a neighbourhood plan**, communities will be able to establish general planning policies for the development and use of land in a neighbourhood. They will be able to say, for example, where new homes and offices should be built, and what they should look like. The neighbourhood plan will set a vision for the future. It can be detailed, or general, depending on what local people want

- With a **neighbourhood development order**, the community can grant planning permission for new buildings they want to see go ahead. Neighbourhood development orders will allow new homes and offices to be built without the developers having to apply for separate planning permission.

Local people can choose to draw up **either** a plan, or a development order, or **both**. It is entirely up to them. Both must follow some ground rules:

- They must generally be in line with local and national planning policies
- They must be in line with other laws
- If the local planning authority says that an area needs to grow; then communities cannot use neighbourhood planning to block the building of new homes and businesses. They can, however, use neighbourhood planning to influence the type, design, location and mix of new development.

Stage 3: Independent check

Once a neighbourhood plan or order has been prepared, an independent examiner will check that it meets the right basic standards.

If the plan or order doesn't meet the right standards, the examiner will recommend changes. The planning authority will then need to consider the examiner's views and decide whether to make those changes.

If the examiner recommends significant changes, then the parish, town council or neighbourhood forum may decide to consult the local community again before proceeding.

Stage 4: Community referendum

The local council will organise a referendum on any plan or order that meets the basic standards. This ensures that the community has the final say on whether a neighbourhood plan or order comes into force.

People living in the neighbourhood who are registered to vote in local elections will be entitled to vote in the referendum.

In some special cases - where, for example, the proposals put forward in a plan for one neighbourhood have significant implications for other people nearby - people from other neighbourhoods may be allowed to vote too.

If more than 50 per cent of people voting in the referendum support the plan or order, then the local planning authority must bring it into force.

Stage 5: Legal force

Once a neighbourhood plan is in force, it carries real legal weight. Decision-makers will be obliged, by law, to take what it says into account when they consider proposals for development in the neighbourhood.

A neighbourhood order will grant planning permission for development that complies with the order. Where people have made clear that they want development of a particular type, it will be easier for that development to go ahead.

What happens next?

The formal legal right to do neighbourhood planning will only be available after the Localism Bill is approved by Parliament. We hope that the Bill will be approved later in 2011, and the formal right to do neighbourhood planning will follow later in 2012.

In some places, though, community groups, developers and councils are already thinking about how neighbourhood planning might work in their area. Check your council's website, read your local newspaper, or talk to a local community group to find out what's happening in your area.

Funding and support

There will be several sources of advice and support for communities who are interested in doing neighbourhood planning:

- **The local planning authority** will be obliged by law to help people draw up their neighbourhood plans
- **Developers, parish and town councils, landowners and local businesses** may all be interested in sponsoring and taking a leading role in neighbourhood planning. In fact, in some places, local businesses are already starting a debate with local residents and councils
- **The Government** has committed to providing £50m until March 2015 to support local councils in making neighbourhood planning a success
- **The Government** have already provided £3m to four community support organisations, who already support communities in planning for their neighbourhood. Their details are below:

The Prince's Foundation for the Built Environment

Contact name: Sebastian Knox

Tel: 020 7613 8587

Email: sebastian.knox@princes-foundation.org

Website: <http://www.princes-foundation.org/our-work/supporting-communities-and-neighbourhoods-planning>

