

EXAMINATION IN PUBLIC

CUMBRIA AND LAKE DISTRICT JOINT STRUCTURE PLAN

Held At:

Lake District National Park Authority  
Murley Moss  
Oxenholme  
Kendal LA9 7RL

Panel Members:

Panel Chair:	ADRIAN SMITH
Panel Member:	SIMON GIBBS
Panel Secretary:	FRANK HEWSON

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ISSUE 6

The Approach to Renewable Energy

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## THE APPROACH TO RENEWABLE ENERGY

THE CHAIRMAN: Good morning, ladies and gentlemen. Can I welcome you to what is the final session of the Cumbria and Lake District National Park joint structure plan EIP. My name is Adrian Smith. I have been appointed by the First Secretary of State to chair this EIP. On my right, Simon Gibbs, a member of the Planning Inspectorate, on my left Frank Hewson, our panel secretary, and I think you will have met Frank Lee as you came in, our programme officer. I am going to ask Frank just to take us through the safety checks.

### (Health and safety briefing)

THE CHAIRMAN: Thank you, Frank. Our role here is to introduce and facilitate a debate. We obviously have questions we want to raise, but we also want some interaction through the chair between people who may well share different points of view on this subject. The purpose of the whole exercise is to help us prepare our report, which in turn will inform the two authorities in completing the structure plan and taking it through to adoption. Today I shall be leading the discussion and I have quite a lot of questions and I shall specifically bring people in to the discussion, but I want you to come in as well, and when you want to speak would you please put your name plate up on end. We are recording the proceedings and we have stenographers producing a transcript which will be on the website probably on Monday I think, given that this is Friday. It is on the website which is up on that piece of paper, [planningcumbria.org](http://planningcumbria.org), so you will be able to look on Monday and see what you said, and that is very helpful for us as well.

Today's topic is renewable energy, and I would like first of all to go to Andy Brunt at the North West Regional Assembly. In the Assembly's further statement there is mention of work which is going on at the present time on this subject which will lead into the partial review of RPG13, the EIP for which takes place in November. I think there is some work about to come out, but I would like Mr Brunt first of all just to tell us where that work is going, its relationship, its relevance to Cumbria, and then I have a few questions which I will follow on with. Mr Brunt.

NWRA: As you mentioned, the Assembly is leading on three main pieces of work at the moment of relevance to renewable energy. The first is the partial review of regional planning guidance, which is under way and due for examination in public next month. I won't go into the details of that. But the two specific projects that we have under way are firstly the preparation of a sustainable energy strategy for the North West: now, this strategy really sets out to develop and provide a strong regional public policy framework within which the deployment of sustainable and renewable energy technologies and techniques can proceed across the region. It focuses on measures to increase deployment in the integration of energy efficiency, renewable energy and combined heat and power across the region, which taken together constitute a sustainable approach to energy generation, and the strategy really sets out to provide a wealth of supporting guidance and background and good practise case study materials principally for local and county authorities across the region, but also with wider applicability to the private and public sector organisations and the voluntary sectors as well. At present this document is still in draft stage. We anticipate that it will be released for public consultation hopefully next week, but certainly during the month of October, following which there will be a period of

revision based on the feedback from that consultation, and final publication early 2005.

The second piece of work is an update to the regional renewables resource study, commonly known as 'From Power to Prosperity', which was a summary report produced in 2001. Our update study sets an objective to revise and extend this existing resource study, revising where appropriate the information on which it is based, developing scenarios and targets, and presenting recommendations to cover the period to 2020, which extends the original timescale which covered the period to 2010, and the overall focus is on enabling the region's potential for renewable energy to be realised. It is a fairly detailed technical study. Again, it is under way as we speak. In terms of where it is currently at, the draft final report has been received by the Assembly. We are currently reviewing that with the regional steering group, which is comprised of organisations from across the region, and we hope that that study will be finalised by the end of this month also. That will then feed into the development of regional spatial strategy which will be ongoing until next summer.

THE CHAIRMAN: I suppose from our point of view it's a bit unfortunate the two reports, two quite relevant reports, are not available to us, but there is nothing we can do about that; that is just the situation we find ourselves in. I would just like to ask Mr Brunt a couple of questions. One of the pieces of work, probably the update to the Power to Prosperity study, will that actually help in terms of redefining a target for renewable energy for Cumbria? Would it actually provide new technical information?

NWRA: The study to a certain extent does look at the targets to 2010, but the focus is very much on finding ways in which they can be achieved. It is not a fundamental review of the targets to 2010. The principle focus really is on the longer time period to 2020 and establishing targets to that date as the energy white paper requests is done within regional spatial strategy, and also PPS22. Within that context there will be proposals for scenarios and targets for each of the subregions across the North West, so that would clearly include Cumbria.

THE CHAIRMAN: So the target for Cumbria is more likely to be focused at a new target, the new data will be for 2020; are you implying therefore that probably the work is not going to produce anything radically different in terms of a target for 2010?

NWRA: As it stands at the moment, that is the case, yes.

THE CHAIRMAN: One of the points raised by the two authorities in their further statement is to do with consistency, that they say there has been an inconsistent approach across the region, and in my reading of the background papers it is apparent that quite a detailed study was done in Cumbria, specific to Cumbria, the Access report, I think it is technical paper 6 covers that. I am familiar with Lancashire obviously from the EIP there, and I don't think the same level of detail was gone into in Lancashire, I'm pretty certain that is the case. Does the work that is happening now, will that address the issue of consistency? Will it provide a more consistent basis across the region as a whole?

NWRA: As I say in reference to my previous comment, the focus really is on the period to 2020, so in that context the updated study will provide a consistent basis across the region, but I must emphasise that the targets that come out of it will be

based on the year 2020 and there won't be a fundamental review of the targets to 2010.

THE CHAIRMAN: I will move on shortly to our first question, but I would just like, if you are happy, to give an opportunity to anybody else who wants to raise any general questions at the beginning about the work that NWRA are doing at the moment before we get on to the specifics. Mr Hubbard for the National Trust.

NATIONAL TRUST: I am just after clarification in two areas if I may. The second strategy that Mr Brunt talked about, sustainable energy strategy, at one stage he referred to a sustainable approach to energy generation. I want to check whether or not that document will actually deal with energy minimisation, energy conservation as well as energy generation. And my second point is in terms of the targets. I am just aware of the comments in PPS22, paragraphs 2 and 3, about regional targets, which talk about the need for them to take into account economic, social and environmental impacts, and paragraph 3, specifically in the penultimate sentence, talks about the capacity of the environment in the region for further renewable energy developments, and I would like to ask whether or not those particular elements will be addressed in the study when it comes out.

THE CHAIRMAN: Mr Brunt.

NWRA: In reference to the first point, yes, the study does cover energy efficiency, energy demand minimisation, combined heat and power, and other efficient generation techniques, as well as sustainable and renewable energy generation. With regard to your second point, just to clarify, going back to the two pieces of work I referred to, only one of them is a strategy, the North West regional sustainable strategy is the piece of work which will be published and promoted within organisations across the region to enable them to assess their own roles and promote ways in which they can contribute to wards sustainable energy. The second piece of work is a resource study, a sort of internal document if you like, for the Regional Assembly and its partners to inform pieces of work, such as regional spatial strategy and so on, but that piece of work is looking at the wider social, environmental and economic issues around sustainable energy, and certainly environmental capacities and that type of thing, yes.

THE CHAIRMAN: Mr Hubbard, I think that probably picks up the two points. We can't obviously comment on the conclusions because we don't have them, but at least it is covering the ground you are talking about. Any other general questions before we move on? Okay.

If we could turn to the agenda and the four questions that were put. The first is regarding a target, and the question is: 'Should the plan include within policy a target for the development of renewable energy in Cumbria based on the forthcoming partial review of RPG13 and if so what should it be?' The target figures in RPG13 are in table 8.4, which is on page 97 of the March 2004 edition of RPG, and it follows on from policy ER15 covering renewable energy. Now, I am going to summarise or seek to bring together comments that people have made, because there is quite a wide variation of opinion on this subject right the way through all the questions, and I felt it might be helpful if I could just do that, and I invite you to pick me up and correct me

if I have misrepresented you in any way, but just to focus the discussion rather than everybody having to bring forward their point of view.

