Richmondshire District Council
Local Plan Core Strategy
Proposed Submission
August 2012
Representations Form

Please read the guidance notes before completing this form

This form comprises two parts:
Part A: Personal details
Part B: Your representation(s)

Both Part A and Part B of this form need to be completed in order for your representation(s) to be valid. Please complete a separate sheet (Part B) for each representation you wish to make. Further copies of this form can be downloaded from www.richmondshire.gov.uk/localplan.aspx . You do not need to fill out Part A for each representation, provided that all representations made are securely attached.

Your completed form must be returned to the following address to reach us no later than **4pm on Friday 14 September 2012:**

Planning Policy, Richmondshire District Council, Swale House, Frenchgate, Richmond, DL10 4JE

Alternatively, you can email: localplan@richmondshire.gov.uk and submit this form as an attachment.

Please note, all representations will be made available for public inspection on our website www.richmondshire.gov.uk/localplan.aspx with personal details (i.e. email address, telephone number and signature) removed.

Part A – Personal details

	Your Details	Agent's Details
Title	Mr	
First name	Darren	
Last name	Hendley	
Job title (if applicable)	Principal Planning Consultant	
Work/organisation (if applicable)	Arcus Renewable Energy Consulting Ltd	
Address	2F Swinegate Court East 3 Swinegate York	
Postcode	YO1 8AJ	
Telephone No.	01904 715470	
Email address	darrenh@arcusrenewables.co.uk	

Part B - Your representation

Please use a separate sheet for each representation.

Name/Organisation	Darren Hendley/Arcus Renewable Energy Consulting Ltd

Q1.To which part of the Core Strategy Proposed Submission Document does this representation relate? (Spatial Principle, Sub Area Strategy or Core Policy)	
Policy number (e.g. SP2, CRSS or CP8)	SP3 Rural Sustainability
Page/paragraph number(s)	Page 22

<u>Please note:</u> Your representation should cover succinctly all the information, evidence and supporting information necessary to fully support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. <u>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.</u>

Q2. Do you consider the Core Strategy Proposed Submission Document is...?						
(a) Legally compliant	Yes	√	No		Don't Know	
(b) Sound	Yes	√	No		Don't Know	
If you answered 'No' to (a) or (b) above, please continue to Q3, otherwise continue to Q5.						

Q3. Do you consider the Core Strategy is unsound because it is not: (please refer to the guidance notes)	
(a) Justified	
(b) Effective	
(c) Consistent with national policy	
(d) Positively prepared	

Please give details of why you consider the Core Strategy Proposed Submission Document is not legally compliant or is unsound. Please be as precise as possible:
(Continue on a separate sheet if necessary)

Q4. Please set out what change(s) you consider necessary to make the Core Strategy Proposed Submission Document legally compliant or sound, having regard to the test you have identified at Q3 where this relates to soundness. You need to say why this change will make the Core Strategy 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:

(Continue on a separate sheet if necessary)

Q5. If you wish to support the legal compliance or soundness of the Core Strategy Proposed Submission Document, please use the space below to set out your comments:

Core Policy SP3: Rural Sustainability recognises that renewable energy generation and associated technologies is to be promoted in order to protect and enhance its environmental assets and character, and sustaining the social and economic fabric of the communities of Richmondshire.

Core Policy SP3 also recognises the economic role that renewable energy development has in respect of moving to a low carbon economy, which also is consistent with advice given in the NPPF. Renewable energy is increasingly playing an important role in the economy, which has been recognised by Department of Business Innovation and Skills report Low Carbon Environmental Goods and Services ("LCEGS") Report for 2010/11 (2012)[1] which states 94,157 were employed in the wind energy industry in the UK, of which 6,689 people were employed in Yorkshire and the Humber. As well as providing employment, renewable energy also has a valuable economic role by providing a valuable income for landowners, which can be reinvested back in the local rural economy.

Core Policy SP3 is therefore supported as it recognizes the key role that planning policy has in supporting renewable energy. Core Policy SP3 is therefore consistent with the National Planning Policy Framework (2012)[2]. Core Policy SP3 is therefore considered sound and legally compliant.

