

# **Carlisle District Local Plan Examination**

Matters, Issues and Questions (MIQs)

## **Matter 7:**

Other Questions

## **Statement by Carlisle City Council**

November 2015



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**Q1. Should Policy CC2 refer to AONBs?**

**1.1** The Council maintains that the Plan affords adequate protection to the two AONBs within the District. Policy CC 2 does not refer to AONBs specifically as provision is made for them within a dedicated Policy focussed on conserving and enhancing the natural beauty of these areas; Policy GI 2 - Areas of Outstanding Natural Beauty. They are also offered protection through criteria 1 of Policy CC2 - Energy from Wind which considers the impacts of this type of development on the landscape more generally.

**1.2** Firstly, in reading the Plan as a whole, as intended, Policy GI 2 – Areas of Outstanding Natural Beauty specifically focusses on conserving and enhancing the natural beauty of these areas, stating that *‘Development in the AONBs will be expected to protect the special characteristics and landscape quality of the areas’*. This Policy would therefore ensure that the landscape quality of the AONBs is afforded adequate protection when assessing any development proposals.

**1.3** Secondly, it is considered that the potential impact that wind energy development can have on the landscape would be sufficiently considered through criterion 1 of Policy CC 2 below (including proposed modifications MM34 & MM35 [EL1.006b]) -

*‘Proposals for the development of wind turbines will be supported where they accord with national policy and guidance, and where it can be demonstrated, through identifying and thoroughly appraising any potential individual and cumulative effects, that any associated impacts are or can be made acceptable. This presumption will apply where proposals do not have;*

- 1. An unacceptable impact on the location, in relation to visual impact caused by the scale of development, on the character and sensitivity of the immediate and wider surrounding landscape and townscape;**

**1.4** This would include any adverse impact on either of the two AONBs, both of which are referred to within the supporting text of Policy CC 2 at paragraph 7.16. Consideration would also be afforded to the AONBs in the identification of areas suitable for wind energy development within a subsequent development plan document, as proposed by main modification MM37 [EL1.006b].

1.5 It is therefore considered that Policy CC 2 as drafted (including suggested main and minor modifications) offers adequate consideration of AONBs and there is therefore considered to be limited merit in the suggested additional reference specifically to AONBs within the Policy text of CC 2.

***Q2. The NPPF requires that Plan policies should contain a positive strategy for the historic environment and how the presumption in favour of sustainable development should be applied locally. Does the support in Policy H07 for enabling development subject to compliance with a number of criteria, offer sufficient protection to ensure that proposals do not harm the significance of heritage assets and is it consistent with the framework that confirms that such proposals will be unacceptable unless a specific set of criteria are met?***

1.6 Policy SP 7 – Valuing our Heritage and Cultural Identity is a strategic policy which aims to comply with paragraph 126 of the NPPF. The policy sets out what measures will be taken to conserve the historic environment, and what opportunities will be undertaken to enable the promotion, enjoyment, understanding and interpretation of this environment. It also establishes the framework within which decisions on proposals that relate to heritage assets can be taken. Historic England supports the content of this policy.

1.7 Policy HO 7, as amended by MM 30, is clear in its intention that enabling development will only be considered as a solution when all other avenues for the future conservation of a heritage asset have been explored and discounted.

1.8 The principle of enabling development is well established in the NPPF at paragraph 55, bullet point 2 allowing housing in the open countryside *“in special circumstances”* as follows: *“where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets”*. And again at paragraph 140 which aims to ensure that the benefits of an enabling proposal outweigh the disbenefits of departing from other planning policies.

1.9 Therefore Policy HO 7 as amended is rigorous in its intentions, setting out 6 criteria which must be satisfied in order that such development would be acceptable to secure the long term future of the heritage asset. The policy allows a focused consideration of

schemes which may arise as a result of specific circumstances. The wording of the policy (i.e. "Enabling development ... will be acceptable...") accords with the central thrust of the NPPF in that local plans should "plan positively" for the development and infrastructure needed in their area. The suggested wording by Historic England, "Enabling development ... will be unacceptable unless ..." is considered to be a negative stance, and no such terminology is employed in the Framework.

**1.10** Therefore the outcomes of this policy should be that enabling development should constitute the minimum required to secure the long term future of the heritage asset, should not materially harm the heritage values of the place or its setting, and should produce public benefits which outweigh the disbenefits of breaching other policy interests.

***Q3. On 18 June 2015, the Secretary of State published a WMS regarding onshore wind turbine development. The WMS sets out new considerations to be applied to proposed wind energy development so that local people have the final say on wind farm applications. When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:***

- the proposed development site is in an area identified as suitable for wind energy development in a Local or Neighborhood Plan; and***
- following consultation, it can be demonstrated that the proposal reflects the planning concerns of affected local communities and therefore has their backing.***

***In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighborhood Plan.***

- (a) In light of this WMS, is Policy CC2 effective and consistent with national policy?***

**1.11** The submission of the Plan was in motion prior to the publication of this WMS and the implications arising from it have therefore had to be considered within the context of the Examination.

