

CARLISLE CITY COUNCIL

Report to:- **Carlisle City Council**

Date of Meeting:- 9th September 2008

Agenda Item No:-

Public

Title:- **CUMBRIA WIND ENERGY SUPPLEMENTARY
PLANNING DOCUMENT**

Report of:- **DIRECTOR OF DEVELOPMENT SERVICES**

Report reference:- **DS.121/08**

Summary:-

Executive Report DS.61/08 considered the Cumbria Wind Energy Supplementary Planning Document that has been prepared jointly by officers of the Cumbrian districts and the County Council. The document expands upon policies CP1 and CP8 of the newly adopted Carlisle District Local Plan 2001-2016 relating to Landscape Character and Wind Energy. An Excerpt of the minute of the Executive meeting of the 29th May is attached. The report to City Council has been delayed to align it with adoption of the new Local Plan policies.

Recommendation:-

That the Cumbria Wind Energy Supplementary Planning Document be adopted.

Contact Officer: Chris Hardman

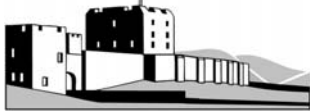
Ext: 7190

Catherine Elliot

Director of Development Services

27 August 2008

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Executive Reports DS.24/08, DS.61/08; Infrastructure Overview and Scrutiny Report DS.44/08



REPORT TO EXECUTIVE

PORTFOLIO AREA: ENVIRONMENT & INFRASTRUCTURE

Date of Meeting: 29 May 2008

Public

Key Decision: Yes

Recorded in Forward Plan:

Yes

Inside Policy Framework

Title: Cumbria Wind Energy Supplementary Planning Document

Report of: Director of Development Services

Report reference: DS.61/08

Summary:

This report and attachments set out the draft Cumbria Wind Energy Supplementary Planning Document. This covering report addresses concerns raised by Infrastructure Overview and Scrutiny Committee. The report concludes that taking account of the consultation responses received and amendments to the original draft, the Supplementary Planning Document should still be progressed towards adoption.

Recommendations:

That the Cumbria Wind Energy Supplementary Planning Document be considered by Executive and referred to Council for consideration to adopt as part of the Local Development Framework.

C Elliot

Director of Development Services

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1.0 BACKGROUND INFORMATION AND OPTIONS

- 1.1 The attached Executive Report (DS. 24/08) sets out the background to the preparation of the Cumbria Wind Energy Supplementary Planning Document and the consultation that has been undertaken. Executive resolved that the report be referred to Infrastructure Overview and Scrutiny Committee and it was subsequently reported under Report DS.44/08 on the 10th April 2008.
- 1.2 Infrastructure Overview and Scrutiny Committee resolved:
- 1) *That the concerns and comments of the Committee be passed to Executive: in particular*
 - (a) *Members expressed serious concern regarding the lack of opportunity for proper scrutiny of the document. The document had been adopted by other authorities and was now in the final draft but this was the first time the document had been made available for the scrutiny process. The document had been open to scrutiny and consultation for two years and should have been brought to this Committee at a much earlier date.*
 - 2) *That the Committee expressed serious concern that there had been no opportunity for proper scrutiny of the draft document and that the officer responsible for the input into the final document was not available at the meeting to address Members' concerns. This further restricted the Committee's ability to make any real input.*
- 1.3 With regard to Overview and Scrutiny concerns, input into the preparation of this Supplementary Planning Document (SPD) had been a lengthy and somewhat protracted process. It was originally intended that a Joint Committee would be established to prepare the SPD. All Council's did not agree to this process and this was the subject of lengthy debate. To enable production it was therefore agreed that officers jointly progress the work.