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[1] Department for Business, Innovation and Skills, Low Carbon Environmental Goods and Services Report for 2010/2011 (2012), available on line http://www.bis.gov.uk/assets/biscore/business-sectors/docs/l/12-p143-low-carbon-environmental-goods-and-services-2010-11

[2] Department for Communities and Local Government, National Planning Policy Framework, 2012. Available on line: http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf

If your representation is seeking a change to the Core Strategy Proposed Submission Document, do you consider it necessary to participate at the oral part of the examination?	
No, I do not wish to participate at the oral examination	√
Yes, I wish to participate at the oral examination	

If you have selected 'No', your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

If you wish to be notified of future stages of plan preparation, please tick the appropriate box(es) below.			
Submission for Examination	√	**Notify me by:** (please tick)	
Inspector's Report Publication	√	Post	
Adoption	√	Email	√

Please Note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:	
Date:	14/09/2012

Part B - Your representation

Please use a separate sheet for each representation.

Name/Organisation	Darren Hendley/Arcus Renewable Energy Consulting Ltd

Q1.To which part of the Core Strategy Proposed Submission Document does this representation relate? (Spatial Principle, Sub Area Strategy or Core Policy)	
Policy number (e.g. SP2, CRSS or CP8)	Policy CP1: Responding to Climate Change
Page/paragraph number(s)	Pages 52-58

Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to fully support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. 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.

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Q3. Do you consider the Core Strategy is unsound because it is not: (please refer to the guidance notes)	
(a) Justified	√
(b) Effective	√
(c) Consistent with national policy	√
(d) Positively prepared	√

Please give details of why you consider the Core Strategy Proposed Submission Document is not legally compliant or is unsound. Please be as precise as possible:

Policy CP1 Part 1: Supporting Renewable Energy and Low Carbon Energy

Part 1 b. of Policy CP1 requires that there will be no significant adverse effects on visual receptors and landscape character, particularly in relation to cumulative effects, in order to support and encourage the generation of renewable and low carbon energy. Core Policy CP1 states this is based on document 'Managing Landscape Change: Renewable & Low Carbon Energy-A Sensitivity Framework of North Yorkshire and York (2012)[3].

The requirement to demonstrate no adverse effects in respect of these landscape and visual issues goes further than the guidance as set in the NPPF paragraph 97, states

"*Local Planning Authorities design their policies to maximise renewable and low carbon development while ensuring that adverse impact are addressed satisfactorily, including*

[3] AECOM Environment, Managing Landscape Change: Renewable & Low Carbon Energy-A Sensitivity Framework of North Yorkshire and York, 2012, Available on line http://www.northyorks.gov.uk/CHttpHandler.ashx?id=18568&p=0

cumulative landscape and visual impacts".

NPPF paragraph 97 reflects the need, in the planning balance, to consider other planning considerations and apportion weight accordingly, where visual or landscape issues, including cumulative impact, arise. Thus, even where there may be adverse visual, landscape or cumulative issues, a development may still be acceptable, if outweighed by other considerations.

This is highly relevant in the case of renewable energy and low carbon development in particular because there is the need to consider the compelling need to combat climate change and increase installed renewable energy capacity. This is set out in national planning guidance through the NPPF and the National Policy Statements on Energy ("EN-1")[4] and Renewable Energy ("EN-3")[5]. It is also set out through energy policy and legislation, including the Climate Change Act (2008)[6] which sets out legally binding targets for the reduction of carbon emissions.

The wording of Core Policy CP1 does not allow such a balancing exercise to occur between the need to provide installed renewable energy capacity, and landscape and visual issues.

Paragraph 4.1.8 of the supporting text to Core Policy CP1 goes onto state that potential for larger scale technologies and multiple schemes are constrained, because of the landscape and visual issues in Richmondshire. This is clearly negatively worded and conflicts with paragraph 97 of the NPPF which requires

"*Local Planning Authorities to have a positive strategy to promote energy from renewable and low carbon sources*".

