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4 January 2011

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Dear Lucy

## **DARLINGTON CORE STRATEGY EXAMINATION IN PUBLIC**

The following comments are submitted on behalf of the Banks Group in relation to Matter 2 – Sustainable Development & Infrastructure Provision in advance of the EIP session on 26 January.

- 1 Development is required to meet the Code for Sustainable Homes by Policy CS2. Is it necessary to include the requirement, and would its application be inflexible to changing circumstances?**

No comment

- 2 Policy CS3 promotes on-site provision of decentralised and renewable low carbon sources of energy, including at least 20% of energy supply in strategic locations and at least 10% in major developments. Is the approach justified, viable and consistent with Government guidance? Should the targets be more aspirational and significantly raised?**

The danger of setting aspirational targets in this respect is that it might be used as a justification for inaction on other aspects of tackling climate change such as providing commercial scale renewable energy.

- 3 The Revised Preferred Options (CD022) indicated areas of least constraint for the purposes of wind energy generators. This has not been incorporated in the Publication Draft. Is it a missed opportunity to focus the strategic search for new development?**

The Banks Renewables position was set out in our reps of September 2010. It is worth updating the EIP about the way in which renewable energy policy is currently being applied in Darlington Borough. The Moor House planning application for ten turbines is located within the former “area of least constraint” in North East Darlington. It was presented to Planning Applications Committee (PAC) on 10 November 2010 with a recommendation of approval. It was refused permission on the following grounds:

*In the opinion of the Local Planning Authority the proposed development would adversely affect the character of the local landscape and visual amenity to an unacceptable level when*



*seen from various viewpoints including nearby settlements and public rights of way to the detriment of the enjoyment of the countryside and the amenities of local residents contrary to policy E26 of the Local Plan taking into account the Wind Farm Development and Landscape Capacity Studies: East Durham Limestone and Tees Plain (NEA / ARUP 2008) and Addendum (ANEC / ARUP October 2009).*

The first thing to note in relation to emerging policy CS3 is that the policy was attributed no weight whatsoever despite its advanced state of publication. This was explained within the officer's report as being an approach agreed with Policy Planners. We believe this was contrary to the advice set out in the Government's Planning System General Principles policy document of 2004. It also means that any appeal will presumably have to be dealt with under a completely different local planning framework which is not ideal. Banks Renewables are currently considering submitting a reduced planning application of six turbines. This would address the alleged conflict with the Arup report referred to in the refusal reason although we believe that the advice in the Arup report has been misinterpreted and its status elevated to that of adopted policy. A resubmitted scheme may also be determined once CS3 has replaced policy E26 so the policy context is critical.

Draft Policy CS3 has many advantages from our point of view over adopted policy E26 and so the updating of policy is something to be desired. For instance Policy E26 refers to avoiding significant visual effects. It is widely acknowledged by inspectors that it is not possible for commercial wind farms to avoid significant effects and therefore it is inappropriate to require this of development proposals. This inadequacy in the adopted policy reflects its age as it predates the raft of National and Regional policies brought out in the last ten years.

In our previous reps we expressed concern that the removal of the geographical reference in CS3 would be a lost opportunity. In light of the committee decision described above we feel that restoring an "area of least constraint" or introducing an "area of search" would strongly encourage the committee to face up to the need for renewable energy and the very special opportunity afforded within the North East of the Borough to provide a significant proportion of the Borough's electricity needs from a commercial wind farm. Such a designation would not prejudice any planning decision but it is important to acknowledge that the ten turbine scheme had no objection from any statutory consultee. We have previously submitted a sieve map which demonstrated why this area is so favourable for a commercial scale wind farm. The area was identified through the evidence work carried out in support of the RSS. It seems entirely logical and more transparent for the policy to reflect this evidence base. The work has demonstrated that opportunities for onshore wind development are not the same across the district. The Core Strategy should reflect this.

We appreciate that PPS22 puts the onus on Regional Spatial Strategies to outline the broad areas of search for renewable energy but there is no prohibition on local planning documents adopting a spatial approach, particularly as RSS is due to be revoked. As a result of the removal of the "area of least constraint" Darlington's policy is silent on where renewable energy should be located but in our opinion this conflicts with the overall aspirations of the Core Strategy which are to justify and plan for population growth. The Core Strategy identifies areas where that growth should be delivered. We believe that to justify population growth of this magnitude the Council has to explain where the renewable energy is going to come from. If the Council cannot demonstrate a strong strategy for delivering renewable energy then the growth would be better located in a district which has such a strategy.

**4 Planning obligations may be sought from major developments by Policy CS4 including (point 9) contributions to a carbon management fund to provide off-site renewable energy and improve energy efficiency of existing dwellings. Does this requirement conflict with the tests for planning obligations set down in Circular 05/05? Should the definition of major development be stated in the Core strategy?**

With the Moor House wind farm planning application we proposed to contribute the sum of £50,000 to set up a “Warm Zone” for Darlington. These schemes have been successful in Gateshead and Stockton but Darlington has missed out on the benefits which help to address fuel poverty as well as climate change. The advice to the Planning Applications Committee was very clear. Whilst the contribution would be beneficial it was in no way a material factor in the planning decision. Had permission been granted we would have offered a unilateral undertaking but DBC could not have required it. This is another example of the gulf between emerging Core Strategy policy and current Development Management practice at Darlington. We would hope that the adoption of policy CS4 would change this approach because Darlington residents would benefit hugely from a more holistic approach which does not box the impacts and benefits of new development too rigidly.

**5 Any other relevant matters.**

The issue of targets for renewable energy generation are not raised within the four questions above. The imminent revocation of RSS means that there will be greater responsibility for Darlington to make appropriate strategic commitments including targets for renewable energy. We have set out in our previous reps the case for adopting the national Renewable Energy Strategy targets of 30% of electricity needs coming from renewable energy.

Yours sincerely

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