**1.12** To assist in this the City Council sought independent advice from experts in the field of renewable and wind energy, White Young Green (WYG), to make recommendations regarding potential options available to the Council to ensure that the Plan is effective and consistent with national policy in relation to wind energy [as per EL1.004d].

**1.13** The council and WYG concluded that Main Modifications MM32 – MM37 (inclusive) [EL1.006b] were necessary to ensure that Policy CC 2 is effective and consistent with national policy, for those reasons detailed within Table 7.1 (below).

***(b) Do the Main Modifications suggested by the Council ensure the LP would be sound in relation to wind energy development?***

**1.14** The Council considered a number of options for bringing the Plan in line with national policy in conjunction with WYG, including to revoke policy CC 2 and amend Policy CC 1. However, for Carlisle District it was considered that a locally distinctive policy on wind is an important factor that must be a key consideration. Modifications were therefore required to provide consistency with both tests set out in the WMS and NPPG. Table 7.1 below considers the Main Modifications to policy CC 2 suggested by the Council against the tests of soundness as set out in paragraph 182 of the NPPF. The Council consequently considers that the Main Modifications as suggested would ensure the Plan can be considered to be sound in relation to wind energy development.

**Table 7.1**

<b>Tests of soundness</b>	<b>Comment</b>
<p><b>1. Positively prepared</b></p> <ul style="list-style-type: none"> <li>based on a strategy which objectively assesses development and infrastructure requirements;</li> </ul>	<p>By referring to Policy CC2 (wind energy) in Policy CC1 (Renewable Energy) and directly linking the two policies, this now makes it clear that for wind energy there are additional measures to be satisfied and this</p>

<b>Tests of soundness</b>	<b>Comment</b>
<ul style="list-style-type: none"> <li>• includes unmet requirements from neighbouring authorities, where it is reasonable to do so; and</li> <li>• is consistent with achieving sustainable development.</li> </ul>	<p>provides the opportunity for objective assessments to be made with sites compared to each other for suitability.</p> <p>As part of this opportunity to identify sites, external influences such as cross boundary impacts and issues would be included in the selections. Furthermore, the approach has been informed by a largely joint Cumbria wide evidence base.</p> <p>The locally distinctive policy on wind will continue to uphold tests for both suitable and sustainable development. The modifications to the text (Main Modifications MM32 –MM37 (inclusive) [EL1.006b]) then allow for future site allocations to be included in the Carlisle District Local Plan through similar tests which will also need to adhere to the requirements of the NPPF as well. Considered and tested approaches to the overall location preference and site specific criteria will be consistent with achieving sustainable development through the Carlisle District Local Plan.</p>
<p><b>2. Justified</b></p> <ul style="list-style-type: none"> <li>• the most appropriate strategy, when considered against the reasonable alternatives; and</li> <li>• based on a proportional evidence base.</li> </ul>	<p>The initial policy review from WYG provided a series of options for the City Council to consider [EL1.004d]. This 'option selection' based strategy was considered to be the most reasonable way to ensure the current policy retained its core aims but could be adapted to meet the new considerations highlighted by the WMS.</p> <p>It is also clear that the approach is evidence based and has been developed considering the level of capacity and has been informed by investigation of reasonable alternative in earlier rounds of consultation and policy development.</p>
<p><b>3. Effective</b></p> <ul style="list-style-type: none"> <li>• deliverable over its period; and</li> </ul>	<p>Main Modifications presented by MM34 and MM37 provide reference to future consideration of allocations and provide an interim position to address the</p>

Tests of soundness	Comment
<ul style="list-style-type: none"> <li>• based on effective joint working on cross-boundary strategic priorities.</li> </ul>	<p>Inspector’s concerns regarding the effectiveness of the policy and the ability to facilitate appropriate development.</p> <p>Given the extensive body of existing work in this regard in terms of cross-boundary evidence base relating to energy from wind, it would be a relatively simple matter to consider likely sites for inclusion. There is also an available resource of the Cumulative Impacts of Vertical Infrastructure Study (2014) [EB 019-021] which would provide a high level resource to build upon. Therefore it will be able for the full effect of the revised policy to be effective within the Local Plan period and, an opportunity exists because of that broad basis, for consideration and joint working on site allocation to occur across boundaries. This is especially important for example for site selection in landscape terms.</p>
<p><b>4. Consistent with national policy</b></p> <ul style="list-style-type: none"> <li>• enable the delivery of sustainable development in accordance with the requirements of the Framework.</li> </ul>	<p>The modifications strengthen the opportunity for appropriate wind energy development to be brought forward on allocated suitable sites, against criteria and to test for the backing of the local population both by future applicants and for the procedure that assesses suitable site allocations. In this regard it increases the opportunity for sustainable development in accordance with the requirements of the framework, in addition to the WMS and guidance.</p>