Part 1. a. of Core Policy CP3, which makes reference to the opportunities identified for renewable energy and low carbon development in the Richmondshire Local Renewable and Low Carbon Energy Capacity Study (2012)[7] ("the Capacity Study"). The Capacity Study identifies that Richmondshire has significant potential for renewable energy and low carbon development of 112.9 Megawatts ("MW"), of which 85 MW is commercial wind. Core policy Part 1.b. is therefore inconsistent and much more restrictive on landscape and visual issues than Part 1.a and the Capacity Study.

Similarly Core Policies CP3: Rural Sustainability and CP7: Promoting a Sustainable Economy are much more positive to renewable energy and low carbon development than the restrictive landscape and visual approach taken under Core Policy CP1 Part 1.b.

The restrictive nature of the policy in respect of landscape and visual considerations is also considered to ultimately limit the support Richmondshire can give to supporting renewable and low carbon energy and thus would not be effective.

The wording is therefore neither consistent with national policy, effective, justified or positively prepared, and thus is unsound.

The Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (May 2008)[8] ("the RSS") Policy ENV5: Energy identifies a clear need to increase and maximise renewable energy capacity in the region. The Capacity Study acknowledges that Richmondshire has the lowest installed renewable energy capacity in the region. The restrictive landscape and visual

[4] Department of Energy and Climate Change, Overarching National Policy Statement for Energy (EN-1), 2011, Available online at http://www.decc.gov.uk/assets/decc/11/meeting-energy-demand/consents-planning/nps2011/1938-overarching-nps-for-energy-en1.pdf

[5] Department of Energy and Climate Change, National Policy Statement for Renewable Energy Infrastructure (EN-3) – Version for Approval, 2011 Available online at http://www.decc.gov.uk/assets/decc/11/meeting-energy-demand/consents-planning/nps2011/1940-nps-renewable-energy-en3.pdf

[6] Climate Change Act 2008, Climate Change Act 2008, HMSO

[7] AECOM, Richmondshire Local Plan Renewable and Low Carbon Energy Study, 2012, Available on line http://www.richmondshire.gov.uk/pdf/Renewable%20and%20Low%20Carbon%20Energy%20Study%20LQ.pdf

[8] Government Office for Yorkshire and the Humber, Yorkshire and Humber Plan, Regional Spatial Strategy to 2026, 2008, Government Office for Yorkshire and the Humber

approach under Core Policy CP1 part 1.b is not considered to conform to Policy ENV5, especially with the low contribution Richmondshire is making to the region in respect of installed renewable energy capacity. The policy does not conform with either the NPPF or the NPS, as national policy, or the RSS, and as such, Core Policy 1 is not legally compliant.

Policy CP1 Part 3: Climate Change Adaptation

Part 3 of Policy CP1 sets out how developers are expected to design their developments to be adaptable to climate change. Part 3 of Policy CP1 however does not contain any requirement for developers to have regard to incorporating renewable energy and low carbon technology in their developments. The exclusion of renewable energy and low carbon technology is considered not to be justified, given the point of the policy is to ensure that new developments are adaptable to climate change. This is also not consistent with National Policy as the NPPF which requires LPAs to plan for new development in ways which reduce greenhouse gas emissions.

The exclusion of renewable and low carbon energy technology under Part 3 is also considered inconsistent with Part 2: Ensuring Carbon Savings of Policy CP1. Part 2 requires all new residential development to meet Code for Sustainable Homes Level 4; all new non-residential development of 1000 sq m floorspace to meet BREEAM very good standards; and all new residential development of ten dwellings or more and non-residential development of 1000 sq m floorspace to submit an Energy Statement. The exclusion of renewable and low carbon energy technology would thus undermine the effectiveness of Part 2 of the policy.

The wording is therefore neither consistent with national policy, effective, or justified, and thus is unsound.

The exclusion of renewable and low carbon energy technology is also inconsistent with RSS Policy ENV5: Energy which requires all new developments of 10 dwellings of 1000 sq m of non-residential floorspace to secure at least 10% of their energy from decentralised and renewable or low carbon sources. The policy does not conform with either the NPPF or the NPS, as national policy, or the RSS, and as such, Core Policy 1 is not legally compliant.