- 1.4 This had led to delay's early on and the consultation draft of the document was received shortly before the Executive Committee in August 2006. Members of Infrastructure Overview and Scrutiny Committee were informed in the Forward Plan item at their meeting of the 3rd August 2006 that the draft would be issued for consultation prior to their consideration. It would be reported back to the committee following analysis of the consultation responses at the joint officer working group.
- 1.5 Officers received the analysis of the consultation responses and worked on potential change to the SPD up to mid-2007. At this time the planning policy officers were directly involved in the Local Plan Inquiry which closed at the end of August. There had been no opportunity to pick this work up until after that date.
- 1.6 The formal adoption of the SPD is to be considered when the Local Plan is adopted and officers considered that the SPD consultation replies could be brought through committee at the same time enabling one report. The delays to Local Plan adoption had not been envisaged and with hindsight this has been a lengthy delay since September 2007.
- 1.7 Report DS.44/08 was the first report to Infrastructure Overview and Scrutiny Committee and the Chair and support officer for the committee were advised that they could make comments on any aspect of the report. Whilst the majority of Council's have now adopted the SPD (notably two authorities had to re-adopt due to technical process), if it is not appropriate for Carlisle, changes can still be considered and the document amended. It is appreciated that the SPD looks finalised however Executive and Council still have the ability to make changes to this document if required.
- 1.8 Circumstances at the reporting of the SPD to Overview and Scrutiny Committee were unforeseeable. The lead officer was not available on the day of committee and the Local Plans and Conservation Manager had to attend another meeting at short notice. A request to delay consideration of the report later in the meeting was taken by Committee however the Local Plans and Conservation Manager was still unavailable. The Principal Local Plans Officer was in attendance at Committee although they had not been directly involved in the workload. It was unfortunate and although many of the Committee's questions were answered further explanation of the position regarding the SPD was not available.

- 1.7 As with more recent SPDs this process has now changed and Overview and Scrutiny Committee have an opportunity to comment before consultation versions of SPD are published. There is also the opportunity for input when officers consider the responses as part of the consultation. This now provides two opportunities however Carlisle City Council has the longest committee reporting process for SPD production in the County leading to revised timetables for the Local Development Scheme.
- 1.8 It is unfortunate that experience with this joint SPD has led to delays in production. Lessons have been learnt and SPD production has changed. Changes have also been made to joint production and the work on a Landscape SPD is being refined.
- 1.9 Despite the difficulties of production all the necessary processes have been undertaken towards adoption of the SPD. Executive are requested to consider adopting the SPD in line with the Renewable Energy Policy in the Carlisle District Local Plan 2001-2016, once the Local Plan is adopted.

2.0 CONSULTATION

2.1 Consultation to Date

Due to concerns expressed by Executive Members of this Council over the length and complexity of the consultation Draft Cumbria Wind Energy SPD a short summary leaflet was produced outlining the key areas that the guidance covers and encouraging public participation in the consultation process. Consultation took place during a six-week period from October 30th to December 8th 2006. This resulted in a very good response and comments were received from 151 organisations and individuals representing the local community, parish councils, local interest groups, the wind industry, professional, local and regional government and organisations. Altogether 529 issues were raised, many in support and many seeking changes to the document.

2.2 No further consultation is proposed.

3.0 RECOMMENDATIONS

- 3.1 That the Cumbria Wind Energy Supplementary Planning Document be considered by Executive and referred to Council for consideration to adopt as part of the Local Development Framework.

4.0 REASONS FOR RECOMMENDATIONS

- 4.1 To provide additional planning guidance in relation to wind energy development proposals and in particular how the Local Planning Authority will consider the impact on landscape character.

5.0 IMPLICATIONS

- Staffing/Resources – This work has been produced jointly by the County Council and Cumbrian Districts. The City Council's contribution is resourced from within the Local Plans and Conservation section
- Financial – Contained within existing Local Plans and Conservation budgets.
- Legal – The SPD has been produced using the Town and Country Planning (Local Development) (England) Regulations 2004 to comply with the provisions of the Planning and Compulsory Purchase Act 2004.
- Corporate – The SPD will assist towards provision of the Cleaner, Greener, Safer corporate priorities.
- Risk Management – If the SPD is not adopted there will be an inconsistent approach to wind energy proposals across Cumbria.
- Equality and Disability – None
- Environmental – The SPD will assist in providing clearer guidance for Officers and applicants interested in developing wind energy schemes therefore helping to work towards achieving targets for renewable energy.
- Crime and Disorder – None

- Impact on Customers – None

C Elliot

Director of Development Services

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