The further statements that we have looked at basically show that a number of participants question the value of having a target at all, so some people question the fundamental of a having a target; others have not so much done that, but they have questioned the target that comes out of the Access report, partly because of the extent of landscape analysis that it was based upon, so they were happy with the target but not happy with the particular target that came out of that report. Friends of the Lake District, I think you accept the principle of having a target. South Lakeland would actually like to have district level targets, so you would like more detail than has been suggested so far. West Coast Energy have said the figures in the Access report help to put Cumbria's resources into perspective in the context of the region but also other parts of the country as well. Friends of the Earth support the higher end of the range, which is about 466 MW installed. That is the target that they would like. And the Assembly have said that they do require a target to be included within the structure plan.

Now, if I turn to the two authorities' further statement, and again I will summarise what they have said if that is helpful, and they have said basically they are against having a target in the plan, and it comes back to this issue of consistency, because in their view the figures in regional planning guidance 8.4 are not derived from a regionally consistent source. Power to Prosperity did not take environmental quality and landscape character adequately into account on the targets that have been put forward into that RPG document. They said that the Cumbrian figure is artificially high in comparison with the rest of the region. It certainly is a lot higher than other parts, that is self-evident. And they also say that there is no binding requirement to have a target in the structure plan, and I think there you are probably referring to EPS22 which requires it in RSS, but it leaves open the question of whether or not subregional targets are included within plans; I would suggest it opens the issue of subregional targets which can be in RSS but could be in structure plans as well, but it doesn't require it, that is certainly clear.

They are also concerned about the possibility of an upward revision of a target once the target is achieved, which is the clear message in PPS22; a target isn't a ceiling, once it is achieved you move on and do more and seek to do better. Their concern is that if they have a higher target, once that is achieved you push it up higher, they are concerned about that damaging Cumbria's landscapes and environments.

So before we open this up, I want to put a couple of questions to the two authorities to start the discussion off. I want to ask, on this question of regional consistency, that while I can see that that may be desirable and there may be a greater degree of consistency coming out of further work, my reading of PPS22 is that every discrete area, every county, every subregion, should be looking to see how much it can achieve. It should be looking to achieve as much as it can in relation to the Government's overall aspirations for renewable energy, and the issue of looking over to the next area and fair shares doesn't really come into this at all. So while I would not be arguing against consistency, my question is does it really affect the issue in Cumbria; you should be looking to achieve the maximum amount of renewable energy that you can? Can I put that point to you; is consistency such a big issue in this context?

AUTHORITIES: Certainly we feel that consistency is important, particularly with the way that the targets have been represented in regional planning guidance partial review, and also the assumption in PPS22 that those targets are automatically revised upwards, which, given Cumbria's particular environmental quality, that does raise issues, and also given the fact that it is wind turbines essentially have been recognised in a number of technical reports and studies as being the most likely way of achieving targets. These are the developments which have raised over a number of years, for well over a decade here in Cumbria, problematic issues in terms of landscape capacity.

The other issue is the use of targets and those being binding targets when you break it down to a very detailed level. Our view is that it should be certainly the focus at regional level to set a target, and that that target should be indicative but it shouldn't necessarily be binding. It is recognised in PPS22 that technologies do vary. It is already demonstrated through Power to Prosperity that assumptions made about technical feasibility at the beginning of the projection period are soon outdated, and again that is recognised in PPS22. Technology does change over time. Other technologies become more viable and when you start looking at the individual components of a target, when you start adjusting individual elements, of course that would adjust the overall target. So we very much feel that the target should be set at a regional level and should be indicative as opposed to binding, given the difficulties in terms of how those targets have been derived.

THE CHAIRMAN: I would like to open this up for discussion in a minute, so please put your nameplates up if you want to come in, but just before I do that I would like to go back to Iain Fairlamb again. Just on the question of to what extent the Access report took environmental landscape issues into account, that has been raised by some people as a kind of weakness in the report. Having looked at the report again yesterday, and also looked at the supplementary planning guidance on wind, which was published back in the mid 90s, that is core document 28, that obviously looks at environmental impact landscape effects, and that was taken into account I think in the Access report. To what extent would you say the Access report and your technical paper 6 actually do reflect environmental matters in Cumbria?

AUTHORITIES: Just really to give a brief overview of the methodology used in the Access study, it essentially broke it down into two key stages. The first stage of the Access study now encapsulated in technical paper 6 identified technical criteria essentially which could be very easily defined in terms of mapping – such things as connection to the grid, wind speed, etc., were used for wind energy, and also the designated areas were taken as read in terms of air boundaries. Those areas were mapped and exclusions made on that basis. This was then followed up in the second stage of the study with a further refinement of those broad areas using the defined landscape character areas which stem from the Cumbria SPG that you refer to. So it does go down to a level. Saying that, it doesn't actually undertake a detailed site analysis or investigation at very local level.

Obviously there are practical difficulties in doing a study Cumbria-wide in undertaking an individual site assessment for developments that you are assuming may or may not happen. But it certainly goes down to a much more detailed level than the regional study, which I am not aware undertook any analysis on landscape character area basis. But the criticism made by Friends of the Lake District are that it

didn't go down to a site investigation level. If that is a legitimate criticism, it is fair to say that it didn't do that level of detail, but that would be very time-consuming, resource-demanding to do that at a county level.

THE CHAIRMAN: So in your view it is an appropriate level of detail for a strategic study to give a steer to where wind developments and other developments might go, and as a basis for a broad assessment of the resource?

AUTHORITIES: Certainly it was appropriate at county level, and we don't feel we could have gone down to an any more detailed level. That said, certainly before a development proposal would be able to come forward based on the evidence in the Access study, there would always need to be that individual site assessment, and that certainly was stressed in the policies of the structure plan.

THE CHAIRMAN: I am not seeing any board going up which surprises me. I am sure there must be some people out there who want to say something. But just again for confirmation, the figures that appear in RPG, table 8.4, the range, which is about 284 to 267 MW, those figures have derived from the Access study? Just to be clear about that, that is where those figures have come from, rather than the regional work, is that correct?

AUTHORITIES: That is correct, and it is actually noted in the table itself; it is very small, but under note 2 in the table.

MR GIBBS: I think it might be just worth clarifying from the Regional Assembly at this point whether the review of the RPG still contains its range of figure there, and is it such a large range as it is in this document?

NWRA: Yes, it does, as has been pointed out several times already, the figures that we have adopted in RPG come directly from Cumbria's own study, the study that is being discussed at the moment, so yes.

MR GIBBS: And the figure adopted is the range?

NWRA: It is that range, yes. The figures have not changed.

THE CHAIRMAN: Well, I hope that was helpful in terms of background, why we are at the point we are now, and the background to the studies that have been undertaken and are being undertaken at the moment. So I will go round the table now. I will take Sir Martin Holdgate first.

SIR MARTIN HOLDGATE: First, I myself am very sceptical about the case for targets at the county level. Clearly we do need and we are getting clear policies for the development of renewable energy and of course also for efficient energy conservation, and we are all I hope in favour of that. The government has already set, as you have said, Chairman, overall targets, and we know that they are being developed also, as is requested in PPS22, at the regional level. I believe that before we go on to do this at the county level, a much more critical and maybe strategic analysis of the opportunities and options is needed, and it may well be that the North West Regional Assembly's analysis, which we have just heard of, will provide a foundation for doing that, certainly looking forward to 2020. Clearly we need to

balance the scope for the development of renewable energy and more efficient use of the energy we have against other objectives that may at the margins compete for the use of land, for example conservation objectives, tourism objectives and other uses that you have been discussing for the last two weeks. I myself fear that too premature an imposition of targets could actually prejudice the necessary flexibility in the evolution of the policies which is also going to be influenced by the continuing development of new technologies.

Not all the renewable technologies at the moment are at the same stage of development, and some of considerable potential may well be coming on stream increasingly over the next 20 years, and some of them may have a less significant environmental impact than some of those that we have. Wind, for example, and we don't want to get into a technical discussion of these alternatives, I am sure, Chairman, but we know that wind has a very large visual and scenic impact for the units of energy supplied; if photovoltaics built in housing were to come through, and at the moment there are economic obstacles I accept, they of course have no larger footprint than the buildings in which they are installed. I believe therefore that the right approach is the commitment of course to reduce our dependence on fossil fuel by the most effective, most sustainable mix of renewable energy and energy conservation policies, and I think the draft structure plan actually in paragraph 8.2 does this very well and conforms with PPS22. So I myself believe that what is said in the draft is pretty well right and I wouldn't support the case for beefing up the targets at this stage.

