

## **Matter 8-Energy and Nuclear Development**

**Issue- Whether the approach to energy and nuclear development is justified and consistent with national policy.**

**Relevant policies: CC1PU; CC2PU; SP NU1PU; SP NU2PU; SP NU3PU; NU4PU; NU5PU**

*Large scale energy developments (excluding nuclear and wind energy) (Policy CC1PU)*

### **8.1 What is the evidence relating to large scale energy developments and what does it show?**

8.1.1 The Cumbria Renewable Energy Capacity and Deployment Study 2011 identifies that 606mw of renewable energy could realistically be deployed within Cumbria by 2030. The Study identifies risks and opportunities with Page 162 noting:

- *“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 are important, and a coordinating group promoting renewable energy would be beneficial.*
- *Supply chain - skill development in hydropower and biomass installation will be important to reach the uplift in deployment envisaged regardless of the scenario, fuel supply is an issue for biomass – importing may be required in future.*
- *Planning and political - more certainty and consistency in planning policy content and implementation should help encourage greater deployment, wide-scale objection to commercial scale wind is an important consideration that needs to be taken into account.*
- *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*
- *The large uplift in microgeneration in all scenarios, but particularly for the no new commercial wind scenario may prove challenging.*
- *Community ownership - awareness raising and potentially the development of a standardised framework for initiating and running such schemes is needed to increase the current uptake which is minimal.”*

8.1.2 The Climate Change Strategy and Action Plan, paragraph 24 notes that *“One of the most powerful ways that the council can ensure sustainable development in Copeland is through our Local Plan and Planning Policies... Climate and ecological considerations are built into the Council’s new Local Plan for 2021-2038 , which will include a number of development policies that ensure that sustainable development in the borough will address climate change mitigation, adaptation and biodiversity net gain...”*

8.1.3 In addition to this the Local Plan economy chapter identifies the Cumbria Clean Energy Park as a large scale energy project arising from the Cumbria Nuclear Prospectus<sup>1</sup>. Evidence relating to the project can be found in the Economic Development Needs Assessment (EB15) Section 8. The Cumbria Clean Energy Park could support a range of new energy technologies (mainly linked to nuclear), but also proposes hydrogen production within the mix of clean

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<sup>1</sup> [https://www.copeland.gov.uk/sites/default/files/attachments/cumbria\\_nuclear\\_prospectus.pdf](https://www.copeland.gov.uk/sites/default/files/attachments/cumbria_nuclear_prospectus.pdf)

energy technologies (page 11), which has emerged since the Cumbria Renewable Energy Capacity and Deployment Study was produced.

**8.2 Does Policy CC1PU provide an effective framework for the consideration of large scale energy developments (excluding nuclear and wind energy developments?). Is the Policy justified and in accordance with national policy?**

8.2.1 New Large scale energy developments are required in order to cut greenhouse gases and meet increased energy demand from renewable sources. They can often have detrimental impacts upon the landscape and other matters where not appropriately located and designed. Where negative effects are unavoidable, it is important that mitigation is provided. Policy CC1 is justified as it contains a list of criteria that proposals must meet in order to prevent or reduce negative impacts.

8.2.2 The policy is consistent with national policy, in particular paragraphs 152 and 155 of the NPPF (not replicated here due to their length).

**8.3 Are the suggested Main Modifications (MA-LP61-MA-LP65) necessary in the interests of soundness?**

8.3.1 Main Modifications MA-LP61, 62 and 63 are required to improve the legibility of the policy. Main Modifications MA-LP63 and 64 are required to ensure that impacts of development on the setting of World Heritage Sites and water quality are given the same level of consideration as other matters listed. The change is not necessary in the interests of soundness as there are other Local Plan policies relating to these matters (N6 and N5), however they will provide consistency.

*Wind energy developments (Policy CC2PU)*

**8.4 What evidence is there to support the Areas Suitable for Wind Energy as shown on the draft Proposals Map?**

8.4.1 In order to identify Areas Suitable for Wind Energy, a Wind Energy Technical Document was produced (Document EB38). This provides a specific focus on how the area suitable for wind energy development has been identified, in accordance with the requirements of the National Planning Policy Framework and Planning Practice Guidance.

8.4.2 Initially, the Council explored three options to identify the areas suitable for wind energy development. These options were:

- Option 1 – do nothing
- Option 2 – identify the whole Borough (excluding the LDNPA) as an area suitable for wind energy development
- Option 3 – identify the whole Borough (excluding the LDNPA) as suitable for wind energy development, with the exclusion of some of the more sensitive areas

8.4.3 As Copeland contains areas which are high value in terms of ecology, landscape and the environment, it was considered that the most appropriate option to develop was Option 3.

This option provides a flexible approach as it provide opportunities within the Borough for appropriate wind energy development whilst providing protection for sensitive landscapes.

