

The Carlisle District Local Plan 2015-2030

Proposed Submission Draft Consultation Representation Form



CARLISLE
CITY COUNCIL



www.carlisle.gov.uk



Images courtesy of Andrew Paterson, D&H Photographers and Jason Friend

INSTRUCTIONS

Before you start, you are advised to read the Guidance Note published separately alongside this form.

Please note all representations must be received by no later than Monday **20th April 2015**. There are no guarantees that any representations received after this deadline can be accepted.

For all representations parts one and two of this form should be completed. Should you wish to make more than one representation, please fill in and submit a separate form for each.

A copy of the Proposed Submission Draft Local Plan and all supporting documentation is available to view at www.carlisle.gov.uk/localplan

How to respond –

Via email: lpc@carlisle.gov.uk

In writing: Investment and Policy
Carlisle City Council
Civic Centre
Carlisle
Cumbria
CA3 8QG

To find out more Call: 01228 817569

PART ONE- YOUR DETAILS

It is important that you fill in your contact details below; **we cannot register your representation without your details**. Please note that we will not be able to keep your representation or personal details confidential. We may also wish to contact you to clarify your representation.

In circumstances where there are individuals/ groups/ organisations who share a similar view on the plan, it would be helpful if individuals/ groups/ organisations make a single representation. It would also be useful if the group/organisation state how many people the submission is representing and how the representation was authorised.

Your Details	Your Agent's Details (If applicable)
Title: Mr	Title:
Surname:Harley	Surname:
Forename:James	Forename:
Organisation/Company:Stern Wind Ltd	Organisation/Company:
Address:Suite 17966 Lower Ground Floor 145-157 St. John Street London	Address: Postcode:
Postcode:EC1V 4PW	
Contact No:07463541149	Contact No:
Email:jharleyconsult@mail.com	Email:
Signature:	
Date:20 th April 2015	
☒ Please indicate if you wish to be updated on the progress of the Local Plan	

PART TWO - YOUR REPRESENTATION

Please use a separate form for each part of the Proposed Submission Draft Local Plan that you wish to comment on.

Q1. To which part of the document does this representation relate?

☒ Policy	☒ Paragraph	☒ Chapter	☐ Figure
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Please specify which Policy, Paragraph, Chapter or Figure you are referring to:

Policy CC 2; Paragraph 7.18; Chapter 7.

Q2. Do you consider that the Local Plan is:

Legally Compliant?

☒ Yes ☐ No

Sound?

☐ Yes ☐ Yes, with minor changes ☒ No

Q3. If you consider the Local Plan is unsound, is it because it is not:

- ☒ Positively Prepared?
- ☒ Justified?
- ☐ Effective?
- ☒ Consistent with National Policy?

Q4. Please give details of why you consider the Local Plan is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan, please also use this box to set out your representation.

Please note that your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

The Government web based planning practice guidance in March 2014 sets out clearly the Government's position on buffer zones/separation distances with regards to renewable energy projects. It reiterates the earlier 'Planning practice guidance for renewable and low carbon energy' in relation to the appropriateness of buffer zones/separation distances between renewable energy development and other land uses.

The Government guidance states that " Local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances. Other than when dealing with set back distances for safety, distance of itself does not necessarily determine whether the

impact of a proposal is unacceptable. Distance plays a part, but so does the local context including factors such as topography, the local environment and near-by land uses.

This guidance remains the Government's position and should be reflected in all Local Plans including the emerging Carlisle City Local Plan, until Government guidance is changed.

Following the Stage 1 consultation on the Draft Plan, Carlisle City Council considered it inappropriate to develop criteria that stipulates a minimum setback distance between residential properties and wind turbine developments, as the nature of each individual site varies. The City Council correctly concluded that setting one threshold for the entire Council area would be complex, difficult to justify and open to challenge. Furthermore the then preferred option acknowledged that criteria already existed to protect dwellings from potential impacts. The assessment was based upon the Government guidance above and rejected a specified separation approach favoured by some respondents.

When amending the policy on wind turbine separation from residential properties (800m) from that presented in the Preferred Options Consultation document, the LPA cited more up to date evidence for and the circumstances surrounding the use of separation distances. When queried, the LPA confirmed that the key to the "U turn" in buffer zones/separation distances proposed within the Submission Draft Local Plan was the need to ensure a coherent and consistent planning approach to strategic cross boundary matters. Specifically the neighbouring local authority's (Allerdale Borough Council) decision to impose an 800 metre separation distance between wind turbines and residential properties was highlighted.

It is respectfully considered that the basis for the change in policy is totally unjustified for a number of reasons, which are listed below.