THE CHAIRMAN: I come back to you, Sir Martin, with a question. In terms of 2010 I think it is probably going to be the case that wind is still going to be the main source of renewables in that period. I fully accept that after 2010 it's a bit of an open question because there are many technologies, most at the early stages. But up to 2010 would you accept that wind is going to be the dominant renewable technology?

SIR MARTIN HOLDGATE: Alongside more efficient use of energy of course, I think, yes, wind is the renewable that is in the market place at the present time, both offshore and onshore, but we are getting into the locational thing. Yes, I would agree with that.

THE CHAIRMAN: Jill Perry for Friends of the Earth.

FOE: It is precisely because there are other renewable energy technologies coming along that will have much more ability post 2010, and maybe even earlier than that, to providing nuclear electricity that targets that should be included that are expressed as a minimum and that are demanding; expressed as a minimum because other renewable technologies may well have the power to provide our renewable energy capability to reach our desired CO2 reduction targets of 60% by 2050; and demanding because if they aren't demanding, they don't meet the requirements of PPS22 that they promote and encourage the development of renewable energy. If Cumbria and other areas try and get away with the bare minimum then they aren't meeting the requirements of PPS22.

I would like to address the issue of regional consistency as well. We have objected to the inclusion of the table 8.4 not because we don't agree with Cumbria's targets but because putting together the information from at least two different timescales is

confusing. Cumbria's targets take us to 2016. The other targets are taken from Power to Prosperity which goes to 2010. So putting them together in one table makes it look very unfair for Cumbria but it isn't very unfair to Cumbria. Cumbria's figures come from a much more recent study and go to a six year further on timescale so it is not that it is unfair to Cumbria, it is that we are ahead of the game and other counties are going to have to catch up. If we add targets to the joint Structure Plan and we choose minimum targets that are demanding we are ahead of the game. We are in line with PPS22 which those targets for other areas aren't at the moment but that is because PPS22 didn't exist when they were drawn up and the RPG revised the sustainable energy strategy and the Regional Renewable Resource Study will bring those up to speed.

THE CHAIRMAN: Yes, Npower?

NPOWER RENEWABLES: Just two brief comments. Firstly, in relation to the suggestion by the joint authorities that the targets might be indicative rather than binding, in terms of PPS22 there is a clear requirement that targets should be set for achievement by 2010 and 2020. The language is in terms of a binding commitment coming through, in our case RPG13, which in itself says that development plans should include provision to ensure that the regional and subregional targets are met. There would be a clear question mark if the joint Structure Plan didn't contain binding targets whether there would be conformity with PPS22 and with RPG13 as it is emerging. In terms of what those targets should be in the Access study, we have heard from the county representative that effectively the designated areas were left out of account. There must be some scope, we would suggest, within PPS22 for some renewable energy to be generated within the nationally designated areas and therefore if the Access Study has left those out of account it might be reasonable to assume that those targets should be a minimum and there will be a greater opportunity in some of the excluded areas.

MR GIBBS: On terminology, when we refer to RPG13 that refers to the established RPG13. If we are talking about the review of RPG13, then talk about it as RPG13 review.

THE CHAIRMAN: In RPG as it stands at the moment there isn't a table. That has been introduced. We will be looking at the designated areas later in question C. Mr Ellerby?

FLD: In principle we welcome the county authority and the regional assembly looking at assessments of the potential resources both at county and regional level. Our specific concerns in respect of the stage 2 phase of the Access Study which Mr Fairlamb referred to was that the level of detail which looked at capacity in the 1997 SPG - and that only focused on wind energy as opposed to other forms of energy - wasn't detailed enough. In particular there was a lack of explicit criteria against which areas of county landscape importance were either included or excluded from the areas of search and following on from that there was no explicit criteria used to assess capacity in relation to the setting of either the National Parks, AONBs, or WHSs which we believe is now in conflict with PPS22 paragraph 14 and indeed adopted RPG policy 13 ER2. Taking that together, we had problems with the deposit Structure Plan policies which appeared to contain a presumption in favour of those

developments with the inference that by being sited or located within an area of search that all the environmental constraints and capacity issues had been addressed. So it is looking at it in the round that we had a concern. We will talk about the revision of that SPG later and we would recommend that it is as wide-ranging and all encompassing as the regional study appears to be, i.e., it includes these land management measures and energy efficient measures rather than just focus on electricity generation.

THE CHAIRMAN: Taking paper 6 in the Access Study, in part 3, page 2, it does set out the criteria which was used at that stage for looking at areas of search. If I can run through those briefly it looks at urban areas, statutory and non statutory nature conservation designations, it looks at the SPG on wind which we have referred to already, and it did look at county landscape designations as well. My reading is that it did look at those things in the round but as Mr Fairlamb said earlier it was done at a strategic level not at a site specific, case specific level. It is a question of degree and that is the point you were making, Mr Ellerby. Ruth Chambers?

COUNCIL FOR NATIONAL PARKS: Three brief points. The first is that PPS22 doesn't require the subregional allocation of targets. It is very much left to authorities' discretion. Secondly, there is much ongoing work at the regional level. We have learned about two new pieces of work this morning, plus we have the public examination of the review of RPG13 in November. For the reasons that Sir Martin Holdgate emphasised I feel it would be premature to include a target in the joint Structure Plan. Finally, and most importantly from my point of view, unless the target is derived in a way which takes full account of the special character and qualities of the Cumbrian landscape, and for the reasons we have heard about from Mr Ellerby and others we would say that it does not, then we would support the joint authorities in not including subregional targets.

THE CHAIRMAN: I haven't heard the joint authorities saying that the Access Study didn't take the special qualities of the Cumbrian landscape into account. I think they are saying it was taken into account at a strategic level but I would like them to confirm that. Mr Blue?

ORTON PARISH COUNCIL: I would try to relate these targets to the spatial footprint involved and the practicality of implementing the targets we are talking about. Two bodies have put forward targets. NWRA have put forward a target of 243 MW and FOE have put forward 466 MW. If you translate these totals into a spatial footprint based on the Whinash development, which is proposing to install 27 turbines, that creates a corridor five miles in length and one mile in width. If you translate that to 2 MW on the figures provided by FOE that would be 233 turbines. Based on the Whinash development that would cover an area of 40 miles in length up to about a mile in width. If you exclude the National Park and AONBs which we are making the assumption that they won't be intensively used for wind turbines, it strikes me that you haven't got a lot of space left to put these turbines and I think it is going to put a great deal of pressure on those areas outside the National Park. The practicality of these targets I can't understand.

THE CHAIRMAN: We do come on to the question of footprint in relation to the next question. Yes, Mr Bamber?

GONW: I wanted to say a few words about the question of what PPS22 says about targets and what that means. PPS22 does say that where appropriate targets in regional spatial strategies may be disaggregated to subregional targets but it is not quite correct to say that because PPS22 says that Cumbria doesn't have to have a target because if the regional spatial strategy chooses to disaggregate the targets subregionally then it applies as part of the development plan. We have to bear that in mind. However, the reason we haven't taken a position on targets in the sense of objecting to their absence is that it is the status of those targets at the present time which is that regional spatial strategy hasn't been adopted so they may be subjected to change and I daresay you have noted that by the way you nodded. So that is a fairly crucial point as to how the question of targets is dealt with within the Structure Plan and you will take account of what has been said about the inconsistency of the table as it stands between figures which are targets and the Cumbria figure which is based more as an expression of potential which hasn't been refined in that way and the NWRA is doing that refinement as things go on. For the time being the target as expressed doesn't have sufficient status to be put as a number in the plan. The Structure Plan and district councils LDDs will have to pay regard to that target as it is developed because the Government is getting very concerned about this, as everybody should be, that national targets have to be broken down in some way otherwise they are not going to be fulfilled. For the time being that is a principle rather than being able to be stated as a number.

THE CHAIRMAN: At this stage you are saying the principle is that there should be a target in this plan because RPG is choosing to disaggregate and go down to subregional figures but the problem is the uncertainty about what that figure should be at the present time before the partial review has been heard?

GONW: Yes, we don't know what will happen. It may be that your colleagues who determine that will recommend that there should be subregional targets but the principle is that national targets have to be met at local levels. So the principle is that targets should be met whatever the numbers may be at any particular point in time.

THE CHAIRMAN: Yes, NWRA?