CPRE in partnership with NALC

Contact name: Nigel Pedlingham

Tel: 020 7981 2832

Email: Nigelp@cpre.org.uk

Website: <http://www.planninghelp.org.uk/>;
www.cpre.org.uk; www.nalc.gov.uk

Locality

The Building Community Consortium

Contact name: David Chapman

Tel: 0845 458 8336

Email: neighbourhoodplanning@locality.org.uk

Website: www.buildingcommunity.org.uk

RTPI

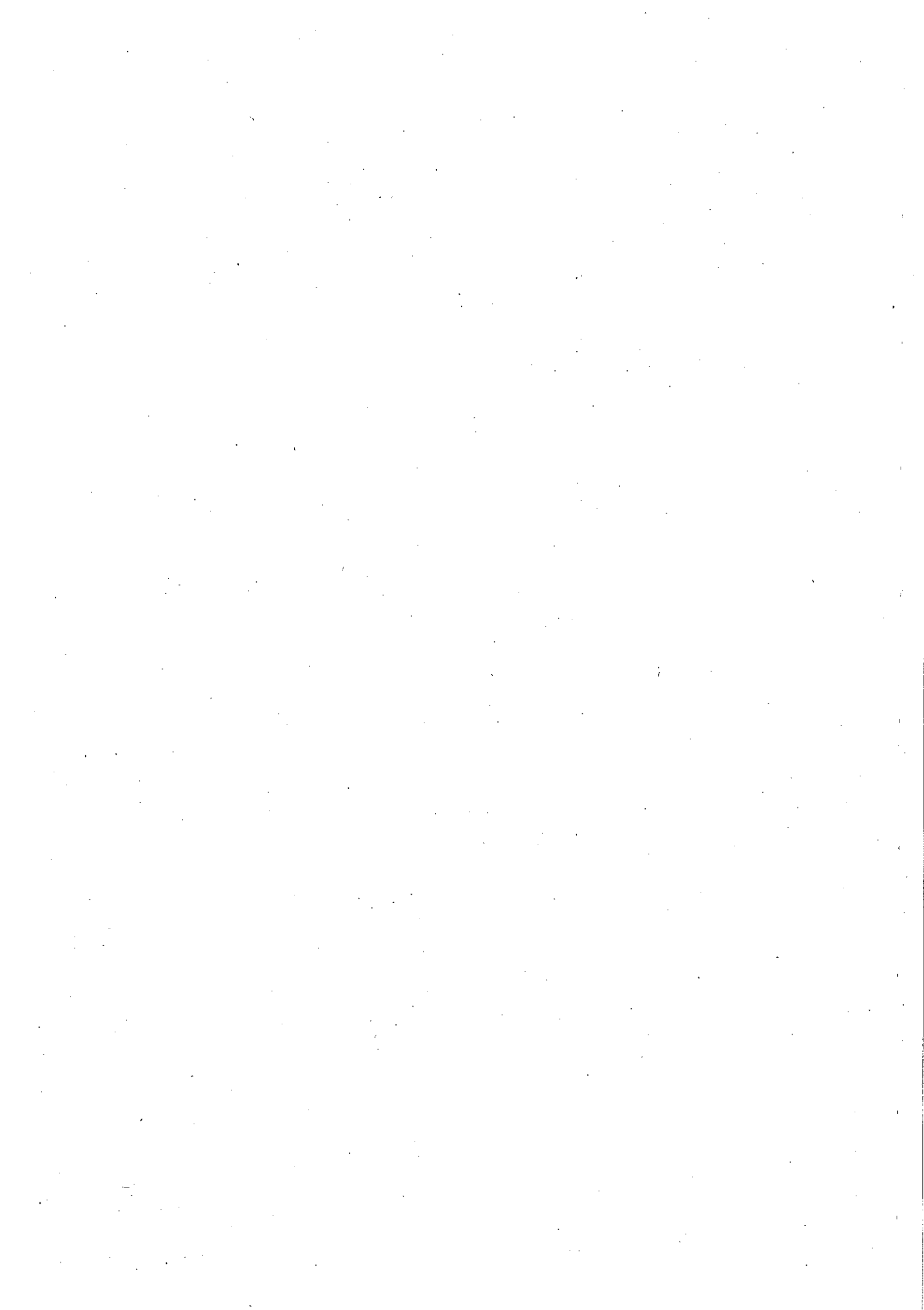
Planning Aid

Contact name: John Rider-Dobson

Tel: 0203 206 1880

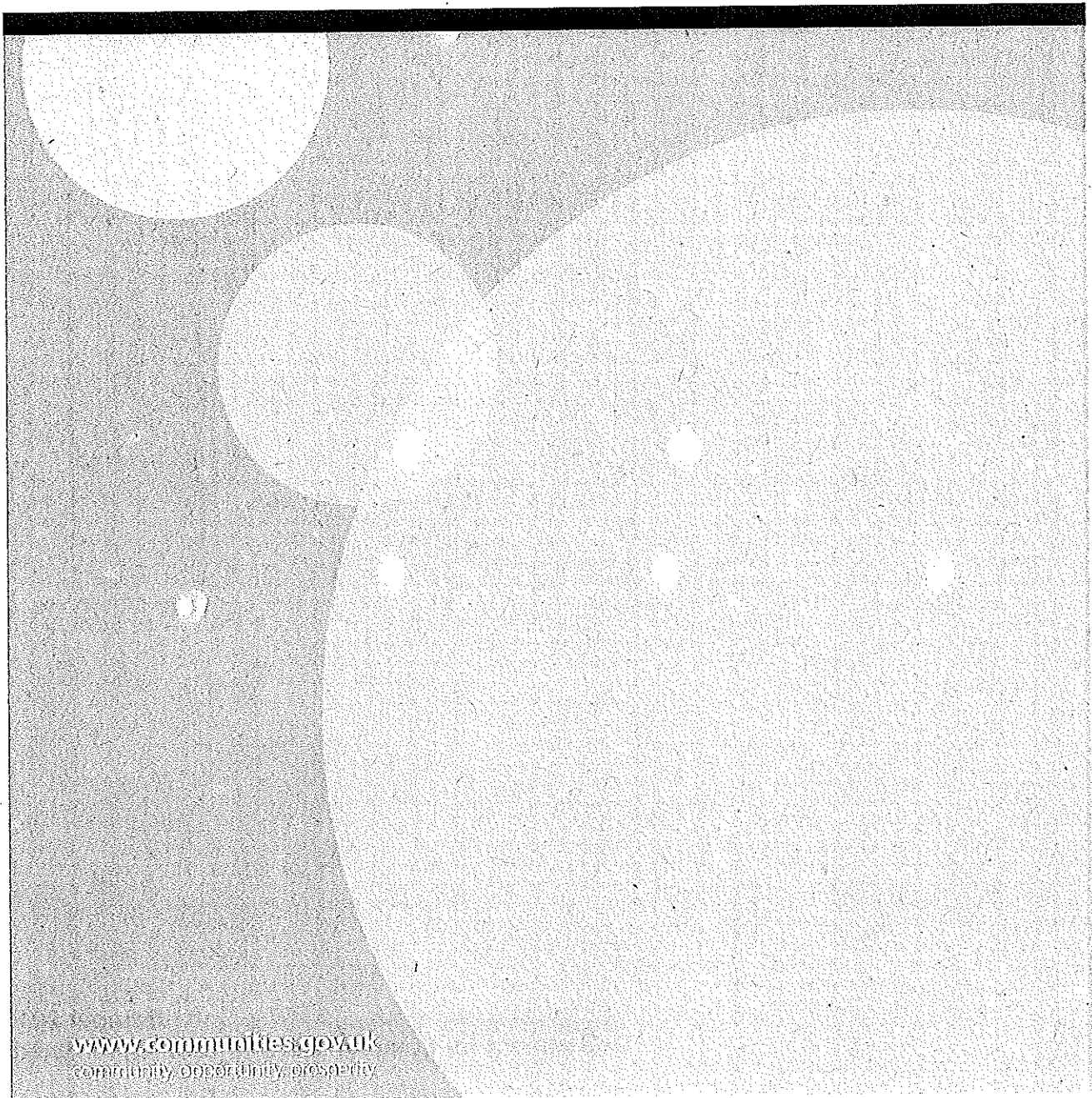
Email: info@planningaid.rtpi.org.uk

Website: <http://www.rtpi.org.uk/planningaid/>





Neighbourhood planning regulations Consultation





Neighbourhood planning regulations

Consultation

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Any enquiries regarding this document/publication should be sent to us at:

