

Our Ref:
Your Ref:

This matter is being dealt with by:
Julie Ward
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Direct Line: 01900 702767

Mr D Troy
Inspector
c/o Kerry Trueman
Programme Officer

22 February 2019

Dear Mr Troy,

Examination of the Allerdale Local Plan (Part 2) Site Allocations Response to Inspector's Initial Questions for Examination

I refer to your letter dated 6th February 2019 setting out initial questions for Examination. The Council's response is set out below:

Potential Changes and Modifications

I can confirm that the Council wishes to formally request, under sections 20 (7C) and 23 of the Planning and Compulsory Act 2004, that as the appointed Inspector, you recommend to the Council modifications to the Plan that you consider are necessary in order to find the Plan sound.

With respect to the submitted schedule of main modifications the following proposed modifications are considered to address issues of soundness. The remaining modifications aim to provide additional clarity in response to representations rather than addressing issues of soundness.

Modifications MM2 and MM3

The proposed removal of the final paragraph of Policy SA1 and paragraph 47 of the supporting text aims to provide greater flexibility when considering the renewal of current housing commitments and thereby ensure the plan is more effective.

Modification MM4

The modification to the wording of Policy SA5 is to ensure it is consistent with paragraph 009 of Housing: Optional Technical Standards Planning Practice Guidance.



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Modifications MM5 and MM7

These proposed modifications are linked to modifications MM2 and MM3. They aim to address the effectiveness of the Local Plan (Part 2) in terms of housing delivery when renewing major housing permissions by requiring evidence of the deliverability of the site as part of the planning assessment.

Modification MM 41

This proposed modification is to ensure the wording of Policy SA50 is consistent with national policy; in particular the Ministerial Statement published 18 June 2015 in relation to wind energy development.

Housing

The Council will ensure that an updated housing position statement on each of the allocated housing sites will be provided by 12 April 2019.

A list of residential commitments by settlement and associated maps are enclosed with this letter.

It is the Council's intention to update the latest housing land supply position. This will be available by 12 April 2019.

Employment

The current planning status for both the proposed allocated and safeguarded employment sites are enclosed with this letter.

With respect to the employment land supply trajectory this will be available by 12 April 2019.

Wind Energy

The Wind Energy Area Topic Paper Update is still in progress and will be available by 29 March 2019.

The Council has carefully considered the recommendations set out in paragraph 7.2.3 of the Habitat Regulation Assessment Report September 2018 (Ref CD9) with respect to the Area Suitable for Wind Energy Development. It has concluded that the application of the policy requirements set out in Policy S19 in the Local Plan (Part 1), provides a robust policy framework to ensure that any proposal for wind energy is appropriately assessed in relation to ecologically sensitive designated nature conservation sites and will achieve the necessary mitigation.

The drafting of Policy S19 was significantly guided by the recommendations in the Local Plan (Part 1) Habitat Regulation Assessment September 2013¹ to the extent that embedded within Policy S19 and the supporting text there is explicit reference to the need to address likely significant effects on designated nature conservation sites. (Paragraph a- criteria i-v in the policy and para 224 in the text). In addition criteria b in the policy and para 223 in the supporting text directly addresses protected birds, including their designated sites and migration routes in relation to wind turbines. By including this policy text the Habitat Regulations Assessment for the Local Plan (Part 1) concluded:

¹ Habitats Regulations Assessment of Local Plan (part 1): WYG Environment (amended September 2013) para 4.6.8 (p54), para: 10.13-12.7 (p127-128) and para 10.4 (p140-143) (ref SD22)

Local Plan policies ensure through precautionary text that renewable energy development will not cause any significant effect on qualifying features of Natura 2000 sites and will have no Adverse Effect on site integrity”² and

“Renewable energy schemes with any direct/indirect impacts can be appropriately considered through a rigorous planning approach insisting on Habitat Regulations Assessment and Appropriate Assessment looking at new projects in combination with existing and future schemes. Allerdale have now included strict requirements for adequate surveys in the Local Plan policy on renewable energy.”³

It was decided to continue with the policy approach of assessing wind energy development through project level Habitat Regulation Assessment and Appropriate Assessment in line with the provisions of Policy S19. The Council considers that biodiversity and nature conservation considerations require a different approach to landscape and heritage designations whose defining characteristics are more constant in comparison. Project level assessment will enable wind energy development to be informed by detailed survey work, including bird survey. This will ensure the siting and scale of the proposal is sensitive to its location and effective mitigation is achieved.

The area restricted to small scale wind turbines along the Solway Coast does cover the majority of the Solway Firth designations and part of the South Solway Mosses. If the area for small scale turbines were to be extended to include ecological designations the Council would question the benefit of including the River Derwent and Bassenthwaite Lake SAC as the designation does not extend beyond the river bank and would in any case be considered as a part of any project specific Habitat Regulation Assessment.

I hope this has answered your initial questions and that the proposed timescales for providing the additional information are acceptable.

Yours sincerely

Julie Ward

Julie Ward
Spatial Policy Manager

² Habitats Regulations Assessment of Local Plan (part 1): WYG Environment (amended September 2013) para 10.1.3 (p128)

³ Habitats Regulations Assessment of Local Plan (part 1): WYG Environment (amended September 2013) para 10.4.3 (p143)