NWRA: I would like to make a few points based on what has been said about the inclusion of targets into the plan. Our view is that PPS22 gives clear scope for the inclusion of targets at this level by inclusion of the phrase that they can be disaggregated where appropriate to the subregional level. Our view is that there has been a valid resource study done at the level of Cumbria county and we are happy with the methodology, the content and the reporting of that study and we are happy with the targets that it comes out with on the basis of environmental and ecological and landscape considerations, that a target has been worked up within Cumbria based on resources and based on practical constraints and we are happy that that has been the case and therefore we are happy that this target is reflected both in RPG and in the joint Structure Plan. We feel there is a real need for targets for several reasons. One of the key principles of PPS22 is that planning authorities should encourage and facilitate the deployment of renewable energy technologies and we consider that the use of targets in this way is one of the key ways in which that can be best translated

into action and it facilitates a sense of ownership of these targets at the right level and obviously also down to the local level.

Just a specific point, one or two people around the table have raised the issue that technology in the renewable energy field does move on quite quickly. We are in accordance with that view and that's why the targets are not set out in any technology specific way because there needs to be the flexibility within the targets for different technologies to come to the fore, to fall behind, to experience developments, if you like. So we feel on all those counts the targets are appropriate.

THE CHAIRMAN: We have two developers here today, West Coast and Npower. Baywind are not here. After Allerdale, I would like your feelings as to how useful from your point of view the targets are. Mr Brunt has said he sees them as an important mechanism in terms of delivering the Government's overall target and mentioned spreading the ownership of a target down to a more local level but I would like to know if you think they are, as developers, helpful to you and also, as contributors, towards meeting the Government's objectives but before that, Mr Evans.

ALLERDALE BC: I shall not say anything in terms of the principle of putting targets into the Structure Plan but perhaps I could indulge in a bit of devil's advocacy. The Structure Plan is not going to have any more life than three years. Is there any point in putting long term targets into the Structure Plan? One would expect targets to have a long term profile and we are talking about 2010 and 2020 but the Structure Plan is not going to have any legal status after 2007. Would anybody want targets for three years?

THE CHAIRMAN: I will let Mr Fairlamb come back on that but I would have thought the Structure Plan is going to be relevant during the period in which district councils are preparing their LDDs and LDFs so it will have a clear role during that period. Mr Molloy, do you want to come back on the question of targets?

WEST COAST ENERGY LTD: We think it is very important that targets are set locally if only to give the local community some form of ownership. There would be a tendency, I have no doubt, that if there weren't targets set at the subregional level those targets would be left for other subregions to meet. If Cumbria didn't have a target it would be assumed that Cheshire would help out. The same argument will be replayed throughout the whole country basically. Nobody wants to take on total responsibility for the targets that need to be broken down to local level. If we leave it at the region and national level there won't be an ownership, there won't be a responsibility taken on by local authorities. From our point of view as a developer, we find targets very useful. It gives us a clear indication of what is required and where it is required.

THE CHAIRMAN: You are concerned about authorities playing pass the parcel basically if targets are not in the plans?

WEST COAST ENERGY LTD: Exactly.

THE CHAIRMAN: Yes, Mr Wigglesworth?

NPOWER RENEWABLES: I was going to make the point, chair, that unless the targets are disaggregated there will be a temptation to think that the provision will be made elsewhere and that individual counties needn't play their part. I think where the information is available and where the targets have been able to take into account environmental capacity and other constraints they are useful tools to developers in assessing what provision can be made at the subregional level. Where the targets are reliable and are based on environmental constraints they are useful for the industry.

THE CHAIRMAN: Obviously we only have wind developers here not hydro or biomass developers so we are restricted in that sense but it is interesting to hear that as key deliverers of the Government's targets, you are the guys who are going to deliver the kit on the ground, you feel that targets are going to help you. Can I go back to Mr Fairlamb.

MR GIBBS: I have one point to raise with the NWRA and GONW have their marker up. Just to clarify the position that the NWRA is taking about the status that you accord to the figures in your review consultational draft which is coming up for public examination, it seems to me you are saying because they are in the review they ought to be in the Structure Plan but of course we know that the review has not been scrutinised by an independent authority and it seems to me there is a danger of your committing yourself to the one without it having been properly investigated. It seems to me that the authority of that figure in the review of the RPG is very provisional subject to what happens at the public examination.

NWRA: We do accept that that is the status of RPG at the moment but we do also—

MR GIBBS: The review of RPG.

NWRA: Yes, sorry. To clarify, we accept that the status of the review of RPG is as yet to be subject to that process as you set out but, nevertheless, our view is that the review of RPG is a material consideration in the process.

THE CHAIRMAN: Mr Bamber?

GONW: This relates to Mr Gibbs' point and also to Mr Evans' point, indeed all the points made about targets. If this were a region that did not have Structure Plans then there would have to be some way found of apportioning the targets subregionally so one can extrapolate that remark to say that the regional spatial strategy target when set, when adopted, has to be fulfilled whether the Structure Plan expresses it or not.

THE CHAIRMAN: Anybody else on this subject of targets? We have covered most of the points I have and nobody else is indicating. Mr Fairlamb, if you could pick up on the points you want to respond to, I want to come back to this point raised by Ruth Chambers, Council for National Parks, as to the extent to which the Access Study did look adequately at the environmental background in producing the figures it did.

AUTHORITIES: In terms of the Access Study, it made assumptions in terms of landscape capacity for development and some recognition at a broad landscape character area in setting an area, that there would be some effect of setting designated areas but it certainly didn't go into great lengths and details about individual sites and

developments again due to the practical difficulties of that. That highlights a point that if we are to have targets that are absolute and robust then that is the level of analysis that should be undertaken but of course there are great practical difficulties in undertaking a level of analysis like that. That was one of my key points because there are a number of points which have been made on the issue of targets, which really do bring into question the current situation. Certainly there are issues in terms of the consistency of the targets used in the RPG that come from different sources; the base line is different; the period of projection is different; and also the methodology for how those figures have been derived is different.

We would also say that if they are to be binding we have difficulty with the issue of those being automatically revised up, especially when wind turbines are the technology which is most likely and the effect that could have on the very high quality of the landscapes in Cumbria. The two Authorities have objected to the table 8.4 in RPG because of those concerns. I take Mr Gibbs' point about the status of that table at the moment in actually not being fully tested through the RPG process. Certainly we feel that the access study is a useful exercise but it was very much indicative. It did not really have ownership from local communities. There was some consultation undertaken with stakeholders in the preparation of that study, but certainly given the response we have had to the figures from the local community, they are not certainly signed up to the figures in that access report. There are obviously great concerns about the development that could encourage.

I think finally I would say that in taking all of that together, our position is that the targets should be best set out as a regional target, and again it should be very much seen as indicative, and it should be monitored through perhaps the regional strategy for renewable energy, and I would also say if we are to have indicative targets for renewable energy development, we should also have indicative targets for energy conservation as well, because again we feel we need to work at both ends of the scale in terms of the energy debate and actually try to reduce the requirements for energy as well to provide renewable energy as a form of technology.

THE CHAIRMAN: Mr Brunt, do you want to come back in?

NWRA: I would just like to make a few brief responses to the comments Iain has made. We do not feel there is a need for the level of analysis within this study to go down to the sites specific level. Clearly this study and this level of targets, level of renewable energy consideration, is not the lowest level. The intention is that the targets at the regional level feed down to the sub regional level and then to the local level. So we feel the setting of appropriate sub regional targets and the use of appropriate sub regional study provides the context within which more detailed local studies and targets can be developed.

On the issue of consistency within the region, again we accept that the situation with the sources for the targets is not ideal. However, we do not feel it is a fundamentally problematic issue to have some targets that have been the product of an updated study from within that particular sub region but are internal to that sub region. We don't see that as an insurmountable barrier or something that causes disproportionate focus on a particular region.

With regard to the issue of revising targets upwards, there is clear reference to that within PPS22, paragraph 3. "Targets should be revised upwards if they are subject to resource potential and environmental capacity". So it is not an absolute requirement, and it does reflect national guidance.

The regional targets will be monitored at the regional level. That is not to say that all the monitoring work will take place at that level. Clearly the monitoring of sub regional and local targets will need to feed into that process.

Just on the issue of targets for energy efficiency, we would agree there is a need in the longer term for such targets, again at the regional and sub regional local levels. Unfortunately it has not been possible to undertake the required work to derive such targets within the context of the revision of RPG at this stage, but it is the intention that we will look at that with the advent of regional spatial strategy proper, and also just to note that there have been national targets for renewable energy since round about 2000/2001, and reference to energy efficiency targets and energy conversation targets is only just coming through now with the Government's energy efficiency action plan.