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

October 2011

ISBN: 978-1-4098-3132-7

Summary of the consultation

Topic of this consultation:	This consultation seeks views on the Government's proposed new regulations governing the process for establishing neighbourhood areas and forums, the requirements of Community Right to Build organisations, and the preparation of neighbourhood plans and neighbourhood development orders, and Community Right to Build Orders.
Scope of this consultation:	This consultation is to consider whether the proposed approach to taking up the regulation making powers in the Localism Bill with regards to neighbourhood planning strikes the right balance between standardising the approach to neighbourhood planning across the country and providing for sufficient local flexibility to reflect local circumstances.
Geographical scope:	The proposals relate to England only.
Impact Assessment:	The impact assessment for neighbourhood planning provisions in the Localism Bill was published on 31 January 2011 and is available at: http://www.communities.gov.uk/publications/localgovernment/localismneighbourhoodplans

Basic information

To:	This is a public consultation and it is open to anyone to respond. We would particularly welcome views from: <ul style="list-style-type: none"> • Community representatives • Parish and town councils • Local planning authorities
Body/bodies responsible for the consultation:	Department for Communities and Local Government
Duration:	12 weeks, 13 October to 5 January 2012
Enquiries:	Susan Peart Tel. 0303 444 1651 e-mail: susan.peart@communities.gsi.gov.uk

How to respond:	<p>Please respond by 5 January 2012, by e-mail to: neighbourhoodplanning@communities.gsi.gov.uk.</p> <p>Or by post to:</p> <p>Neighbourhood Planning Regulations Consultation Planning Development Plans Division Department for Communities & Local Government 1/J1, Eland House Bressenden Place London SW1E 5DU</p>
Additional ways to become involved:	<p>If you require this material in an alternative format, please contact us.</p>
After the consultation:	<p>Responses to the consultation will be analysed and considered before the Government's response to the consultation is published on the DCLG website.</p>
Compliance with the Code of Practice on Consultation:	<p>This consultation complies with the Code of Practice on Consultation</p>

Background

Getting to this stage:	<p>The Coalition Government's "programme for government" made a commitment that the planning system would be radically reformed to give neighbourhoods far more ability to determine the shape of the places in which their inhabitants live, based on the principles set out in the Conservative Party publication <i>Open Source Planning</i>.</p>
Previous engagement:	<p>The enabling powers are set out in the Localism Bill, which is currently being debated in Parliament.</p>

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Purpose of consultation

Neighbourhood planning is central to the Government's decentralisation, localism and Big Society agenda. With greater decentralisation of planning powers, people are being given the opportunity to shape and influence the places where they live and they have more reasons to say 'yes' to sustainable development.

The Government's neighbourhood planning proposals will enable the devolution of planning responsibilities to a more local level than ever before. A fundamental principle is that neighbourhood planning should be community-led with the community being in the driving seat of the process but with the local planning authority making necessary decisions at key stages. A referendum in the neighbourhood at the end of the process ensures the community has the final say on whether a neighbourhood plan or neighbourhood development order or a Community Right to Build order comes into force.

The creation of the Community Right to Build will be a practical example of people power. Power and responsibility will be handed to local people for them to decide what they want to build in their communities.

This consultation sets out how the Government proposes to take up the regulation making powers in the Localism Bill for neighbourhood planning and Community Right to Build. The regulations proposed set out the minimum level of requirements that would ensure a nationally consistent approach to designating neighbourhood areas and neighbourhood forums, and the preparation of neighbourhood plans and neighbourhood development orders. The consultation asks for comments on whether the regulations as proposed are workable and proportionate.

The consultation does not cover how we propose to take forward the regulation making powers on charges that local planning authorities can levy on development allowed under a neighbourhood development order, to enable them to recoup some of the costs of neighbourhood planning. This will be the subject of a separate consultation later this year.

The consultation also does not cover any provisions in respect of the requirements that are needed to ensure compatibility with EU obligations, for example the Strategic Environment Assessment, the Environmental Impact Assessment or the Habitats Directives. We are anticipating that these will be brought forward separately as amendments to the relevant transposing regulations if this is necessary.

This consultation does not cover provisions in respect of referendums – these will be brought forward through separate regulations which will be based on existing local government referendum regulations.

Response to consultation

We would value your opinion on our proposed approach to the regulations attached at Annex A, in particular your views on the specific questions set out in the document. Our preference is to receive responses electronically at:

neighbourhoodplanning@communities.gsi.gov.uk.

If you wish to post your response, however, please send it to the following address:

Neighbourhood Planning Regulations Consultation
Neighbourhood Planning Team
Planning Development Plans Division
Communities & Local Government
Zone 1/J1, Eland House
Bressenden Place
London SW1E 5DU

This consultation will run from 13 October to 5 January 2012. The **deadline for responses is 5 January 2012.**

If you have any queries regarding the consultation please contact Susan Peart at susan.peart@communities.gsi.gov.uk

About this consultation

This consultation document and consultation process have been planned to adhere to the Code of Practice on Consultation issued by the Department for Business Enterprise and Regulatory Reform and is in line with the seven consultation criteria, which are:

1. Formal consultation should take place at a stage when there is scope to influence the policy outcome;
2. Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible;
3. Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals;
4. Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach;
5. Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained;
6. Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation;
7. Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that

confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The Department for Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed these criteria? If not or you have any other observations about how we can improve the process please contact:

The DCLG Consultation Co-ordinator
Zone 4/H3
Eland House
London SW1E 5 DU

consultationcoordinator@communities.gsi.gov.uk

The proposed approach to neighbourhood planning regulations

Neighbourhood planning is a new, community-led, level of planning. Our aim is for an effective and transparent system which inspires communities to get involved, gives communities confidence that their views will have real influence, and delivers the growth the country needs.