- 8.4.4 The Technical Document outlines the evidence base documents which were used to provide a high level assessment of the planning and environmental considerations that could affect areas within Copeland (but outside the Lake District National Park) to accommodate wind energy development.
- 8.4.5 The Council started the assessment process by identifying the landscape character types present in Copeland through the Cumbria Landscape Character Guidance and Toolkit<sup>2</sup> (2011). This document describes the character of different landscape types across Cumbria and is an integrated framework to provide guidance to help maintain their distinctiveness.
- 8.4.6 In assessing the technical capacity of the different landscape areas to accommodate varying levels of wind energy development, the Cumbria Renewable Energy Capacity and Deployment Study<sup>3</sup> was used. This was a technical study produced in 2011 and provides an assessment of the amount of resources available that could be used to generate renewable energy up to 2030. Within this assessment, the Capacity and Deployment Study takes into consideration landscape constraints which could limit the potential for commercial wind farm development for large scale onshore wind capacity.
- 8.4.7 As part of the technical assessment, the Council used the Cumbria Wind Energy Supplementary Planning Document (2007)<sup>4</sup> to identify the areas within Copeland which were capable of providing the required wind speed suitable for wind energy development (6.5 metres per second). The Supplementary Planning Document was also used to assess the landscape types within Copeland in relation to their overall sensitivity to development and capacity for such development.
- 8.4.8 A further element of analysis focussed on the potential cumulative effects on landscape character and visual amenity based on varying scales of infrastructure; this data was taken from the 2014 Cumulative Impact and Vertical Infrastructure Study<sup>5</sup>. This analysis found that there were a number of landscape types which are particularly sensitive to development and which would have low or low-moderate capacity to accommodate turbine development.
- 8.4.9 Once the landscape types which were particularly susceptible to the effects of wind energy development and their potential capacity had been identified, the Council then identified a number of constraints which may be more sensitive to wind energy development. The constraints were identified following responses to the Issues and Options consultation; it is considered that the constraints that have been mapped best reflect the international, national and local designations and considerations affecting the area. There are a number of other constraints and considerations which have not been mapped, but will be considered through the planning application process.

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<sup>2</sup> <https://www.cumbria.gov.uk/planning-environment/countryside/countryside-landscape/land/landcharacter.asp>

<sup>3</sup> <https://www.cumbria.gov.uk/eLibrary/Content/Internet/538/755/1599/40890154140.pdf>

<sup>4</sup> <https://cumbria.gov.uk/planning-environment/renewable-energy/windEnergy.asp>

<sup>5</sup> <https://cumbria.gov.uk/planning-environment/countryside/countryside-landscape/civi/civi.asp>

8.4.10 It is acknowledged that the evidence base documents of the Cumbria Wind Energy Supplementary Planning Document and the Cumbria Landscape Character Guidance and Toolkit were produced a number of years ago. In 2021, consultants produced two studies for the Council which assessed the landscape character areas across Copeland (EB34 and EB35-EB37). One of the purposes of these studies was to assess how the landscape may have changed since the original studies. The conclusion of the 2021 studies was that, whilst there had been some limited developmental changes, they are not considered to be of a scale or amount to significantly alter the overall character of the landscape of the area. Therefore, the Council considers that the original studies remain a useful baseline of information.

8.4.11 The combination of the evidence and data from the listed documents, along with the identified constraints, has created the Areas Suitable for Wind Energy as shown on the draft Proposals Map. The Council considers that the area identified allows an approach which is positive and flexible in line with national planning policy, whilst protecting Copeland's valuable landscape, heritage, ecological, geological and environmental assets.

**8.5 Do the criteria in Policy CC2PU provide clear and effective guidance for the consideration of wind energy developments?**

8.5.1 The policy is effective as it provides a list of clear criteria that proposals should meet in order to be deemed acceptable and avoid or reduce adverse impacts. The policy accepts that, in some cases, harm is unavoidable, and in such cases mitigation will be required. The supporting text (paragraph 9.3.1) notes that the policy should be read alongside the Wind Energy Technical Document.

**8.6 Are the suggested Main Modifications (MA-LP66-68) necessary in the interests of soundness?**

8.6.1 Main modifications MA-LP66 is required to improve the legibility of the policy. Main modifications MA-LP67 and 68 are required to ensure that impacts of development on the setting of World Heritage sites and water quality are given the same level of consideration as other matters listed. The change is not necessary in the interests of soundness as there are other Local Plan policies relating to these matters (N6 and N5), however they will provide consistency.

*Supporting development of the nuclear sector (Policy SP NU1PU)*

**8.7 Do the criteria in Policy SP NU1PU provide clear and effective guidance for the consideration of nuclear development? Is the policy justified, effective and consistent with national policy?**

8.7.1 The Policy demonstrates the Council's support for nuclear development within the borough, subject to certain criteria, recognising the role such development can have in delivering a net zero carbon future. The policy will ensure that benefits from development are maximised.