THE CHAIRMAN: I would like to draw this to a conclusion now and then move on, but perhaps a brief comment, Mr Hubbard.

NATIONAL TRUST: I don't want to reiterate everything that is in our written comments, you have got those before you, but there is one element in that which relates to built heritage and also the concern for us in terms of the technical report we have been talking about.

FLD: Just for the avoidance of doubt, we did not request site specific landscape capacity assessments. What we asked for was the areas of search identified in figure 3.2 in the technical paper be subject to the proper recognised landscape capacity assessment using the Landscape Institute's guidelines for assessment. We were not being as parochial as to suggest that a county wide study should look at site specific, but we recommended the areas of search themselves be subject to recognised landscape assessment guidance.

THE CHAIRMAN: I think that actually leads quite nicely on to the next question, which is: "Is the plan's approach to renewable energy compatible with draft PPS22, and would the identification of broad areas of search assist in planning for renewable energy in Cumbria?" I think Mr Ellerby's comment is helpful and also the comments from Mr Blue in terms of what is the footprint. Is there a need for a spatial dimension or element in the plan?

It was interesting in reading the earlier version that the two Authorities changed their approach quite radically from one which had areas of search shown on maps in the plan to one which reverted from that and listed out policies and principles. It was probably done in response to PPS22, key principle 5, which basically tells planning authorities not to try and do the job of developers and look at technical matters. I think that is a fair assumption.

The Access report obviously was an evaluation of technical matters, although it obviously brought some broader planning criteria on landscape etcetera into account as well. It has already been mentioned that there is a review of the SPG taking place, and I think the two Authorities' further statement says that will provide a steer to developers on the scale of development appropriate in different landscape character areas. It does that now, in my reading of it, and I think the intention is that will be the case in the future. Is that correct, Mr Fairlamb?

AUTHORITIES: Yes, you are correct in making those assumptions on the statement.

THE CHAIRMAN: Both the assembly and South Lakeland support a degree of spatial guidance for renewable energy in the structure plan. The Assembly said in their further statement that the removal of the maps they regard as "a wasted opportunity." Quite a strong statement, I think. "They support the use of maps in the plan, showing indicative areas, with a proviso that developments outside those indicative areas, which comply with policy, can also be considered on an equal basis." So it is not saying in or out. I think your point is show spatial distribution but have criteria policies as well.

I would like just to refer to PPS22, paragraph 7, which I think allows for the kind of approach the Assembly are asking for. PPS2 refers to three elements to be taken into account in planning for renewable energy at regional level. I think this includes sub regional and county level as well. Firstly that you develop targets, secondly you develop criteria policies, and thirdly you identify broad areas.

I think maybe a bit of confusion has crept in, although maybe that is in the drafting of the PPS as well perhaps this has arisen. The PPS22, paragraph 7 is quite clear that "any broad areas must be identified on the basis of criteria policies. It is equally clear it should not be identified on the basis of technical matters." That is perhaps the wrong distinction between the two, but it is clear the PPS does not want plans to identify areas on let's say wind speed. That is specifically mentioned here. But it is open to identification of broad areas which take into account the policies in the plan.

This seems to me, looking at the plan, that in a way you have kind of gone from one end of the spectrum to another. You had broad areas, clearly identified. In figure 3.2 in the access report. 6 has been referred to, which does show areas of search etc. So you have gone from that end of the spectrum to the other end where you have nothing at all in, and it seems to me, in my reading of PPS22, that you are encouraged to actually have a spatial dimension in the plan.

I put it to you that possibly that could help in the evaluation or the preparation of a target. Firstly, it would help pick up Mr Blue's point that targets need to be able to be related to something on the ground. What does it mean? It needs some spatial reference. It could help in the assessment of the target as well. I would like to go to Mr Fairlamb, just to see if you agree with my interpretation of PPS22. You do not have to, of course. Then we go to Mr Brunt later. Whether in fact there is something missing now in the plan, now that you have taken out the maps.

AUTHORITIES: Thank you, Chair. I think there is some ambiguity in paragraph 7 of PPS22 because it actually refers to regional spatial strategies in undertaking work

at a sub regional level. We certainly don't feel, under the current structure plan proposed changes that we have left a gap, because what we have now presented is clearly criteria based policies which steer the right form of developments, and what we are now suggesting is that we prepare a supplementary planning document to help interpret those criteria.

A key element of the supplementary planning document would be landscape character areas, which are defined in technical paper 5, Landscape Character. The intention now is to give an indication of the scale of developments which would be acceptable. I am referring purely to wind turbines because that is the area of greatest development interest and pressure and to give an idea in terms of the scale of wind turbine development that would be appropriate in each of those areas. You can draw some geographic reference to the scale of development which would be more likely to be acceptable around the county.

We had difficulty with the areas of search approach because what we have found in the end was actually they did not give the level of certainty that was anticipated because there were issues in terms of developments meeting criteria outside and would they then be acceptable. We feel now it is more appropriate, following PPS22, which says our main requirement of a development plan is a criteria based policy to concentrate on that and establish whether those criteria are appropriate and also relevant to the various technologies.

THE CHAIRMAN: So what you are saying is coming out of the SPG process there will be some kind of a spatial steer in that document, but you would not want to reinstate that into the structure plan.

AUTHORITIES: That is correct, because it is not absolute. It is indicative. I think once people see maps in structure plans, they assume they are absolute, but the practical reality is that these areas are very much indicative and require much further assessment on a case by case basis, and the best way to determine a development is on criteria in the actual policies of the structure plan.

THE CHAIRMAN: What time-scale would you put on your SPG work. When would that be completed, or when would you be going out to consultation?

AUTHORITIES: If the Panel consider there is value in preparing that document, then we would seek to prepare that before the adoption of the actual structure plan itself.

THE CHAIRMAN: Obviously it would include consultation in the process as well.

AUTHORITIES: That's correct.

THE CHAIRMAN: I would like to ask Mr Brunt, but before that Allerdale.

ALLERDALE BC: It just follows on from what Iain has been saying really, and just from a local Planning Authority point of view, we would find areas of search useful in the development control process, and in that respect we were a little disappointed they have been deleted from the structure plan. But I do take Iain's point that there was a

question mark over the impact, the result, in terms of policy outside the areas of search. Perhaps referring back to a little comment you made, Sir, if the areas outside are actually considered on an equal basis to those inside, there is no point in having them. You do need to differentiate in some way between those inside and those outside.

THE CHAIRMAN: Yes, that actually was not my point. It was a point I was reflecting from the Assembly, but I am sure they can come back on that. You would be happy with some general indication. I think maybe one of the problems with the map, figure 3.2 in the technical paper 6, is that it can be related back, maybe with some difficulty, but it can be related back to an ordnance base ultimately. It is not maybe as indicative. Would you prefer something that is more indicative, not so much a line on a map but a symbol or something like that? Would that be helpful?

ALLERDALE BC: It probably would not, in practical terms, no. It would not give communities any confidence as to where renewable energy schemes would and would not be normally acceptable. I would wish any areas of search to be reasonably site specific. Of course there is always room for debate, and that debate perhaps should take place at a local level if there is a conflict of opinion as to whether a particular site is in or out. But I think having a symbol on a map would not help much. There would have to be fairly strategically specific areas.

SIR MARTIN HOLDGATE: I have considerable worries about producing maps of potential search areas for some of the reasons which have been enunciated already. I think the danger is that they appear hard and fast, whereas the application of criteria tends to give you a sequence of relative weightings in your judgmental process, and the result of the maps is that they mislead both communities in fearing that they face developments that in fact they do not face, and they may mislead developers in indicating that certain areas may be appropriate when in fact the prospects of a development ultimately succeeding there may be small.

I think the problem with the maps is that they are bound to be based on the overlaying of spatial patterns that represent certain judgments about factors. Incidentally, with all respect to PPS22, in the wind energy field how on earth could anybody produce a search map that did not have ranges of wind speeds as almost the starting point, which is what ETSU, the Energy Technology Support Unit, did when they produced national maps of wind energy potential many years ago. It is bound to be almost your starting point. What is the nature of the resource and how much of it is there in a particular area?

