Summary

Cumbria County Council and all Cumbrian Local Planning Authorities, except the Yorkshire Dales National Park, have jointly prepared a Supplementary Planning Document to guide the development of wind energy in the County. It is required that each authority involved officially approves the document prior to public consultation taking place.

Recommendations

It is recommended that members:

1. Approve the Consultation Draft of the Cumbria Wind Energy Supplementary Planning Document, accompanying maps and associated Sustainability Appraisal Report for the purpose of public consultation for six weeks during October - December 2006 in partnership with the relevant Cumbrian Local Planning Authorities.

2. Agree that any area specific or other changes to the text sought by Cumbria County Council or the relevant Cumbrian Local Authorities are recorded and considered with other representations following public consultation. The revised documents are then to be considered again by each authority prior to adoption.

3. Agree that the Council’s Local Development Scheme be revised to take account of the timescales involved in the progression of the Wind Energy Supplementary Planning Document and to indicate that the final document will be considered for adoption by each individual Local Planning Authority rather than by means of a Joint Planning Committee.

Copies of the Consultation Draft Cumbria Wind Energy Supplementary Planning Document, the associated maps and Sustainability Appraisal Report are enclosed as separate documents for Members of the Cabinet. Additional copies of each are available for inspection in the Member’s room.

Report

Please see Appendix 1
Alternative Options

- Not to agree with the approach and methodology of the Consultation Draft Cumbria Wind Energy Supplementary Planning Document and it’s associated Sustainability Appraisal. This could result in a failure to produce guidance that is consistent across the County, and delays in the production process as each local authority would need to agree the amendments for the purposes of joint public consultation. Delays to the process could incur financial penalties through the loss of Planning Delivery Grant from the Government Office for the North West.

- To now seek changes to the document text. This would delay and complicate the collective approval of the document to go out for public consultation.

Key Decision
This report does not relate to a Key Decision

Material Considerations
Not applicable

Finance
This report does not have any financial implications

Risk
This proposal does not present any physical or resource risks

Staffing
This report has no staffing implications

Sustainability
This report does not have any registered significant environmental effects

Links to Corporate Plan
This proposal directly contributes to the achievement of the following specific targets in the Corporate Plan:
- The Local Development Framework (produced in accordance with the timescales in the approved Local Development Scheme of June 2006) adopted by 30th October 2009 (Priority 1)

This proposal directly contributes to the following corporate values identified in the Corporate Plan:
- Providing efficient, value for money services
- Working in partnership
- Communicating and engaging effectively
- Acting as an advocate for the needs of South Lakeland
Links to Other Strategic Plan(s)
Cumbria and the Lake District Joint Structure Plan 2001-2016
Draft Regional Spatial Strategy for the North West March 2006

Equalities & Diversity
This proposal does not have any equalities and diversity implications

Community Safety
This proposal does not have any community safety implications

Background Documents
Contact: Lorayne Woodend – Development Plans Officer

Draft Regional Spatial Strategy for the North West, March 2006
Report

Introduction

1.1 In 1997, Cumbria County Council produced ‘Wind Energy in Cumbria, A Statement of Supplementary Planning Guidance’ in partnership with all other Local Planning Authorities (LPAs) in the County, except the Yorkshire Dales National Park. This guidance was prepared to provide LPAs and developers with detailed guidance on wind energy development in Cumbria.

1.2 The guidance focused on the landscape and visual impacts as early experience demonstrated that these were often the most significant impacts arising as a result of wind energy development. The document has been well used, however, it has recently become apparent that a review of the Wind Energy Supplementary Planning Guidance is necessary for a number of reasons, which are expanded below.

- New provisions in the Planning and Compulsory Purchase Act.
- Changes in national and regional energy policy and guidance.
- Increases in the scale of wind energy development.
- Increases in the size and capacity of individual turbines.
- Increasing Public concern about the potential scale of development.

1.3 Planning legislation and national, regional and local policy and guidance have changed and the potential negative impacts of wind energy development continue to raise public concern. The need to secure renewable forms of energy remains paramount in the quest for sustainability and Cumbria continues to attract significant interest from developers as a location for wind energy developments.

1.4 The Draft Regional Spatial Strategy for the North West (March 2006) provides a framework for renewable energy and suggests renewable energy targets for Cumbria. Policies in the Cumbria and Lake District Joint Structure Plan 2001-2016 support renewable energy, including wind energy, providing a number of criteria are
met to ensure that schemes do not cause significant harm. LPAs are being encouraged to support appropriately designed renewable energy schemes through their development plans and emerging Local Development Frameworks.

1.5 The need for a review of guidance on the development of wind energy was supported by the Panel’s report to the Examination in Public of the Cumbria and Lake District Joint Structure Plan 2001-2016 in Autumn 2004. The report recommended that supplementary planning guidance be prepared on wind energy development in consultation with the industry, district councils, local groups and other interested bodies. As a result of this, the County Council agreed to prepare a Cumbria Wind Energy Supplementary Planning Document.1

The Consultation Draft Wind Energy Supplementary Planning Document

1.6 The Consultation Draft Cumbria Wind Energy Supplementary Planning Document (herefrom referred to as ‘the SPD’) has been developed through an officers working group with representatives from each of the Cumbrian LPAs except the Yorkshire Dales National Park Authority (who’s area is not covered by the document). The document is included in South Lakeland’s Local Development Scheme (LDS), approved in June 2006. However, the LDS will need to be modified to reflect the revised timetable for preparing the SPD and that the SPD is to be adopted separately by each local planning authority rather than by means of a Joint Planning Committee.