The regulation making powers in the Localism Bill have been taken to ensure that the system works, is legally robust (for example by ensuring they are compatible with human rights legislation) and there is a level of consistency of process across the country.

Our guiding principle in taking forward these regulations is that they should be workable and proportionate to their purpose. We will do this by:

- placing the minimum of requirements on communities to free them from unnecessary process and to encourage them to get involved
- placing the minimum of requirements on local planning authorities to enable local dialogue on the detail of the process so that it suits local circumstances
- not interfering with local authority decision making
- reserving regulation making powers wherever possible, and only taking them up in the future if practice proves them to be necessary; and drawing on existing procedures where this is possible and appropriate, to minimise the time taken for communities and authorities to become familiar with the new system.

For example, the proposed process prescribed through regulations:

- draws on existing approaches, such as in the case of holding referendums, where it would be wasteful and unnecessary to reinvent existing approaches that are established and work perfectly well; and
- is silent on aspects best left to communities and authorities to decide, for example for the procedures at examination where authorities already have a wealth of experience.

We believe that taking up all the powers in a detailed way would be overly bureaucratic and inconsistent with our belief that neighbourhood planning should be community-led.

We are publishing alongside this consultation a short guide to the key elements of the neighbourhood planning process, which can be found on our website. We expect as the new neighbourhood planning system matures that good practice will emerge which can be shared. The lessons learned from the neighbourhood planning front runners will also be especially helpful in encouraging communities who are thinking about neighbourhood planning to get started.

Information requirements

Our proposition is that the regulations require that information is provided that is the minimum necessary to enable a local planning authority or examiner to assess the proposals. Specifying minimum information requirements assists both local planning authorities and applicants, and ensures a degree of consistency. It is open to local planning authorities to devise their procedures around these minimum requirements.

For example, for an application for the designation of a neighbourhood area, we propose that this should simply consist of a plan or statement to indicate the proposed area, a statement of why this area is proposed and a statement that the group submitting the application is capable of being a qualifying body. These pieces of information are all needed to enable a local planning authority to make a decision about whether the proposed area is suitable.

Another example is the difference in information requirements between a neighbourhood plan and a neighbourhood development order. More information is required to support an order because it can grant full planning permission without the need for a normal planning application to be submitted to the local planning authority.

Publicity and consultation

A fundamental principle of neighbourhood planning is that it is community-led. This means that the community is kept fully informed of what is being proposed and is able to make their views known throughout the process.

In general our approach is light touch. We propose that the regulations will only require that the local planning authority should publish information about neighbourhood planning, for example the draft plan or order or the voting result of the referendum, in a manner which will bring it to the attention of those who live, work or carry on business in the area. It is open for the local planning authority to do more, but this is the minimum that we would expect to see.

At key stages we propose that the manner in which the information should be published or made accessible is set out in more detail. For example when the plan or order is 'made' (the final draft is published) it is important that this is visible to everyone, so we propose that the plan or order is published on the local planning authority's website, is available for inspection at their principal office, and that their website provides details of where the document can be inspected.

Time limits

We have proposed time-limits in only certain parts of the process to provide information, submit applications or make a decision to provide local planning authorities with the ability to flex the process to suit their own practices and timetables.

For example we propose that the regulations will require a 6 week period from the date the first application for a neighbourhood area is received for representations and responses on the application. This will give different prospective neighbourhood forums an opportunity to submit applications for the same or different neighbourhood areas, and to provide residents and businesses of the neighbourhood areas, and any other bodies an opportunity to comment on the proposals. But we are not setting a time limit for the period the local planning authority has to decide whether to designate a neighbourhood forum. We expect the decision to be made as soon as reasonably practical.

Local authority decision making

The Secretary of State has taken powers to set out how the local planning authority should make certain decisions (e.g. to validate an application or designate a forum). We do not propose to prescribe exactly how the local authority should make key decisions – for example whether by delegated officer, a full meeting of the Full Council or via the Council's Executive, or whether there must be a majority vote at those council meetings in order for the decision to be valid. We believe this is for local planning authorities to decide.

The Bill also allows for a neighbourhood planning area to cross two or more local planning authority boundaries. Although there are powers to specify how this is done, in general we feel that it is for local planning authorities to work together to decide how they wish to manage cross boundary arrangements, for example by establishing a joint committee or by agreeing a lead authority for part or all of the process.

Future proofing

A number of regulation making powers were taken to enable the neighbourhood planning system to reflect changing circumstances and to reflect experience of putting the system into practice. We therefore do not envisage taking all the regulations up initially. For example, there are powers to set out other conditions that qualifying bodies must meet to be able to represent a community and to allow bodies which do not currently fulfil the conditions for neighbourhood forums in the Bill or are not currently in existence to be eligible to be designated as a neighbourhood forum. This enables the system to respond to situations where new organisations, individuals or groups emerge over time. We have also taken powers to require the examiner to look at additional conditions or matters during the independent examination, but similarly do not need to take these powers at this time.

Independent examination

The independent examination into the plan or order is an important element in the process and so it is set out in detail in the Bill. Extensive further regulation is, therefore, unnecessary. We propose to be light touch in the way we take forward the regulation making powers. We feel that local planning authorities have experience of organising independent examinations for local plans and are best placed to decide how to undertake this activity.

Equally we believe that the examiner should decide when to hold a public hearing into a plan or order, and therefore do not propose to take up regulations that would prescribe the circumstances where a hearing must be held. We of course will reserve the power in case experience shows public hearings are not happening when they should.

The referendum

A core principle of neighbourhood planning is that the community should be in the driving seat of planning the future of their areas. A referendum at the end of the process ensures communities have the final say on whether a neighbourhood plan or development order or Community Right to Build order comes into force in their area.