You then overlay, as was done in the maps you have been referring to, Chairman, certain constraints like designated areas. But, as I think yesterday and I suspect all your debates have shown, and as PPS22 emphasises, it is rare for constraints to be absolutely absolute. Getting the right constraints with the right weightings to expressing graphic form in a map is going to be exceedingly difficult. Yesterday, for example, there was a wide agreement that potential for designation -- and I am not only talking about candidate European sites in the process between the judgment that they should go forward and their approval but others -- was a material consideration.

Impact on landscape outside a designated area that might have impact within the designated area was also a material consideration.

How do you map the material considerations in this in and out kind of pattern which a map is bound to be? I would support the joint authorities in excluding the map from this particular document, but in emphasising, nonetheless, the criterion based 'approach, which is what they have done.

WEST COAST ENERGY LTD: I have experience of actually designating areas of search and then implementing that designation in terms of previous role in Local Authority. Basically what I found is that areas of search no doubt encourage or antagonise local authorities into a great deal of objection as soon as you put a line on a map.

My experience of actually implementing areas of search is that quite often you hear more applications approved outside the areas of search than inside the areas of search. It strongly led me to believe that the designation of such areas basically has very little use from a planning point of view.

As a developer, in identifying areas we would more or less go through the same exercise as the local authority undertook in terms of areas of search. I am very much of the opinion that the use of criteria is far more important than trying to identify specific areas on a map, and I would support the removal of areas of search from this structure plan and virtually any structure plan.

EDEN DC: We have heard from two districts in favour of the reinstatement of areas of search. Eden District Council is opposed to this reinstatement. We asked for them to be removed and we welcome the joint authorities having removed them; basically because we feel they give too great an encouragement to developers. In the Eden context particularly, most of the areas of search appear to border the Lake District or Yorkshire Dales National Park. It was also felt the Countryside Agency's countryside character initiative detailed many characteristics that imply that the Orton Fells, the Howgill Fells, Eden Valley and South Cumbria Fells would not lend themselves easily to wind farm development because of their individual landscape characteristics. It was also noticeable that when the areas of search were detailed, again within the Eden context the area for three megawatt plus, three megawatt or less, were co-terminus. There was absolutely no difference between the two, which tended to support the final point that the designation of areas of search gave rise to alarm in local communities, sometimes perhaps unnecessarily, but alarm nevertheless, and we would, therefore, very much support a criteria based approach in line with what the joint authorities and Sir Martin Holdgate have said.

COUNCIL FOR NATIONAL PARKS: We very much welcome the use of criteria based policies as the building blocks within the joint structure plan and believe that is very much in line with PPS22. We also welcome the proposed review of SPG and that being done from a landscape character assessment as a starting point. We think if that is able to advise on the acceptability of scale of different developments, then that would be very helpful in the different landscape character type areas, and we think that would be the right way to go. It is more mindful of landscape character than the

areas of search proposal was. For that reason we support the joint structure plan authorities on this initiative.

THE CHAIRMAN: I want to bring in the developers again to check whether they would feel that the SPG - I am sure you are familiar with the existing SPG - review along the lines suggested would be helpful. It is a slightly different approach to the areas of search, obviously, but I would like you to come back on that in a minute, but could I take Mr Bamber first.

GONW: I would like to point to the first key principle in PPS22, which is in paragraph 1, which says that "renewable energy developments should be capable of being accommodated throughout England, in locations where the technology is viable, and environmental, economic and social impacts can be addressed satisfactorily". That last clause of course is what leads you into criteria based policies.

On the question of paragraph 7, I think we would agree with Mr Fairlamb's interpretation, which is that it is saying that regional spatial strategies can identify broad areas. That really gets you into envisaging circumstances where the regional spatial strategy might wish to do that. For example you might take a view on which estuaries are best suited for tidal turbines for hydrological or navigational reasons or whatever. You might take a view on which agricultural areas you would not wish to see existing practices supplanted by bio-mass crops. You might pay reference to grid connections for developments generating large amounts of electric. That kind of thing. So that is what one means by broad areas, in my view, and then you get into criteria based policies at a more local level.

KIRKBY LONSDALE CIVIC SOCIETY: I hope you forgive me if I am just a little parochial in what I have to say, because I represent a relatively small organisation, Kirkby Lonsdale Civic Society, of which I am the chairman, and obviously I do not have the expertise of many of the professionals around the table. Having said that, we have taken a considerable amount of interest in the whole process that has led up to today. We had very considerable concerns about the inclusion of the maps in the original documents that were issued; largely because they would seem to be based on a set of criteria which were largely technical; wind, proximity to grid, proximity to towns, that kind of thing. We felt that in fact they had very little relevance, or they took very little account of the importance of, for example, cultural and historical context of a place like Kirkby Lonsdale.

Included in the areas of search was the whole of the Lunesdale Valley, stretching from the Howgills down to the boundary of Lancaster, including the whole of the Middleton Fells, (inaudible) Fells, and of course within Kirkby Lonsdale you have Ruskin's View. I know the guidance told us not to talk about individual views, but this is a sociological view. This is a view of great historic importance to Kirkby Lonsdale, and of the 10 to 20,000 visitors a year, many of them go to look at Ruskin's view, which actually looks up that entire valley and includes the entire range of hills all the way down on the eastern side.

We, therefore, very much welcome the removal of those maps and the inclusion of reference within the revised document to economic factors, for instance, and tourism,

on which Kirkby Lonsdale very clearly depends very substantially for its prosperity, which I think it enjoys currently.

Therefore, I think basically I would agree that one needs to have some sort of criteria, but certainly how you arrive at areas of search would still be a matter of concern to me, because you have got so many multifaceted overlaid themes which you have got to take into account, and I think, therefore, the maps in themselves don't serve any greatly useful purpose.

THE CHAIRMAN: Mr Blue, you raised this issue of footprints. Do you want to give an opinion on the value of broad areas of search? Actually we are not talking about areas of search; we are talking about broad areas.

ORTON PARISH COUNCIL: I think I very much agree with most of the speakers. These broad areas of search are far too general. I was quite horrified to see some of the areas that were included in the search areas. Presumably they would have been filtered out if applications came in. For instance -- again I am going to be rather parochial -- there was the limestone paving areas on Alton Scar entirely included in the search area. We have already talked about other areas besides.

I have come across developers many, many times and when something is zoned for development of a certain description, I have got to say developers do treat it as fair game. For that reason, I did not think the areas of search were helpful at all.

NWRA: I would just like to make a series of brief points based on the description and our view of areas of search in this context. Clearly the implementation of appropriate criteria is the priority. PPS22 makes that extremely clear, and we support that. Having said that, we do still feel there is a potential role for areas of search. We do not view them as necessarily having to be absolute in terms of if an area falls within the area of search, then development will automatically go ahead. I don't think that is their role at all. I think it is more to indicate broad areas of resource potential and general suitability based on whatever constraints and filters it is appropriate to apply. At the same time I don't think they are meant to be exclusive in that any area that is not within an area of search is automatically excluded from development. It is not that role for areas of search to play.

I would agree there would need to be some changes to the assumptions and filters that have been used to generate the areas of search for this plan in order for it to comply with PPS22. Having said that, we do not necessarily insist or strongly feel that the areas would have to go within the plan. Having heard Iain Fairlamb set out the planned review to supplementary planning guidance, we feel quite comfortable with the possibility of the areas or the approach being taken within that document to provide an appropriate approach to geographical aspects of development and the interpretation of criteria.

One problem with that would be that the review of SPG, and SPG itself is not specifically referred to as it stands within the structure plan document, so we would wish to see that reference made if that was going to be the approach taken.

Just a couple of final points. We would also really want to see SPG and possibly consider looking at technologies other than wind in order to be comprehensive and to give that message to local communities and other organisations, that this is not just about wind power, although clearly that is the most significant single technology, but it may change over time. Also the SPG approach does inherently cover the flexibility required to make revision straightforward and relatively quick based on any changes in policy context and technological development. It would be a relatively simple matter to update SPG as compared to revising any areas or maps contained in the structure plan.

THE CHAIRMAN: Mr Bamber was saying previously that in his reading of PPS22, it would be appropriate for RSS to identify broad areas, and he made some examples; barrage schemes, bio-mass areas, grid connected areas, I guess maybe some key wind areas as well possibly. At the moment, in the partial review, on the key diagram you have not shown anything in relation to renewable energy. Would it be your intention to do that in the future?

NWRA: It is one potential reading of that paragraph that such broad areas could be set out within RGS. I would also suggest it is not the only interpretation. It is slightly ambiguous in saying that the criteria based policies should be clearly set out in RSS, and then that those criteria should go on to be used to identify broad areas of search. But it does not specifically or explicitly say within RSS that could be undertaken at a more sub regional level.