As technology is advancing, is it less onerous on developers to include renewable and low carbon technology in their developments. For example technology, including the use of GIS based software, has enabled hydropower now to be used to increase carbon savings and to assess more easily and cost effectively the potential for incorporating hydropower in developments (carried out by Arcus Renewable Energy Consulting Ltd).

Q4. Please set out what change(s) you consider necessary to make the Core Strategy Proposed Submission Document legally compliant or sound, having regard to the test you have identified at Q3 where this relates to soundness. You need to say why this change will make the Core Strategy 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:
Amend Core Policy CP1 1.b. to read as follows: "*b. demonstrates that the benefits of renewable and low carbon energy outweigh any significant adverse effects on visual receptors or landscape character (particularly in relation to cumulative impacts or impacts in the National Parks and Areas of Outstanding Natural Beauty arising from intervisibility),and*" Amend Core Policy CP3 to include the additional criteria: *"e. How development will be designed to secure energy from decentralised and renewable or low carbon sources."*
Q5. If you wish to support the legal compliance or soundness of the Core Strategy Proposed Submission Document, please use the space below to set out your comments:
(Continue on a separate sheet if necessary)

If your representation is seeking a change to the Core Strategy Proposed Submission Document, do you consider it necessary to participate at the oral part of the examination?	
No, I do not wish to participate at the oral examination	√
Yes, I wish to participate at the oral examination	

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If you wish to be notified of future stages of plan preparation, please tick the appropriate box(es) below.			
Submission for Examination	√	**Notify me by:** (please tick)	
Inspector's Report Publication	√	Post	
Adoption	√	Email	√

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Signature:	
Date:	14/09/2012

Part B - Your representation

Please use a separate sheet for each representation.

Name/Organisation	Darren Hendley/Arcus Renewable Energy Consulting Ltd

Q1.To which part of the Core Strategy Proposed Submission Document does this representation relate? (Spatial Principle, Sub Area Strategy or Core Policy)	
Policy number (e.g. SP2, CRSS or CP8)	Core Policy CP7 Promoting a Sustainable Economy
Page/paragraph number(s)	Pages 69-71

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Q2. Do you consider the Core Strategy Proposed Submission Document is...?						
(a) Legally compliant	Yes	√	No		Don't Know	
(b) Sound	Yes	√	No		Don't Know	
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Q3. Do you consider the Core Strategy is unsound because it is not: (please refer to the guidance notes)	
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Please give details of why you consider the Core Strategy Proposed Submission Document is not legally compliant or is unsound. Please be as precise as possible:
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(Continue on a separate sheet if necessary)

Q5. If you wish to support the legal compliance or soundness of the Core Strategy Proposed Submission Document, please use the space below to set out your comments:

Core Policy CP7 d. sets out that green, renewable and low carbon industries will be supported in order to develop and sustain the economy of Richmondshire. The supporting text to the policy in paragraph 4.7.6 recognises that the development of green, renewable and low carbon industries are key to the achievement of rural sustainability and the objectives of the Core Strategy. This is accordance with work carried out by the former Regional Development Agency, Yorkshire Forward[9] which identified these industries were fundamental to the creation of sustainable settlements.

Core Policy SP7 is thus supported as it recognises the key role that planning policy has in supporting renewable industries and the move to a low carbon economy. This is identified by the NPPF paragraph 7 as part of the environmental role of sustainable development. Core Policy SP7 is therefore considered sound and legally compliant.

[9] Arup, Low Carbon Rural Capitals Scoping Study, 2008, TSO

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Yes, I wish to participate at the oral examination	

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Submission for Examination	√	**Notify me by:** (please tick)	
Inspector's Report Publication	√	Post	
Adoption	√	Email	√

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Signature:	
Date:	14/09/2012

Part B - Your representation

Please use a separate sheet for each representation.