1.7 The SPD is included in the Local Development Schemes of all other Cumbrian LPAs involved in the production of the document with the exception of Barrow Borough Council.

1.8 Barrow Borough Council is committed to the production of the SPD, but at this time lacks the appropriate resources to progress it to the consultation stage. The consultation stage will include all the other 7 local planning authorities, but not Barrow. Barrow Borough Council's Executive Committee will be considering a report at its meeting at the end of September regarding this issue.

1.9 The option of forming a Joint Planning Committee to agree and adopt joint supplementary planning documents has been explored by each LPA and the County Council. Not all the LPAs have supported this option and as a result, a Joint Planning Committee has not been set up for this purpose. Instead LPAs have agreed to progress the document through the continued joint working of the officers group.

1.10 The SPD is set out in 3 parts. Part one provides detailed guidance on the potential landscape and visual impacts of wind energy developments, the landscape’s capacity to accommodate wind energy development and also on design considerations. It will not replace the need for each application to be supported by a full Environmental Impact Assessment (this is required in cases where a scheme involves 2 turbines or more with a hub height of over 15m).

1.11 The Landscape Capacity Assessment contained in part two of the SPD is based on the County’s 13 landscape character types (excluding the Lake District National Park), as classified in the Cumbria Landscape Classification 1996. Work is

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1 Offshore wind schemes are covered by a different regulatory regime and are outside the scope of the draft Supplementary Planning Document
currently being carried out to classify the landscape character types of the Lake District National Park. The SPD will take this into account when it is available. The Landscape Capacity Assessment systematically assesses the sensitivity and value of each landscape type and sets out its potential capacity to accommodate wind energy development. The scale of development likely to be appropriate as a result of this assessment is also detailed.

1.12 Part 3 of the document seeks to define the requirements for the landscape and visual impact assessment to be applied to proposals for wind energy development. The guidance has been developed using the second edition of the Guidelines for Visual and Landscape Impact Assessment produced by the Landscape Institute and Institute of Environmental Management and Assessment in 2002 and is designed to suit the complex effects arising from wind energy development in Cumbria.

1.13 Public consultation on the scope and objectives only of the SPD was carried out in February/March 2006. Over 100 stakeholders were consulted and comments were received from 23 organisations. These have been taken into account in the formulation of the draft SPD. As a result, additional information has been included on environmental, social and technical issues that must be addressed when preparing plans for a wind energy development. These include aviation, biodiversity, community involvement, cultural heritage, local amenity, economy and telecommunications.

**Sustainability Appraisal**

1.14 In order to accord with current regulations, a Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment has been carried out on the SPD. This process seeks to ensure that the document appropriately considers environmental, social and economic issues of sustainability and assesses the extent to which the document will contribute towards sustainability.

1.15 Public consultation on the Sustainability Appraisal scoping document was carried out in February/March 2006. Over 100 stakeholders were consulted and comments were received from a range of organisations. These were taken account of in developing the final framework used to conduct the Sustainability Appraisal of the SPD. The results of the Sustainability Appraisal are detailed in the accompanying Sustainability Appraisal Report. Public consultation on this document must be carried out at the same time as consultation on the draft SPD.

**Required Action and Next Steps**

1.16 Under the joint working arrangements, the content of both the draft SPD, accompanying maps and the Sustainability Appraisal Report need to be endorsed by the relevant committee from each local authority for public consultation purposes. This is a statutory requirement.

1.17 Copies of the Consultation Draft Cumbria Wind Energy Supplementary Planning Document, the associated maps and Sustainability Appraisal Report are enclosed as separate documents for Members of the Cabinet. Additional copies of each are available for inspection in the Member's room.

1.18 Public consultation on these documents is programmed to take place for a period of six weeks between October and December 2006. Delays to this programme could
cause local authorities to lose revenue through a reduction in the Planning Delivery Grant. Each LPA’s endorsing committee will be presented with the same recommendations, seeking to ensure that the documents are approved for public consultation unchanged to fit the agreed programme. Importantly, the recommendations seek to provide the flexibility to accommodate any changes to the documents that might be put forward by each local authority. Consultation will be undertaken in accordance with each LPA’s Statement of Community Involvement, including South Lakeland’s.

1.19 It is therefore proposed that each committee record any comments they may have on the detail of the document and that any resulting changes will then be addressed following the formal public consultation process. Similarly, comments arising as a result of the public consultation process will be considered and a joint view taken on how best to accommodate suggested changes in the documents. Each LPA will consider any resulting changes and a joint statement will be published on how the comments received during consultation have been dealt with. Following this, each LPA will be presented with an amended SPD in order to agree the document for adoption. The adoption of the SPD is programmed for April 2007.

1.20 Following the steps outlined above, it would be possible for the final SPD to be considered for adoption as Interim Policy Guidance until such time as the document can be adopted as part of the forthcoming Local Development Framework. It is understood that it is not open to the Council to adopt the SPD as providing guidance on a Joint Structure Plan policy and must therefore await policies in the Local Development Framework.