I think our view, given the need for decisions to be taken as close as possible to the communities that they impact upon would be that in principle those areas should be generated or derived through a more local sub regional approach where possible, although we would not rule out certainly working in partnership with regional partners and partners across the sub regions, to look at this issue in more detail.

THE CHAIRMAN: I take it from that you would not expect to put things in the key diagram unless they come as a bottom up from local plan making exercises?

NWRA: That is our favoured approach at the moment, yes.

THE CHAIRMAN: I would like a quick response from the two developers interest about the SPG and the process the two Authorities are going through. Then I will ask Mr Fairlamb to round off from the two Authorities' point of view.

NPOWER RENEWABLES: I think we would still have concerns if the areas of search were defined through SPG. We would recognise that clearly SPG would be more flexible and would be more capable of taking on board technological changes and changes in local circumstances. But there is still a danger, in our view, that they might be seen as indicating the capacity for provision as being confined within the areas of search identified in the SPG.

When developers come along and look at the 20 or so factors for identifying suitable sites, it is almost inevitable that some of those factors will be against a particular location, and therefore, there is a danger that identifying those areas won't meet the

provision unless you then move outside those areas of search and identify the possibilities.

I think as Mr Molloy says, the industry itself will identify suitable areas, at least of search, through its own application of criteria, whether they be technical but also environmental. I think they would remain dubious as to whether SPG would be useful. They would possibly be useful if they were developed in a tri-partnership with the local community, the industry and the planning authorities, so that all of the constraints and factors would be taken into account. But I think we are then getting down to a site specific level in terms of detailed assessment, and they would have difficulty in doing that in technical terms.

WEST COAST ENERGY LTD: I think I would agree with that. From our point of view, obviously the end product, almost the end product, is a planning application. That application is determined by the local authorities, who will have their criteria. We will have to match up with that criteria.

We think we are probably the most appropriate people to identify the sites. We would start on the basis of a broad area of search would be the country, and then narrow it down from there. I mentioned before that I did have previous experience of areas of search. I was responsible for identifying the areas of search for mineral extraction in Greater Manchester. That was quite a difficult task. If I was to approach that again, I would basically say in terms of open cast coal, your area of search is the coal field and then for that criteria take the line from that. It would be exactly the same with wind resource, just to narrow down the renewable, your area search is anywhere where the wind blows, and then take it from there.

THE CHAIRMAN: I think the SPG as it stands goes a little bit further than that. It provides some guidance, some steer. The two Authorities' intention is still to provide some degree of spatial steer towards developers.

AUTHORITIES: Just to sum up very briefly on the key points here in answer to the question face; we feel the policy and approach set out in the structure plan is very much in conformity with PPS22 and the regional planning guidance. On the issue of areas of search, I think in the discussion we have highlighted the difficult, practical application of areas of search in the development plan itself because of the definitive status of the development plan but actually the difficulty in achieving absolute boundaries.

Referring to PPS22 there is a very interesting contradiction in that in terms of criterion one under the key principles refers to "where the technology is viable". Clearly the Government feel that local authorities are not in a position to determine whether a site is viable using technical criteria, and they very much feel it is a role for the development industry to establish the best sites.

In terms of taking forward the structure plan, clearly the supplementary planning document, which we referred to in our statement, has a key role to play. That will refer to the geographical landscape character areas and give some state to the scale of developments which are appropriate.

A suggestion was made by the Assembly about broadening that to cover more than wind turbine development. We feel that wind turbine developments have raised the biggest issues in terms of interpreting the landscape's capacity to accommodate that form of development, and very much there is a need for further guidance to inform districts in making decisions on those applications.

In terms of policy R44, there are further criteria dealing with very specific technologies in that policy, which we feel give adequate steer to other technologies other than wind turbines, and we feel that is adequate for the structure plan to leave it at that level of detail.

In terms of the SPG, a clear message is coming through that there needs to be consultation, and that will be incorporated within the preparation process.

THE CHAIRMAN: Can we turn now to question (c), and the next two questions are focused more specifically on policies R44 and R45 in the plan, that is pages 63 to 65. Also relevant is policy ST4. Question (c) concerns the size of wind turbines which will be treated as major developments within the National Park; that is policy R45. That policy specifies a certain number and size of turbines which will be treated as major developments under ST4 if they are put forward within the National Park. The question here is does this go beyond the scope of national guidance? I think policy R45 is supported fairly generally - the Assembly, Friends of the Earth and CLAREN. One organisation that felt that more protection was required was FORCE, and I wonder if I could bring in Sarah Hemsley-Rose.

FORCE: We, in our response to the joint authorities, suggested that where PPS22 was suggesting that small scale wind energy developments should be permitted in national parks, and R45 brings that in with an attempt to restrict, we felt, size, FORCE were concerned at the prospect of major wind energy development in the National Park and were hoping to see a little more firmness to make clear that that would not be desirable.

THE CHAIRMAN: Firmer than the policy as a whole, but in particular firmer than the description of the particular sizes of turbines that are there at the present time?

FORCE: Yes. We felt that whilst small scale development may be appropriate in some areas of national parks and AONBs, we ideally would have liked to have seen specific wording excluding major wind energy development in national parks.

THE CHAIRMAN: Can I put this point to the two authorities perhaps to begin with and say the wording that exists at the moment, in your view is that describing the ceiling of major development as far as the Park is concerned? Is that your kind of bottom line as far as scale is concerned? Katrina Rice.

AUTHORITIES: Policy R45 states that in the case of wind energy developments, the development of more than one turbine or a turbine of a ground to hub height of 25 metres or more will be treated as major development. It would therefore be considered under policy ST4 in the strategy chapter. So basically we are saying that anything above that threshold will be dealt with as major development, yes. In the deposit plan we did, as FORCE were suggesting, say that anything above that threshold would not be permitted, but we received objections to that from the GONW

and NWRA and accept, given PPS22, that we couldn't be as negative in terms as that, so that is when we decided to link it to the major development policy ST4.

THE CHAIRMAN: Anybody else wish to speak about this particular policy and the scale ceiling? Yes, Ruth Chambers from the Council for National Parks.

COUNCIL FOR NATIONAL PARKS: Just to say that we support the National Park Authority in making the link with policy ST4 and that we are happy that R45, when explicitly cross-referenced to ST4, will give the level of protection that is necessary for large scale wind and other renewable energy proposals within the Lake District National Park. On a slightly separate matter, we also support the National Park Authority in its definition of 25 metres for a single turbine as constituting major development and therefore support the threshold that they have identified. We don't think that that goes beyond national guidance. National guidance gives no particular interpretations of major development, but we think that given the sensitivity of the Lake District landscape, that that threshold is appropriate in this circumstance.

THE CHAIRMAN: Mr Ellerby.

FLD: Really just to reiterate the last speaker. We feel the National Park Authority has got the balance about right in this. This issue was actually debated at the local plan inquiry back in 1996. I appreciate that is quite a long time ago, but 25 metres in 1996 is still 25 metres today. It is interesting if you look at the threshold in schedule 2 of the environmental impact assessment regulations, accepting it has got a slightly different purpose, but that threshold in respect of scoping, to see whether an environmental impact assessment is required for wind energy developments, refers to 'more than two turbines or a hub height in excess of 15 metres'. When that first came out I think a lot of us were quite surprised that that did seem quite a low threshold, and I think the reason for that is that what we need to remember, when you look at the landscape character assessment guidelines, it's the movement of the blades which catch the eye, and that is a significant feature of wind turbine developments which in effect justifies a restrictive or a slightly smaller threshold than you would apply to other developments, which obviously do not move as much in the landscape.

THE CHAIRMAN: Elizabeth Bruce from CLAREN. I think you felt the threshold was too restrictive?

PROJECT CLAREN: Two-fold really. The Project works very closely with community groups across the county, and it comes under two different scales. We have a lot of interest within the National Park from schools who would like to look at putting in smaller turbines, and in some ways I would welcome this and hope that these smaller turbines will maybe go through more easily, whereas we have had some negative feedback in the past, or people are more loathe to even take it to planning because they feel that it may be sort of negatively looked at. On the second one, we also do have quite a reasonable amount of interest from community groups within the National Park who would like to look at a community owned wind scheme which can be of varying scales, and I feel that there should be scope for a community that is genuinely interested and would like to see the benefits and be able to take this project forward, where there are real benefits to that local community, without it being excluded straightaway, and I would like to see a little more flexibility to allow the communities to look at the benefits for themselves.