Name/Organisation	Darren Hendley/Arcus Renewable Energy Consulting Ltd

Q1.To which part of the Core Strategy Proposed Submission Document does this representation relate? (Spatial Principle, Sub Area Strategy or Core Policy)	
Policy number (e.g. SP2, CRSS or CP8)	Core Policy CP8 Achieving Rural Sustainability
Page/paragraph number(s)	Pages 72-73

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Q2. Do you consider the Core Strategy Proposed Submission Document is...?						
(a) Legally compliant	Yes		No	√	Don't Know	
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Q3. Do you consider the Core Strategy is unsound because it is not: (please refer to the guidance notes)	
(a) Justified	√
(b) Effective	√
(c) Consistent with national policy	√
(d) Positively prepared	√

Please give details of why you consider the Core Strategy Proposed Submission Document is not legally compliant or is unsound. Please be as precise as possible:

Core Policy CP8 Part 1. h. limits the support given to renewable energy to small scale projects only.

Limiting support to small scale projects only is entirely contrary to paragraph 97 of the NPPF which requires

"*Local Planning Authorities to have a positive strategy to promote energy from renewable and low carbon sources*".

The NPPF makes no reference to the need to potentially limit the size of renewable energy development. Rather it requires in paragraph 97 for LPAs to:

"design their policies to maximise renewable and low carbon energy development whilst ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts".

There is a need to consider the compelling need to increase installed renewable energy capacity against adverse environmental considerations; this does not amount to a wholesale rural restriction of renewable energy projects to small scale developments only.

National Policy Statements EN-1 and EN-3 are also clear that, given the need to significantly increase installed renewable energy capacity, such developments cannot be limited to small scale projects. EN-1 is clear on Central Government's view on this:

"the Government is committed to increasing dramatically the amount of renewable generation capacity....much of this is likely to be onshore and offshore wind."

EN-3 is explicit about the need for large scale projects:

"Electricity generation from renewable sources of energy is an important element in the Government's transition to a low-carbon economy. There are ambitious renewable energy targets in place and a significant increase in generation from large-scale renewable energy infrastructure is necessary".

The NPPF is clear that national policy statements are material considerations; therefore, they cannot be ignored in policy making.

The Energy Opportunities Map which forms part of the Capacity Study clearly identifies areas that are capable of accommodating more than 'small scale' renewable energy projects. The Capacity Study also makes it clear that the Energy Opportunities Map should not preclude potential developments outside of the areas shown on the map. Core Policy CP1 Part 1 a. supports and encourages the generation of renewable and low carbon energy that responds to the Capacity Study. Core Policy CP8 Part 1. h. is therefore clearly inconsistent with Core Policy Part 1 a, and the Capacity Study which ultimately underpins the renewable energy planning policies in the Core Strategy.

In practice, in particular medium and large scale wind turbines have to be located in rural areas. Principally, wind turbines need a location which has the following:
Suitable wind speed;
-Free from obstruction that would affect wind flow;
-Large amount of available land (turbines will generally require an area in the region of up to - 6 times the rotor diameter by 4 times the rotor diameter);
-Suitable road network for turbine component deliveries;
-Suitable ground conditions to support the structures;
-Availability of grid connection; and
-Suitable separation from residential property to avoid noise effects.

An urban environment would commonly not be appropriate predominately from a space and wind flow perspective. A rural location in practice is the only appropriate location for medium and large scale wind.

The wording of CP8 is therefore neither consistent with national policy, effective, justified or positively prepared, and thus is unsound.

RSS Policy ENV5: Energy is clear there is a need to increase and maximise renewable energy capacity in the region. Restricting renewable energy projects to small scale would not have regard to this RSS policy. The policy does not conform with either the NPPF or the NPS, as national policy, or the RSS, and as such Core Policy 1 is not legally compliant.

Q4. Please set out what change(s) you consider necessary to make the Core Strategy Proposed Submission Document legally compliant or sound, having regard to the test you have identified at Q3 where this relates to soundness. You need to say why this change will make the Core Strategy 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:
Amend Core Policy CP8 1.h. be deleting 'small scale', so it would read as follows: *"h. renewable energy projects and businesses to serve the industry;"*
Q5. If you wish to support the legal compliance or soundness of the Core Strategy Proposed Submission Document, please use the space below to set out your comments:

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