8.7.2 The final paragraph in the policy is required to ensure that all nuclear sector development, including that which isn't a Nationally Significant Infrastructure project or doesn't take place on an existing nuclear site, benefits local communities. This could be through the provision

of, or enhancement to, infrastructure required to make the development acceptable, or through other means such as through the provision of employment.

- 8.7.3 Minor Modification MI-LP146 is proposed to clarify that in some cases, the requirement for *“proportionate and meaningful contribution to local economic, social and environmental strategies/priorities”* is already being met through existing procedures that are in place, for example existing Social Impact Strategies.
- 8.7.4 The Council considers the policy to be justified and effective without being too onerous and putting unnecessary burdens upon developers. The requirement set out in the last paragraph of the policy will also make it easy for local communities to see the benefits of such development.
- 8.7.5 The policy is consistent with national policy, in particular the National Policy Statement for Nuclear (EN-6) and paragraph 155 of the NPPF which states:  
*“To help increase the use and supply of renewable and low carbon energy and heat, plans should:  
a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);”*

#### *Nuclear Decommissioning (SP NU2PU)*

### **8.8 Is the policy justified, effective and consistent with national policy?**

- 8.8.1 This strategic policy identifies the types of development that will be supported in order to maximise opportunities linked to decommissioning. As well as guiding development, the policy can be used to inform investment decisions and support bids. Such developments will help the Council meet the challenge of climate change and will help retain a skilled workforce in the borough.
- 8.8.2 The policy is consistent with national policy, in particular the National Policy Statement for Nuclear (EN-6) and paragraph 152 of the NPPF which states the following:  
*“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”*

#### *General Nuclear Energy Sector and Associated Development (SP NU3PU)*

### **8.9 Do the criteria in Policy SP NU3PU provide clear and effective guidance for the consideration of nuclear energy sector and associated development?**

8.9.1 Policy NU3 clearly states that nuclear energy and associated development will be supported subject to the criteria listed.

**8.10 Is the policy justified, effective and consistent with national policy? Are the suggested Main Modifications (MA-LP72-76) necessary in the interests of soundness?**

8.10.1 Main modifications MA-LP72-76 are not required in the interests of soundness but are necessary to improve the legibility and clarity of the policy.

*Nuclear Development at Sellafield (Policy NU4PU)*

**8.11 Do the criteria in Policy SP NU4U provide clear and effective guidance for the consideration of nuclear and associated development at Sellafield?**

8.11.1 The policy contains clear and effective criteria that will be used to determine planning applications at the Sellafield site.

8.11.2 The policy (criterion a and b) contains a form of sequential test which prevents development outside of the site boundary unless certain criteria are met. This criteria states that, in such cases, the development must be located on an allocated employment site or other suitable site within the settlement boundary unless justified by an exceptional need case. The purpose of this requirement is to ensure development is in the most sustainable locations, prevent sprawl at the Sellafield site, and reduces the need for further greenfield development within the open countryside where possible. For example, where a Sellafield office development is unable to go on the site, the council would prefer to see it located within a town centre as this would provide additional benefits in terms of increasing footfall etc.

8.11.3 The policy acknowledges that there may be cases where a town centre or an employment site is not appropriate and a location adjoining the Sellafield site may be required. It would be impossible for the Local Plan to list all potential examples of all such cases. Footnote 43 therefore provides further guidance regarding what information will be required to demonstrate an "exceptional need case". This requirement is not considered to be overly onerous or restrictive and provides flexibility to allow applications to be determined on a case by case basis.

8.11.4 It should also be noted that the Local Plan highlights that Council also operates a free pre-application service where developers can seek guidance before submission, and has an ongoing relationship with Sellafield Ltd to understand their likely development programme and provide advice and guidance about the most effective way to support proposals. The requirement for an exceptional need case can be discussed at this stage which further reduces risk to the developer. Early and ongoing dialogue is critical for this to be effective.

**8.12 Is the policy justified, effective and consistent with national policy? Are the suggested Main Modifications (MA-LP77-LP81) necessary in the interests of soundness?**

8.12.1 Main Modifications MA-LP77-81 are not required in the interests of soundness but are necessary to improve the legibility and clarity of the policy. Modification MA-LP80 is

necessary as the criterion is no longer required as those matters are controlled under other regulatory processes. Modification MA0LP83 is no longer required as it is covered by Policy DS2 (and goes beyond those requirements as currently written).

*Nuclear demolition (Policy NU5PU)*

**8.13 Is the policy justified, effective and consistent with national policy?**

- 8.13.1 The Council has considered the policy in light of comments received during the consultation on the Local Plan Publication Draft (CD1) and no longer considers it to be justified. Most forms of demolition can be carried out using permitted development rights, and where permission is required, this is gained through the Prior Notification process. During this process Councils are limited in terms of the matters they can consider when determining the application; the policy goes above and beyond those matters. Criteria 3 and 4 are also not required as they duplicate policies elsewhere within the Local Plan.
- 8.13.2 Given the above the Council is suggesting Main Modification MA-LP84 which will see the deletion of the policy.