We want to ensure that our referendum arrangements make it easy and convenient for local people to have their say on proposed developments and plans. The Secretary of State has powers to set out regulations about how referendums should be carried out. To avoid introducing additional procedural requirements and to maximise the opportunity for consistency in the approach to neighbourhood planning referendums and other local government referendums, we intend to look at the Local Authorities (Conduct of Referendums)(England) Regulations 2007 (SI No 2089/2007) as a basis for our proposals.

These Regulations will include a provision which specifies the question to be asked in the referendum. The arrangements for referendums are not, therefore, specified in these draft regulations.

Our proposition is that there will additionally be provisions requiring a referendum to be combined with another election if the latter is held either three months before or after the date of the referendum to be held in accordance with paragraph 14 of Schedule 4B to the Town and Country Planning Act (1990). We are seeking views on whether the period for a referendum combined with another election should be longer – for example six months.

We propose to keep any further centrally-imposed requirements for information that the local authority will publish alongside the referendum to a minimum. This will be for the local planning authority to determine on a case-by-case basis. But it is important to ensure that certain additional information is available to help voters to understand what they are voting for/against and what have been the outcomes of other steps in the process.

Community Right to Build

A Community Right to Build order is a type of neighbourhood development order. We have specifically designed this to ensure that the benefits of any development permitted through this order can be kept in the community. The Bill provides powers to modify or disapply certain enfranchisement rights which would allow a community organisation to specify in its application for a Community Right to Build order that it intends to disapply enfranchisement rights in respect of the property (or properties).



Response form

Proposals for new neighbourhood planning regulations Consultation

We are seeking your views on the following questions on the Government's proposed approach to new regulations on neighbourhood planning. **If possible, we would be grateful if you could please respond by email.**

Email responses to: neighbourhoodplanning@communities.gsi.gov.uk

Alternatively, we would be happy to receive responses by post.

Written responses to:

Neighbourhood Planning Regulations Consultation
Communities and Local Government
Zone 1/J1
Eland House
Bressenden Place
London
SW1E 5DU

(a) About you

(i) Your details

Name:	
Position (if applicable):	
Name of organisation (if applicable):	
Address:	
Email Address:	
Telephone number:	

(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

- Organisational response
- Personal views

(iii) Please tick the one box which best describes you or your organisation:

- Private developer or house builder
- Housing association
- Land owner
- Voluntary sector or charitable organisation
- Business
- Community organisation
- Parish council
- Local government (i.e. district, borough, county, unitary, etc.)
- National Park
- Other public body (please state)
- Other (please state)

(iv) Please tick the one box which best describes which viewpoint you are representing:

- Rural
- Urban

(b) Consultation questions

Question 1:

Do you agree that the proposed approach is workable and proportionate, and strikes the right balance between standardising the approach for neighbourhood planning and providing for local flexibility on:

a) designating neighbourhood areas

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

b) designating neighbourhood forums

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

c) Community Right to Build organisations

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Explanation/Comment:

d) preparing the neighbourhood plan

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Explanation/Comment:

e) preparing the neighbourhood development order

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

f) preparing the Community Right to Build order

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

g) Community Right to Build disapplication of enfranchisement

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

h) independent examination

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Explanation/Comment:

i) referendum

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Explanation/Comment:

j) making the plan or order

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Explanation/Comment:

k) revoking or modifying the plan

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Explanation/Comment:

l) parish councils deciding conditions

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Explanation/Comment:

Question 2:

Our proposition is that where possible referendums should be combined with other elections that are within three months (before or after) of the date the referendum could be held. We would welcome your views on whether this should be a longer period, for example six months.

Three months

Six months

A different period

Explanation/Comment:

Question 3:

The Bill is introducing a range of new community rights alongside neighbourhood planning – for example the Community Right to Buy and the Right to Challenge. To help communities make the most of this opportunity, we are considering what support measures could be made available. We are looking at how we could support people in communities, as well as local authorities, other public bodies, and private businesses to understand what each right can and cannot do, how they can be used together, and what further support could be made available for groups wanting to use them.

We would welcome your views on what support could usefully be provided and what form that support should take.

Explanation/Comment:

Question 4:

Do you have any other comments on the proposals?

(Please begin with relevant regulation number and continue on a separate page if necessary)

Explanation/Comment:

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Annex A: The draft regulations

STATUTORY INSTRUMENTS

2012 No.

TOWN AND COUNTRY PLANNING, ENGLAND

Neighbourhood Planning (England) Regulations 2012

<i>Made</i> - - - -	***
<i>Laid before Parliament</i>	***
<i>Coming into force</i> - -	***

The Secretary of State, in exercise of the powers conferred by sections 61E, 61F, 61G, 61H, 61K, 61L, paragraphs 4, 10, 11, 12 and 15 of Schedule 4B and paragraphs 3 and 11 of Schedule 4C to the Town and Country Planning Act 1990(a) and section 38A of the Planning and Compulsory Purchase Act 2004(b), makes the following Regulations:

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the Neighbourhood Planning (England) Regulations 2012 and shall come into force on 1st April 2012.

(2) These Regulations apply in relation to England only.

Review

2.—(1) Before the end of each review period, the Secretary of State must—

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(3) “Review period” means—

- (a) the period of five years beginning with the day on which these Regulations come into force, and
 - (b) subject to paragraph (4), each successive period of five years.
- (4) If a report under this regulation is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.

Interpretation

3. In these Regulations—

- “address” in relation to electronic communications means any number or address used for the purposes of such communications;
- “contact details” means the name, address and telephone number of a person or body;
- “electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000(a);
- “electronic communications apparatus” has the same meaning as in paragraph 1(1) of the electronic communications code;
- “electronic communications code” has the same meaning as in section 106(1) of the Communications Act 2003 (general interpretation) (b);
- “Environment Agency” means the body established by section 1 of the Environment Act 1995(c);
- “Natural England” means the body established by section 1 of the Natural Environment and Rural Communities Act 2006(d);
- “statutory consultee” means any of the bodies listed in Schedule 1; and
- “the 1990 Act” means the Town and Country Planning Act 1990.

