



Allerdale Borough Council

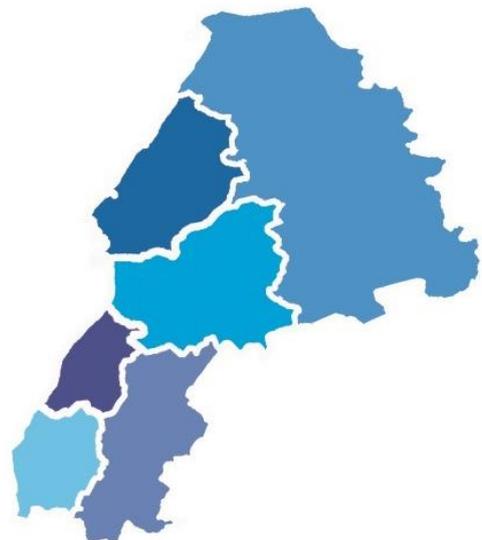


Allerdale Local Plan (Part 2) Site Allocations

Examination Matters and Issues

Matter 7 – Wind Energy

April 2019



Issue 7: Whether the proposed approach towards wind energy is justified, effective and consistent with national policy and the ALPP1?

Q77. Is the approach of defining the areas suitable for wind energy development set out in the Wind Energy Topic Paper (Ref TP7) soundly based?

- 7.1 Initially, the Council explored three options in relation to identifying an area suitable for wind energy development. The first option was not to identify an area but it was decided not to pursue this as it would be contrary to national planning guidance. The second option was to identify the whole of the district (excluding the Lake District National Park) as an area suitable for wind energy development. This was discarded on the basis that it did not recognise or take account of specific landscape and heritage and biodiversity sensitive areas and, as such, would be contrary to the requirements of national planning guidance.
- 7.2 The third option was to identify the whole district (excluding the Lake District National Park) as suitable for wind energy development, with the exclusion of some sensitive areas. In order to pursue this option, the Council used existing adopted planning policy and a robust evidence base to identify an area to satisfy the requirements of national planning guidance.
- 7.3 Key evidence base documents which were used included: the Cumulative Impacts of Vertical Infrastructure (EB12), the Cumbria Renewable Energy Capacity and Deployment Study (EB15), the Cumbria Landscape Character Guidance and Toolkit (EB17) and the Wind Energy SPD (EB21 and EB21a). It should be noted that, due to the age of the document, a partial review of the Cumbria Landscape Character Guidance and Toolkit has been undertaken. This looked at the landscape types that have been used to define the Lake District National Park buffer zone, identified as part of the third option in the Wind Energy Topic Paper, to ensure the findings are still relevant and applicable. The review (which can be read as part of the Updated Wind Energy Topic Paper . TP7a) concluded that the landscape areas are not considered to have changed significantly from the baseline position and that the use of the landscape types to define the sensitivity zone is considered to be robust.
- 7.4 The assessment of the third option within the Wind Energy Area Topic Paper of the key evidence base documents showed that:
- landscape constraints do affect the potential wind energy capacity;
 - many of the windiest parts of Cumbria fall within national landscape designations, including the Solway Coast Area of Outstanding Natural Beauty and the Lake District National Park;
 - no landscape type in Allerdale has low sensitivity to development or high capacity for wind turbines; and
 - generally there is high and great sensitivity in the Solway Coast Area of Outstanding Natural Beauty and the World Heritage Sites even for small

scale infrastructure. These areas of sensitivity extend even further for medium and large scale infrastructure.

- 7.5 Given the combined findings of the evidence base documents, it is considered that the approach for defining the sensitive areas, and consequently the areas suitable for wind energy development, is soundly based.

Q78. Are the potentially suitable areas justified, effective and consistent with national policy and Policy S19 of the ALPP1? Are there any significant factors that indicate that these areas should not have been designated?

