

Banks Renewables comments on the Council's response regarding the Area of Least Constraint

It is disappointing that the Council considers Banks Renewables' proposed policy so unacceptable that no modification or variation of the policy is ventured. It is also rather surprising given that it was the Council which first proposed including the Area of Least Constraint within the Core Strategy.

The Council's Methodology Statement indicates the rationale and the evidence base underpinning this fundamental opposition to a spatial element to the plan.

The Council relies very heavily on the second Entec report (SD018). To our knowledge this report has never been the subject of consultation. This undermines the document's credibility. The Council's case relies upon Figure 3.4 which indicates (in white) areas of potential for wind farms. Because the document was not the subject of consultation Banks Renewables was not aware of it and missed the opportunity to draw attention to the following flaws:

- a) The area around Moor House has been incorrectly reduced because it was assumed that Moor House is a residential property. To understand this point it is necessary to refer to Figure E2 which maps postcode data. In fact Moor House is a barn and so the white area at Moor House should appear substantially bigger than it does in Figure 3.4.
- b) The area indicated with an arrow to illustrate the availability of alternative sites is inconsistent with the post code data shown in Figure E2. In addition it is close to a Grade 1 listed castle! In conclusion this area appears artificially large and may be unacceptable on cultural heritage grounds. We appreciate that it was only put forward as an example but it is a very bad example and undermines the credibility of the conclusions.

I have created an overlay of both Entec plans in order to illustrate the errors inherent in Figure 3.4. If Figure 3.4 was corrected to take into account the points above, the Moor House site would be conspicuous as the major opportunity in the Borough. Perhaps this would have been enough to convince the Council that the North East of the borough truly is an "area of least constraint".

The Council considers that Policy 41 of the RSS does "not translate easily to a local level". Policy 41 was heavily geared towards landscape sensitivity. The areas of least constraint reflected a qualitative assessment of the relative landscape qualities of various parts of the Region which includes a National Park and two AONBs. It was entirely appropriate that the Arup reports (SD019 and SD 020) looked in more detail at landscape capacity. These reports were the subject of extensive consultation. They provide a far more reliable piece of evidence than the Entec Report.

At paragraph 2.4 of its methodology statement the Council claims that the north east of the borough had mistakenly been defined as an area of least constraint because there has not been a thorough assessment of other areas. We have consistently stated that wind developments should not be discouraged in other parts of the Borough. Perhaps a way to get round the Council's reservation is to re-name the area an "area of search" as we have suggested or an "area of opportunity". However paragraph 3.191 of the RSS backs up our position when it states that the areas of least constraint "offer the greatest potential to accommodate onshore wind energy developments resulting from an appraisal" but that this does not "remove the need to consider the potential for onshore wind energy developments in other parts of the Region. Proposals for onshore wind energy development within and outside these broad areas should be assessed against the criteria contained within Policy

40". This is the correct approach and our proposed wording of Policy CS3 would extend this approach to the Core Strategy.

Paragraph 3.188 of the RSS states that "the Regional Planning Body and partners are conducting local landscape studies to further assess the potential for wind farms within broad areas of least constraint, and Local Development Frameworks and planning proposals are the appropriate level to deal with these issues". Now that the RSS is going to be revoked it is even more important that Local Development Frameworks do not turn their back on the established evidence base.

A report was presented to Cabinet on 13 July 2010 (copy attached) which indicated at paragraph 34 that the removal of the areas of least constraint was partly in response to an action group formed to fight wind farms in the North East of the Borough.

The Council advanced the argument that wind speeds should play no part in the strategic policy because there is no evidence that lower speeds preclude wind generation and in any event there is no great variation in wind speeds in Darlington. We contend that what might appear to the lay person as minor variations in wind speed have a profound, logarithmic impact on the amount of renewable electricity generated. This should be of concern to strategic planners who purport to aim to make a significant contribution to tackling climate change. Furthermore Appendix B of the SD018 includes an unnumbered map which illustrates a marked difference in wind speed across the district. There are three bands of wind speeds shown in this drawing. It tallies with Banks Renewables understanding of the wind resource in Darlington.

In conclusion it is apparent that in changing its Core Strategy approach to strategic locations for renewable energy the Council has sought to placate an objection group, rejected the RSS policy, and relied heavily on flawed evidence which was not consulted upon.

Banks Renewables comments on the Council's response regarding the Electricity Generation Target

DBC has made the case that reference to the national target for 30% of electricity generation by renewable electricity should be referred to in the text (at paragraph 3.3.1) rather than within Policy CS3 itself. We do not object to this proposal in principle. This would necessitate a rewording of our suggested wording of Policy CS3 should the Inspector be minded to incorporate the area of least constraint in the policy without reference to the target. A suggested re-wording is set out below.

Suggested Wording of Policy CS3: Promoting Renewable Energy

The development of renewable energy schemes, including micro-generation, together with any ancillary buildings and infrastructure, will be supported and considered in the context of sustainable development and climate change. An Area of Least Constraint for wind generation has been designated in the North East of the Borough. Significant weight will be given to the wider environmental, economic and social benefits arising from renewable energy schemes whilst considering the anticipated effects, individually and cumulatively, upon:

- (a) the surrounding natural, built and cultural landscape and townscape including buildings, features, habitats and species of national and local importance; and/or
- (b) residential amenity including visual intrusion, air, dust, noise, odour, traffic generation, recreation and access; and/or
- (c) the operation of air traffic and radar systems.

Appropriate mitigation and/or compensation measures and monitoring to address any effects identified and considered will be required prior to any development proceeding.

The Area of Least Constraint could be phrased "Area of Search" or "Area of Opportunity". It could be shown either on the Proposals Map or on a free-standing figure as before.

Justin Hancock
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Enc:

- 1) Drawing HJB/TA721/94 Overlay of Entec Plans
- 2) Cabinet Report from 13 July 2010