Electronic communications

4.—(1) Where within these Regulations—

- (a) a person is required to consult or seek representations from another person or body; and
 - (b) that other person has an address for the purposes of electronic communications;
- the document, copy, notice or notification may be sent or made by way of electronic communication.

(2) Where within these Regulations a person may make responses or representations on any matter or document, those representations may be made—

- (a) in writing, or
- (b) by way of electronic communication.

(3) Where—

- (a) an electronic communication is used as mentioned in paragraphs (1) and (2), and
- (b) the communication is received by the recipient outside normal working hours, it shall be taken to have been received on the next working day, and in this regulation “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

PART 2

Neighbourhood Areas

Interpretation

5. In this Part—

“application” means an application for the designation of a neighbourhood area.

Application

6.—(1) An application must be accompanied by—

- (a) a plan or statement identifying the land to which the application relates;
- (b) a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
- (c) a statement that the organisation or body making the application is a relevant body for the purposes of section 61G (meaning of “neighbourhood area”) of the 1990 Act.

(2) A local planning authority may decline to consider an application if the applicant has already made an application and a decision has not yet been made on that application.

Publicising an application

7.—(1) The local planning authority must publicise an application in such a manner as they consider is likely to bring the application to the attention of people who live, work or carry on business in the area to which the application relates.

(2) Any publicity must contain the following information—

- (a) the name of the proposed neighbourhood area;
- (b) details of how to respond to the publicity and make representations; and
- (c) the deadline for the receipt of those responses and representations, being not less than 6 weeks following the date on when the application is first publicised.

PART 3

Neighbourhood forums

Interpretation

8. In this Part—

“application” means an application by an organisation or a body to be designated a neighbourhood forum for a neighbourhood area;

“proposed neighbourhood forum” means the group of individuals or bodies, which is capable of being a neighbourhood forum, and which is the subject of the application; and

“relevant neighbourhood area” means the neighbourhood area to which the application relates.

Application

9. An application must contain the following information—

- (a) the name of the proposed neighbourhood forum;
- (b) a copy of the written constitution of the proposed neighbourhood forum;
- (c) the name of the relevant neighbourhood area;
- (d) the contact details of at least one member of the proposed neighbourhood forum; and

- (e) a written statement, which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) (authorisation to act in relation to neighbourhood areas) of the 1990 Act.

Notice of accepted application

10. When a local planning authority receive an application that meets the requirements set out in regulation 9, they must publish on their website—

- (a) the name of the proposed neighbourhood forum;
- (b) the contact details of at least one member of the organisation or body making the application;
- (c) the date on which the application was received; and
- (d) a statement that any other application for the relevant neighbourhood area, after the first application to be accepted, must be received by the local planning authority no later than 28 days after the date on which the above information was first published on their website in relation to the first application they accepted.

Subsequent applications

11. Where a local planning authority have already accepted an application, they cannot accept a subsequent application received more than 28 days after the date on which the information was first published on their website, in accordance with regulation 10, in relation to the first application they accepted.

Publicising the decision

12.—(1) A local planning authority must publish on their website details of their decision on an application.

(2) These details must include the following information—

- (a) the name of the neighbourhood forum;
- (b) the name of the relevant neighbourhood area; and
- (c) contact details for at least one member of the neighbourhood forum.

PART 4

Community right to build organisations

13. For the purposes of paragraph 3(1)(b) of Schedule 4C (community right to build orders) to the 1990 Act, the following additional conditions are prescribed—

- (a) individuals who live or work in the particular area must have the opportunity to become members of the community organisation (whether or not others can also become members);
- (b) the constitution of the community organisation must provide that—
 - (i) individuals who live in the particular area control at least 51% of its voting rights;
 - (ii) one of its objectives is to provide a benefit for the local community;
 - (iii) any assets of the community organisation cannot be sold or developed except in a manner which the trust's members consider benefits the local community;
 - (iv) any profits from its activities will be used to benefit the local community (otherwise than by being paid directly to members);
 - (v) in the event of the winding up of the community organisation or in any other circumstances where the community organisation ceases to exist, its assets must be transferred to another body corporate which has similar objectives; and

- (vi) the organisation has at least 5 members, who are not related to each other, who live in the particular area.

PART 5

Neighbourhood development plans

Interpretation

14. In this Part—

“proposal” means a proposal for the making of a neighbourhood development plan by a local planning authority; and

“relevant neighbourhood area” means the area to which the proposal relates.

Pre-submission consultation and publicity

15. Before submitting a proposal to the local planning authority, a qualifying body(a) must—

- (a) publicise, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the relevant neighbourhood area—
 - (i) a draft of the proposal;
 - (ii) details of how to respond to the publicity and make representations; and
 - (iii) the deadline for the receipt of those responses and representations, being not less than 6 weeks following the date on which the draft proposal is first publicised;
- (b) consult in respect of a draft of the proposal any statutory consultee whose interests it considers would be affected by the proposal if made; and
- (c) submit a draft of the proposal to the local planning authority.

Proposal and information accompanying a proposal

16.—(1) When a qualifying body submits a proposal to the local planning authority, it must be in writing and accompanied by—

- (a) a plan or statement showing the area covered by the proposed neighbourhood development plan;
- (b) a consultation statement;
- (c) the title of the proposed neighbourhood development plan; and
- (d) a written statement explaining how the proposed neighbourhood development plan meets the requirements set out in paragraph 8 of Schedule 4B (process for making of neighbourhood development orders) to the 1990 Act.