- 7.6 It is considered that the potentially suitable areas identified are justified, effective and consistent with national policy. Chapter 10 of the 2012 National Planning Policy Framework focuses on how planning can help deliver a low carbon economy to minimise greenhouse gas emissions. As previously mentioned, for any planning application for wind energy development which is located in an area identified as potentially suitable for wind energy development will need to comply with Policy S19 (plus other relevant Local Plan policies). Therefore, it is considered the Council has a positive strategy to promote renewable energy whilst ensuring that adverse impacts are addressed satisfactorily, in line with the National Planning Policy Framework¹.
- 7.7 In addition, paragraph 97 of the 2012 National Planning Policy Framework also states that local authorities should consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; this is further supported in the Written Ministerial Statement in June 2015 and the Planning Practice Guidance for Renewable and Low Carbon Energy. By including the Wind Energy Area Inset Map as part of the Local Plan (Part 2) Policy Map, the Council has met the requirement to identify suitable areas for wind energy.
- 7.8 Footnote 17 of the 2012 National Planning Policy Framework states that local planning authorities should refer to National Policy Statement for Energy (EN-1) and National Policy Statement for Renewable Energy Infrastructure (EN-3) when considering the range of impacts used to identify the areas suitable for wind energy development. The area identified as suitable for wind energy development has taken into account some of these such as landscape and visual, and certain biodiversity and historic environment impacts. It is considered that the using Local Plan (Parts 1 and 2) collectively, as they should be, then proposals for wind energy development will consider the wider range of impacts identified in the National Policy Statements.
- 7.9 The Wind Energy Area Policy Inset Map is consistent with Policy S19 as it shows that only small scale wind turbines could be considered acceptable within the Hadrian's Wall Heritage Site (and its buffer zone) and the Solway Coast Area of Outstanding Natural Beauty. It is acknowledged that there are other factors which have not been mapped that will influence the suitability of locations for wind turbine development; however, these are considered to be

¹ Paragraph 97 of the 2012 National Planning Policy Framework

matters that are best dealt with as part of more detailed site-specific investigations. This approach does not make it inconsistent with Policy S19 as the mapped potentially suitable areas within the Local Plan (Part 2) are designed to be used in conjunction with Policy S19.

- 7.10 Using Policy S19 in conjunction with the Wind Energy Area Policy Inset Map seeks to ensure that only the most appropriate schemes are approved. If an area is identified as potentially suitable for wind energy development, this does not necessarily predicate planning consent will be granted. The Council may consider that there are mitigating site-specific circumstances which warrant refusal, or request that amendments are made to make the proposed scheme acceptable. This is considered to be a flexible approach which will ensure that only the most appropriate schemes are allowed.
- 7.11 Therefore, it is not considered that there are any significant factors which indicate that the potentially suitable areas should not have been designated.

Q79. What is the justification for having sensitivity zones whether proposals for wind energy development will be restricted to small scale turbines? Is it clear to decision makers, developers and the local communities what types of development will be acceptable and where? Are these zones justified and effective in accordance with the recommendations of the HRA and other evidence based work?

- 7.12 Identifying Hadrian's Wall World Heritage Site and its buffer zone, and the Solway Coast Area of Natural Beauty as sensitivity zones is consistent with the provisions of adopted Policy S19. Policy S19 in the Local Plan (Part 1) explicitly states that %Within Hadrian's Wall World Heritage Site and its buffer zone, and the Solway Coast Area of Natural Beauty only small scale renewable energy schemes, which preserve the special qualities of these designations+. Therefore, as this is adopted policy, it is included within Policy SA50 and the Policy Map.
- 7.13 Following the adoption of the Local Plan (Part 1), the Lake District National Park became designated as a World Heritage Site in 2017. The Council decided to also include a zone alongside the Allerdale/Lake District National Park boundary to restrict wind energy development to small scale to reflect this new designation, which in turn helps to fulfil Allerdale Borough Council's duty under the Environment Act 1995. The Act states that the Council must have regard to the purposes for which a national park has been designated when determining planning applications which may adversely affect its natural beauty, wildlife and cultural heritage. If located in close proximity, large scale wind turbines are likely to result in significant adverse impacts on the Lake District National Park.
- 7.14 Once the areas that needed additional protection from wind energy development were identified, the Council determined that it did not want to stymie development completely, but that it wanted to ensure wind energy development would be appropriate and sympathetic to their surroundings. Therefore, it was concluded that small-scale (defined as 15m-50m in the

Cumulative Impact and Vertical Infrastructure Study²) would be permitted, subject to consideration against Policy S19, in the identified sensitive areas. This is considered to be a flexible approach to allow suitable, small scale renewable energy schemes which are consistent with relevant Management Plans and other Local Plan policies. It is considered that the supporting text to Policy SA50 and the Policies Map make it clear to users of the Local Plan where and why these restrictions for wind energy development are in place.

- 7.15 The buffer zones for the Hadrian's Wall World Heritage Site (and its buffer zone) and the Solway Coast Area of Outstanding Natural Beauty are consistent with the official designations. The buffer zone against the Allerdale/Lake District National Park boundary was identified using current evidence base as explained in the response to Matters and Issues Questions 77 and 78.
- 7.16 The Habitats Regulation Assessment assessed Policy SA50; the review did not conclude that the use of landscape and historic environment evidence to identify sensitivity zones was inappropriate. However, it did recommend that the sensitivity zones should also include selected ecologically sensitive designated nature conservation sites (this is addressed under Matters and Issues Question 80).
- 7.17 Policy SA50 was also assessed as part of the Sustainability Appraisal. The Sustainability Appraisal concluded that the approach taken to identifying sensitive zones within Allerdale strikes an appropriate balance between the conflicting economy/climate change and natural environment objectives and therefore, on balance, constitutes the most sustainable approach overall³.