1. The policy is clearly directed at single wind turbines, favoured by businesses and farmers in particular. Larger wind farms are located in elevated locations, already remote from residential properties. The adoption of the policy will infer an acceptance that wind turbines beyond the buffer do not have any impacts on residential amenities.
2. The Allerdale Borough Council policy was adopted for the Allerdale administrative area and was based upon evidence specific to that location. The rural areas of Allerdale, despite being an adjoining authority are not similar to those of Carlisle and generalisation of separation distances does not necessarily follow.
3. Allerdale Borough Council carried out modelling of the 800 metre separation distance to determine the impact that this policy might have. Such modelling was not done by Carlisle. Due to the strong urban influence of Carlisle and its overspill into its rural hinterland, allied to the significant constraints correctly imposed by the existing natural and historical environment around the Carlisle City Council area (Hadrians Wall, Lake District National Park, North Pennines AONB, Solway Coast AONB) it is not unreasonable to conclude that the 800 metre separation buffer amounts to a blanket restriction on wind turbines over 25 metres to blade tip height. An examination of recently approved wind turbines over 25 metres to blade tip height has revealed that all of them are within 800 metres of residential properties.
4. The separation buffer policy if adopted would run in the face of other policies in the Draft submission Local Plan, which seek to enable farm diversification through

inter alia wind turbines. Wind turbines below 25 metres in height would not justify the investment. Accordingly the future of many farming enterprises could be threatened if the policy is adopted.

5. The Allerdale Local Plan carefully included the term “expectation” in its policy wording, to overcome the accusation of negativity. The Carlisle attempt to include some level of positivity in the buffer policy, through an addendum to provide flexibility, falls well short and the 800 metre buffer will become the benchmark for approval or rejection. The policy does not recognise that a turbine 820 metres from a dwelling can have substantially more damaging impact than one 750 metres away.

In conclusion Policy CC 2, paragraph 7.18 Chapter 7 of the Carlisle Local Plan Submission Draft presents a “one size fits all” solution for the protection of residential amenities from wind turbines greater than 25 metres to blade tip height. This policy is unsound in that it is negative by effectively creating a blanket ban on wind turbines over 25 metres to blade tip height within the administrative boundary of Carlisle City Council, it is totally inconsistent with national guidance and is unjustified in that there exists well proven tools and models covering noise, visual impact and shadow flicker, which potentially impact on residential amenities.

Q5. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at Q3 above where this relates to soundness. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible:

The buffer zone policy should be omitted altogether and replaced by the recommendation at the 1st Stage consultation in relation to buffer zones.

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Q6. Do you wish to make any comments on the supporting documents, such as the Sustainability Appraisal, Habitats Regulations Assessment, Infrastructure Delivery Plan or evidence base?

No

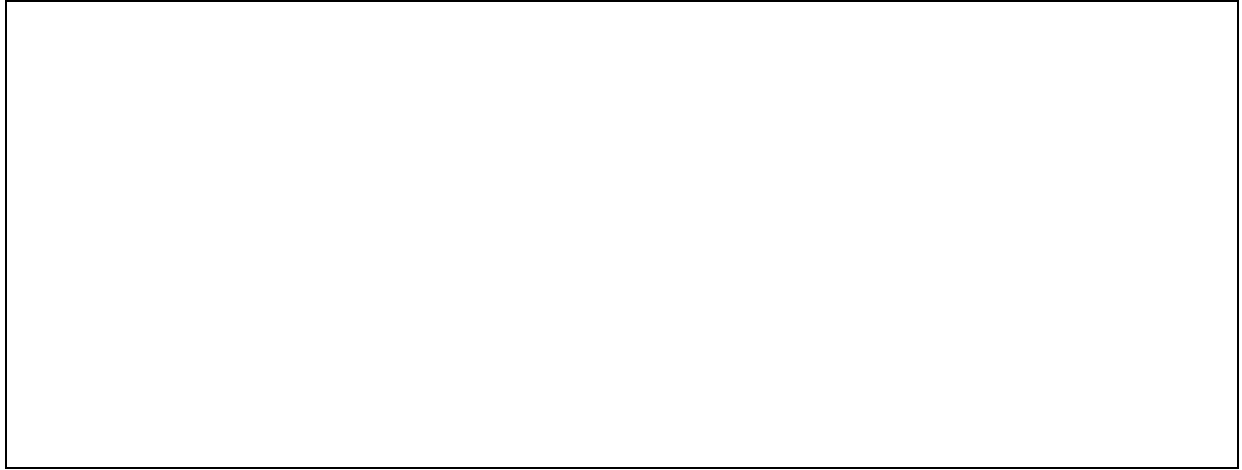
Q7. If your representation is seeking a change; do you consider it necessary to participate in the hearing sessions of the examination?

- ☒ No, I do not wish to participate at the hearing sessions of the examination
☐ Yes, I wish to participate at the hearing sessions of the examination

Q8. If you wish to participate, please outline why you consider this to be necessary:

Please note it will be at the discretion of the Inspector to determine the content of the hearing sessions and who will be heard.

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**Thank you for your time to complete and return this Representation form.
Please keep a copy for future reference.**