(2) In this regulation “consultation statement” means a document which—

- (a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- (b) explains how they were consulted;
- (c) summarises the main issues and concerns raised by the consultees; and
- (d) describes how these issues and concerns have been addressed in the proposal.

Publicising a proposal

17. The local planning authority must publicise, in a manner that is likely to bring them to the attention of people who live, work or carry on business in the relevant neighbourhood area—

- (a) the proposal;
- (b) details of how to respond to the publicity and make representations; and
- (c) the deadline for the receipt of those responses and representations, being not less than 6 weeks following the date on which the proposal is first publicised.

Decision on a proposal

18. The local planning authority must as soon as reasonably practicable after making a decision under subsection (4) or (8) of section 61E (neighbourhood development orders) of the 1990 Act—

- (a) publish on their website—
 - (i) their decision;
 - (ii) a statement of their reasons for making that decision;
 - (iii) details of where and the times when the documents referred to in sub-paragraphs (i) and (ii) can be inspected;
- (b) make the decision and the statement of their reasons available for inspection at their principal offices and at such other places within their area as they consider appropriate during normal working hours; and
- (c) send a copy of the decision and statement of reasons to—
 - (i) the qualifying body;
 - (ii) the Environment Agency;
 - (iii) Natural England;
 - (iv) the Historic Buildings and Monuments Commission for England; and
 - (v) any person who made a written representation in respect of the proposal.

Publicising a neighbourhood plan

19. The local planning authority must as soon as reasonably practicable after making a neighbourhood development plan—

- (a) publish on their website—
 - (i) the plan; and
 - (ii) details of where and the times when the plan can be inspected; and
- (b) make the plan available for inspection at their principal offices during normal working hours.

PART 6**Neighbourhood development orders and community right to build orders****Interpretation**

20. In this Part—

“proposal” means a proposal for the making of a neighbourhood development order or community right to build order by a local planning authority.

Pre-submission consultation and publicity

21. Before submitting a proposal to the local planning authority, a qualifying body must—

- (a) publicise, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the relevant neighbourhood area—
 - (i) a draft of the proposal;
 - (ii) details of how to respond to the publicity and make representations; and
 - (iii) the deadline for the receipt of those responses and representations, being not less than 6 weeks following the date on which the proposal is first publicised;
- (b) consult the Historic Buildings and Monuments Commission for England in respect of a draft of the proposal; and
- (c) consult in respect of a draft of the proposal such of the following persons whose interests it considers would be affected by the order, if made—
 - (i) any person with whom the local planning authority would have been required to consult on an application for planning permission for the development proposed to be permitted by the order;
 - (ii) any statutory consultee;
 - (iii) any planning authority;
 - (iv) any parish council; and
 - (v) any neighbourhood forum.

Proposal and information accompanying a proposal

22.—(1) When a qualifying body submits a proposal to the local planning authority it must be in writing and accompanied by the following—

- (a) a plan or statement identifying the land to which the proposal relates;
- (b) a consultation statement;
- (c) the title of the order;
- (d) a statement explaining how the proposal meets the basic conditions for a neighbourhood development order or a community right to build order set out in paragraph 8 of Schedule 4B to the 1990 Act; and
- (e) if appropriate, in the case of a proposal for community right to build order—
 - (i) details of any enfranchisement rights which the qualifying body proposes should not be exercisable; and
 - (ii) the relevant properties.

(2) In this regulation “consultation statement” means a document which;

- (a) contains details of the persons and bodies who were consulted about the proposed order;
- (b) explains how they were consulted;
- (c) summarises the main issues and concerns raised by the consultees; and
- (d) describes how these issues and concerns have been addressed in the proposal.

Publicising a proposal

23. The local planning authority must publicise in such a manner as it considers is likely to bring the application to the attention of people who live, work or carry on business in the area to which the application relates—

- (a) the proposal;
- (b) details of how to respond to the publicity and make representations; and
- (c) the deadline for the receipt of those responses and representations, being not less than 6 weeks following the date on which the proposal is first publicised.

Decision on a proposal

24. The local planning authority must as soon as reasonably practicable after making a decision under paragraph 12 of Schedule 4B to the 1990 Act —

- (a) publish on their website—
 - (i) their decision;
 - (ii) a statement of their reasons for making that decision;
 - (iii) details of where and the times when the documents referred to in sub-paragraphs (i) and (ii) can be inspected;
- (b) make the decision and the statement of their reasons available for inspection at their principal offices during normal working hours;
- (c) send a copy of the decision and the statement of their reasons to—
 - (i) the qualifying body;
 - (ii) the Environment Agency;
 - (iii) Natural England;
 - (iv) the Historic Buildings and Monuments Commission for England;
 - (v) every person whom the authority knows to be the owner or tenant of any part of the land to which the order applies and whose name and address is known to the local planning authority; and
 - (vi) any person who made a written representation in respect of the proposal.

Publicising a neighbourhood development order or a community right to build order

25. The local planning authority must as soon as reasonably practicable after making an order—

- (a) publish on their website—
 - (i) the order; and
 - (ii) details of where and the times when the order can be inspected; and
- (b) make the order available for inspection at their principal offices during normal working hours.

PART 7**Community right to build orders****Enfranchisement rights**

26.—(1) An enfranchisement right is not exercisable where the conditions set out in paragraph (2) below are satisfied.

(2) A community organisation must in a proposal for a community right to build order—

- (a) include details of any enfranchisement right which is not exercisable; and
- (b) identify the relevant properties.

Notice

27.—(1) Where as a result of a community right to build order an enfranchisement right is not exercisable, notice of this shall be endorsed on the face of the relevant lease.

(2) A failure to give notice in accordance with paragraph (1) shall not affect the fact that an enfranchisement right is not exercisable provided that regulation 26 has been complied with.