Q80. The Appropriate Assessment in relation to Policy SA50 recommends that the sensitivity zones shown on the Wind Energy Inset Policy Map as only suitable for small-scale turbines should be amended to include the ecological sensitive designated nature conservation sites including the ecological designations along the Allerdale coastline and inland. In response to the Inspectors Initial Questions, the Council advised that the current policy approach of assessing wind energy development through project level Habitat Regulation Assessment and Appropriate Assessment would continue in line with the provisions of Policy S19 of the ALPP1. Does this approach provide 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 achieves the necessary mitigation?

- 7.18 The Council is committed to protecting ecological and biological features within Allerdale. Whilst the Habitats Regulation Assessment (CD9) for the Local Plan (Part 2) states that the Local Plan (Part 2) does not acknowledge the importance of recognising the potential effects of wind farms on birds⁴ it also states that the protection of Natura 2000 sites is very clearly stated in

² Paragraph 4.1.9 of the Cumulative Impact and Vertical Infrastructure Study

³ Paragraph 16.16 of Sustainability Appraisal: Non-Technical Summary (CD6)

⁴ Page 76 of the Habitats Regulation Assessment (CD9)

the ABC Local Plan Stage 1 document⁵. The Habitats Regulation Assessment (CD9) goes on to state that Policy S19 offers overall protection to Natura 2000 sites, and Policy SA50 has been specifically signposted to Local Plan Policy S19⁶.

- 7.19 Furthermore, the Habitats Regulation Assessment (CD9) considers that [the] Allerdale Local Plan adequately protects Natura 2000 sites through detailed requirements for developers to assess any renewable proposals to provide sufficient information to demonstrate that there will be no significant adverse effect on SPA birds which would be likely to result in an impact on the integrity of the Natura 2000 site⁷.
- 7.20 As the Local Plan is designed to be read as a whole document, it is considered that the combined use of Policies S19, S35 and SA50 (plus other policies where relevant) will ensure that planning applications for all wind energy developments are appropriately assessed in relation to ecologically sensitive designated nature conservation sites, and that the necessary mitigation will be achieved.
- 7.21 There was a recommendation within the Habitats Regulation Assessment (CD9)⁷ that the Wind Energy Inset Policy Map should also depict nature conservation sites and that the map is altered to also include ecological designations within areas which are shown as sensitive to wind energy development. This includes:
- Solway Firth pSPA all along the coast of Allerdale;
 - Goose and swan sensitive areas and flyways along north-west coast and inland of this in Allerdale;
 - Hen Harrier Protection zone to the south of Allerdale;
 - South Solway Mosses SAC in the north (sensitive habitats and breeding birds); and
 - The River Derwent and Bassenthwaite Lake SAC and the River Eden and tributaries SAC corridors.
- 7.22 The Council has decided not to include these suggested areas and it is considered that their exclusion does not affect the soundness of Policy SA50. With regards to the suggested ecological designations relating to the Solway Firth pSPA and bird sensitive areas/zones, the Council considers that this requires a different approach to the landscape and heritage designations whose defining characteristics are more constant by comparison. The areas identified may vary during the remainder of the Local Plan period, should the flight paths of the birds change. It is considered that these impacts would be better considered at the planning application stage to provide the most relevant and up-to-date assessment.

⁵ Page 76 of the Habitats Regulation Assessment (CD9)

⁶ Page 77 of the Habitats Regulation Assessment (CD9)

⁷ Page 79 of the Habitats Regulation Assessment (CD9)

7.23 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; project level Habitat Regulation Assessments would address impacts on this SAC.

Q81. Is the suggested Main Modification MM41 justified? Is this necessary in the interests of soundness?

7.24 Main Modification 41 seeks to amend the second bullet point in Policy SA50 to include the words "and the proposal has their backing". It is considered that the amendment to Policy SA50 under Main Modification 41 meets all four tests of soundness.

7.25 It is consistent with national policy as the wording has been taken from the provisions of the *Written Ministerial Statement* and the *Renewable and Low Carbon Energy Planning Practice Guidance* which were both published in June 2015 and, as such, it is considered that the wording is justified.

7.26 The inclusion of the wording is a positive addition to Policy SA50 as it allows local communities to be involved in the decision making process for wind energy development. There were a number of requests for the inclusion of the wording within the responses received to the Regulation 20 consultation which ran prior to the submission of the Local Plan (Part 2).

7.27 The wording is effective as it is deliverable and can be monitored as it is dependent on members of the local community contacting the Council to support wind energy proposals when they are under consideration.