

HEARING STATEMENT – POLICY S19 – RENEWABLE ENERGY AND LOW CARBON TECHNOLOGIES

Allerdale Local Plan
Examination

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1 Introduction

- 1.1 This Hearing Statement has been prepared by Turley Associates, on behalf of REG Windpower Limited.
- 1.2 REG has previously submitted written representations on various iterations of the Draft Allerdale Local Plan, most recently in July 2013 and, prior to that, in July 2012.
- 1.3 REG is content for the Inspector to rely on the submissions made to date in respect of:
- Allerdale Vision and Objectives (pg15)¹
 - Economy Objectives (pg18)²
 - Area Based Policies – S6d Wigton (pg47)³
 - Policy S19 (criteria (a) (iv)⁴
- 1.4 However it does wish to make representations in respect of how the Council has sought to amend Policy S19 in the Pre-Submission Draft of the Local Plan (October 2013) (CD2).

Policy S19 – Renewable and Low Carbon Technologies

- 1.5 Within this policy the Council confirms that it will seek to promote and encourage the development of renewable and local carbon energy resources and says that proposals will be permitted where impacts are, or can be made, acceptable. It goes onto set out a range of criteria against which proposals will be assessed.
- 1.6 The wording of Criteria (a)(ii), (iii) and (iv) is of concern to REG in that they are not considered to reflect the provisions of the National Planning Policy Framework (NPPF) or National Policy Statements (NPS) EN-1 and EN-3 and so are inconsistent with national policy objectives.

Criteria (a)(ii) and (a)(iii)

- 1.7 Here Policy S19 says that the Council will take a positive view where proposals do not have significant adverse impacts on the location in relation to visual impact and landscape character (criteria (a)(ii) or adverse effects on any national nature conservation site (criteria (a)(iii).
- 1.8 In response REG consider that the aforementioned criteria set a higher policy test than that which is specified in the NPPF / NPS EN-3.
- 1.9 As it is presently worded through these criteria, Policy S19 advises that the Council will only take a positive approach to renewable and local carbon energy proposals where visual / landscape effects and impacts would not be significant and where there will be an absence of harm to European / International protected nature conservation sites.
- 1.10 In contrast, the NPPF advises that local plan policies should be designed to maximise renewable and low carbon energy generation whilst ensuring that impacts are addressed satisfactorily

¹ Representations submitted July 2013

² Representations submitted July 2013

³ Representations submitted July 2013

⁴ Representations submitted July 2013

(paragraph 97). It goes onto say that planning permission should be granted where impacts are, or can be made acceptable (paragraph 98).

- 1.11 From the above it can be seen that the NPPF is not seeking to eradicate harm altogether. Rather, there is an implicit acceptance that renewable and low carbon energy proposals will cause a degree of harm, particularly in respect of landscape and visual impact considerations but, providing this harm is of an appropriate level relative to the scale of benefits capable of being delivered, then schemes can still be permitted.
- 1.12 Indeed, National Policy Statement EN-3, (paragraph 2.7.48) explicitly recognises that the occurrence of significant landscape and visual effects from commercial scale wind turbines is inevitable but still goes onto advise that significant weight should be afforded to need for the deployment of sources of further renewable energy. Indeed it is inconceivable that a commercial scale wind farm could be delivered in the absence of harm.
- 1.13 In the circumstances it is considered that the wording of the relevant criteria requires modification to allow for the council to apply a positive approach in situations where significant landscape and visual effects would arise and in situations where harm to European / International nature conservation sites may occur.
- 1.14 It is considered that the policy criteria should be amended to reflect the approach taken at criteria (a)(i) and amended to read as follows:

- (ii) Do not have an unacceptably adverse impact on the location in relation to visual impact and impact on the character and sensitivity of the landscape”.*
- (iii) Do not have an unacceptably adverse effect on any European / International protected nature conservation sites (including SACs, SPAs and Ramsar sites, candidate SACs, potential SPAs and proposed Ramsar sites) including its qualifying habitats and species either along or in combination with other plans or projects.*

- 1.15 The requested modifications will, in time, then allow the decision maker to determine whether a particular impact is considered to be acceptable or unacceptable having regard to the potential benefits to be accrued.

Criteria (a)(v)

- 1.16 The wording of this criteria is such that it indicates that the Council will take a positive view of applications which may result in harm to local nature conservation sites, including habitats or species providing that it is demonstrated that there is a need for the development in that location and that the benefits of the development outweigh the harms.
- 1.17 In response it is considered that the policy, in requiring the demonstration of need for a project in a particular location, introduces a requirement for an applicant to undertake an alternative sites assessment. This is considered to be unsound, for the reasons set out below.

- 1.18 Statutory Instrument 243 (2011) Regulation 3 (attached as Appendix 1) imposes a requirement on the Secretary of State to ensure that the renewables share in 2020 is **at least** 15% [emphasis added].
- 1.19 Through the use of the phrase “at least” SI.243 clearly establishes that the identified need is a “minimum” requirement or, put another way, is “unconstrained”.
- 1.20 In situations of minimum requirements or unconstrained need it can only be the case that all suitable sites should be brought forward for development to meet that need; logically no one site can be an alternative to another and no purpose is served by requiring the completion of an alternative sites assessment.
- 1.21 As such there is no basis for the Council to require a developer to demonstrate that their scheme is needed in that particular location.
- 1.22 In the circumstances it is considered that Criteria (a) (v) be reworded as follows:

(v) Do not result in loss or harm to a Local Nature Conservation site, including habitats or species supported by Local Sites, unless it can be demonstrated that the benefit of the development outweighs the harm or loss.

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