PART 8

Examinations

28. If an examiner has made a report under paragraph 10 of Schedule 4B of the 1990 Act, the local planning authority must publish the report—

- (a) on their website; and
- (b) in such a manner as they consider is likely to bring the report to the attention of people who live, work or carry on business in the relevant neighbourhood area.

29. The local planning authority must publish on their website their decisions made under paragraph 12 of Schedule 4B of the 1990 Act.

PART 9

Revocation and modification of a neighbourhood development order, a community right to build order and a neighbourhood development plan

Interpretation

30. In this Part—

“modification” means the modification of a neighbourhood development order, community right to build order or a neighbourhood development plan;

“revocation” means the revocation of a neighbourhood development order, community right to build order or a neighbourhood development plan.

Publicising a modification

31. The local planning authority must as soon as reasonable practicable after making a modification in accordance with section 61L (revocation or modification of neighbourhood development orders) of the 1990 Act—

- (a) publish on their website—
 - (i) details of the modification;
 - (ii) the new order containing the modification;
 - (iii) information and documents relating to the modification; and
 - (iv) details of where and the times when the information and documents can be inspected;
- (b) make the information and documents published in accordance with paragraph (a) available for inspection at their principal offices during normal working hours; and
- (c) give written notice of the modification to the following—
 - (i) the qualifying body;
 - (ii) statutory consultees, where appropriate;
 - (iii) in the case of a modification to a neighbourhood development order or community right to build order, every person whom the authority knows to be the owner or tenant of any part of the land to which the order applies and whose name and address is known to the local planning authority;
 - (iv) any person the local planning authority notified of the making of the neighbourhood development order, community right to build order or neighbourhood development plan; and
 - (v) any other person the local planning authority consider necessary in order to bring the modification to the attention of people who live, work or carry on business in the

area to which the modified neighbourhood development order, community right to build order or neighbourhood development plan relates.

Revocation

32. When the local planning authority have revoked a neighbourhood development order, community right to build order or neighbourhood development plan in accordance with section 61L of the 1990 Act they must—

- (a) within 2 weeks of the date of revocation, publish on their website—
 - (i) a statement of the revocation and the reasons for it; and
 - (ii) details of where and the times when the documents referred to in sub-paragraph (i) can be inspected;
- (b) make the above documents available for inspection at their principal offices and at such other places within their area as they consider appropriate during normal working hours;
- (c) given written notice of the revocation to—
 - (i) the qualifying body;
 - (ii) statutory consultees, where appropriate;
 - (iii) in the case of the revocation of a neighbourhood development order or community right to build order, every person whom the authority knows to be the owner or tenant of any part of the land to which the order applies and whose name and address is known to the local planning authority;
 - (iv) any person the local planning authority notified of the making of the neighbourhood development order, community right to build order or neighbourhood development plan; and
 - (v) any other person the local planning authority consider necessary in order to bring the revocation to the attention of people who live, work or carry on business in the area to which the revoked neighbourhood development order, community right to build order or neighbourhood development plan related; and
- (d) remove the revoked neighbourhood development order, community right to build order or neighbourhood development plan from their website and any other place where it was published or made available for inspection.

PART 10

Parish Councils

Interpretation

33. In this Part—

“application” means an application for approval under subsection (2) of section 61K (permission granted by neighbourhood development orders) of the 1990 Act; and

“approval” means approval in relation to a condition or limitation subject to which planning permission is granted by a neighbourhood development order.

Entitlement to determine an application

34.—(1) A parish council shall be entitled to determine an application if the land to which the application relates is located within the area of the parish council save that a parish council cannot determine an application in relation to land of which they are an owner.

(2) Within a period of 28 days beginning with the date on which notice of the application is received by the parish council, they must decide whether or not they will determine the application and inform the local planning authority, in writing, of their decision to determine an application.

(3) If the parish council do not notify the local planning authority of their decision to determine an application within the period of 28 days, they will not be entitled to do so.

Parish councils

35. When a parish council determine an application they shall be treated as a local planning authority for the purpose of the application.

Notice of determination

36. Where a parish council have determined an application they must notify in writing—

- (a) the applicant;
- (b) the local planning authority; and
- (c) any other person the parish council consider likely to be affected by the decision.

Signatory text

Address	<i>Name</i> Parliamentary Under Secretary of State
Date	Department for Communities and Local Government

SCHEDULE

Regulation 15 and 21

Statutory consultees

1. The following are statutory consultees for the purpose of these Regulations—
- (a) if the local planning authority is a London borough council, the Mayor of London;
 - (b) a local planning authority, county council or parish council any part of whose area is in or adjoins the area of the local planning authority;
 - (c) Natural England(a);
 - (d) the Environment Agency;
 - (e) the Historic Buildings and Monuments Commission for England (b);
 - (f) Network Rail(c);
 - (g) the Highways Agency;
 - (h) the Marine Management Organisation(d);
 - (i) any person—
 - (i) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003 (application of the electronic communications code); and
 - (ii) who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority;
 - (j) any of the following persons who exercise functions in any part of the relevant neighbourhood area—
 - (i) a Primary Care Trust(e);

- (a)
- (b)
- (c)
- (d)
- (e)

- (ii) a person to whom a licence has been granted under section 6(1)(b) and (c) of the Electricity Act 1989 (licences authorising supply, etc)(a);
- (iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986 (licensing of gas transporters)(b);
- (iv) a sewerage undertaker;
- (v) a water undertaker;
- (k) voluntary bodies some or all of whose activities benefit all or any part of the relevant neighbourhood area;
- (l) bodies which represent the interests of different racial, ethnic or national groups in the relevant neighbourhood area;
- (m) bodies which represent the interests of different religious groups in the relevant neighbourhood area;
- (n) bodies which represent the interests of disabled persons in the relevant neighbourhood area.

EXPLANATORY NOTE

(This note is not part of the Regulations)

(a)
(b)