THE CHAIRMAN: Are community groups generally looking to develop turbines larger than this particular threshold?

PROJECT CLAREN: It is very much smaller scale as in 15 kw turbines, or it is looking at larger than that scale, just to make it economic and worthwhile for the community group to look at setting up a company that would produce revenue that is worthwhile, they would need to look at something larger than this.

THE CHAIRMAN: One question that struck me when I was reading the two authorities' further statement was, and Mr Ellerby has brought this out already, that this size specification was worked out about 8 years ago now, and I wasn't sure whether people actually make turbines this size anymore, whether it is a relevant threshold. I am sure the industry can advise me whether in fact it is relevant from that point of view. Certainly I am aware that companies make the smaller turbines of the kind that Elizabeth Bruce is referring to, but is this a relevant threshold figure from an industry point of view, quite apart from the relevance in terms of landscape? Mr Molloy.

WEST COAST ENERGY: To answer your direct question, as a developer we probably wouldn't get involved in turbines of this scale. We wouldn't consider it to be commercial. It is not really turbine height that determines the power of the turbine, it is turbine blade diameter, and that blade diameter basically can be thrust as high or as low as possible. Maybe it might be worthwhile looking at that element rather than merely the height of the turbine. My concern is in the definition of major development. To have what we would consider very small turbines to be classed as major development is going to cause us considerable problems. In ST4 it basically says that a major development is defined as a development that has significant environmental effects and is more national than local in character. If I can then refer to—

THE CHAIRMAN: I wonder if I could just cut in here because I think I might come back to this on the next subject. Here we are just really focusing on the definition in terms of the National Park, whether this is an appropriate threshold for the National Park. I have got that point on my list to bring up later on. Is your point to do with the National Park specifically, or is it to do with the application of major development?

WEST COAST ENERGY: It is to do with policy E36, which is county landscape areas.

THE CHAIRMAN: Right. Can we take it later on? I just want to focus on this threshold within the Park itself. Do you have anything to say on that? Do you think this is an appropriate – two turbines maximum, 25m to hub – is that in your view a reasonable threshold for the Park itself?

WEST COAST ENERGY: No. I would much rather prefer to work on the basis that the development in question is viewed on its own merits and whether or not it compromises the reason for the National Park's designation, so I wouldn't be in favour of setting a strict limit of in this case 25 metres. I think each has got to be determined on its merits.

THE CHAIRMAN: I will actually bring in Mr Brunt in a moment, because I think he made a similar point. I need to correct myself. I am getting confused with the EA regulations. It is one turbine 25m, not two. I was confusing the two things there. Jill Perry from Friends of the Earth,

FOE: We are often involved in supporting community groups both inside and outside the National Park that have made renewable energy applications, and we do feel that this is just a little bit too restrictive within the National Park. It is possible to have a community owned scheme of two turbines that will be larger than 25m that will be perfectly capable of being accommodated within some parts of the landscape of the National Park, and equally one turbine that is larger than 25m, and the idea that this must therefore be more national than local in character is not the suitable term of reference for a community owned scheme.

THE CHAIRMAN: Mr Brunt, if I could bring you in. I think in your further statements you put forward an alternative way of dealing with this, which I think you have probably drawn from RPG partial review, paragraph 8.59. This is talking about designated landscapes or ecologically significant environments, and it says: "Proposals should be drawn up for renewable energy schemes in those areas where it has been demonstrated that the objectives of the designation of the area will not be adversely affected". And I think in your further statement you were saying that that should be if you like the criteria for the Park rather than putting in a specific number of turbines and a specific hub height, is that correct? Could you just tell us what your view is?

NWRA: Yes, that is broadly correct. It is certainly our view that the approach taken in this policy is fine, and we support the policy with the exception of the final sentence, which we just feel is unnecessary given the criteria set out in points 1 and 2, and it just seems to be fairly arbitrary, and I would support the comments made by both CLAREN and Friends of the Earth that there may well be cases within the National Park area where this absolute sort of quantitative figure may not be appropriate, and it may be appropriate for other scales of developments, and that that in any case should be determined by the application of appropriate criteria based on whether the proposal does have significant impacts on the nature or the designation of the areas in the National Park or Areas of Outstanding Natural Beauty. That would be consistent with PPS22 and with the other policies proposed in both RPG review and the joint structure plan.

THE CHAIRMAN: Mr Hubbard for the National Trust.

NATIONAL TRUST: Basically to say that obviously we have a very considerable interest within the National Park. We have also applied for planning permission for a wind turbine within the National Park. We are I think fairly comfortable with the definitions that the policy has set out in policy R45. We did speak to you briefly yesterday about our forthcoming approach to the whole valley plans within the Park, and whilst there is nothing developed on that which leads me to say that something will be coming forward, I can conceptually see a situation where if there are energy needs for serving a small community, we may actually want to look at wind turbine development to do that. Nonetheless, I am comfortable with the view that more than one turbine 25m in height should actually receive some greater consideration in terms of its impact. It doesn't mean that it is precluded; it means it has to follow a much

sterner test through being treated as a major development, and I think the Trust would be happy to do that if it felt it had a case to make.

THE CHAIRMAN: Ruth Chambers of the Council for National Parks.

COUNCIL FOR NATIONAL PARKS: I would be quite keen for us not merely to repeat PPS22, paragraph 11, on the advice on not compromising the objectives of the designation of the area. We have that advice in PPS22, and the government is quite clear that we shouldn't merely reinstate that at the structure plan level. Secondly, generally across the other national parks, in our experience some of the national park authorities themselves are promoting single turbine developments either at outdoor education centres, or, in the case of Pembrokeshire, even to power an electric fence along the coast path, some quite innovative uses, and generally they are falling under this 25m threshold, quite well under. And then finally hopefully to reassure the representative from project CLAREN, the types of proposal she seems to be advocating, and obviously everything always needs to be looked at on its own merits, but that type of scale we would say would probably be seen as acceptable in terms of PPS22, paragraph 12, which gives very clear advice on the scale of development proposals that should be considered acceptable in national parks, and the government is very clear that small scale developments should be permitted within areas such as national parks, and we would say that hopefully that type of project, subject to locally specific considerations, would be able to come forward, and we don't see the policies that the joint structure plan authorities are advocating would hinder that.

THE CHAIRMAN: When you say 'that kind of project', you mean a project which could include a wind turbine up to 25m hub height?

COUNCIL FOR NATIONAL PARKS: Absolutely, or even a collection of smaller developments as well, and it obviously needn't be wind, but if those sorts of development proposals are coming across some of the other parks and are being looked at favourably, obviously, notwithstanding any local inputs that might need to be considered, and the government does see national parks as acting as models for the sustainable management of the wider countryside, and that is models across the board, it is not just in planning or housing, it should be in renewable energy as well, and we think PPS22 gives a very positive steer to national park authorities to look at those kind of small scale developments that would be appropriate with their character and special qualities.

THE CHAIRMAN: Anybody else want to speak on this question before I go back to the National Park Authority? Katrina Rice.

AUTHORITIES: Just to refer to paragraph 12 of PPS22 which states that: "Local authorities should set out criteria based policies which set out the circumstances in which particular types and sizes of renewable energy developments will be acceptable in nationally designated areas," it further says that: "Care should be taken to identify the scale of renewable energy developments that may be acceptable, and that small scale developments should be permitted." By defining what we term as small scale, we feel that we are fully in accordance with this paragraph. Paragraph 20 of PPS22 also states that: "Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects," so again we felt that we had to be certain about

what thresholds we were setting in the structure plan for wind turbines within the National Park.

Referring to specific points that have been made, obviously where a community has satisfied policy ST4 community schemes, then they would be approved. We are not saying that anything above this threshold would not be approved. We also have to think that not only wind community schemes are going to come forward, but there are also bio mast schemes, hydro-electric schemes, which may not necessarily have the visual intrusive impact which wind schemes could have, and again the policy is fully in support of such schemes. In landscape terms the height threshold is about the impact on the National Park, so it is the height which is important rather than the output, and obviously as wind turbine technology moves forward, smaller height turbines will be able to have bigger outputs, as we are witnessing at the moment. Again, just to emphasise, there are alternatives to wind within the National Park. We shouldn't concentrate only on wind. And as a National Park Authority we feel that we do promote other alternatives to wind, particularly through our sustainable development fund which we actually fund schemes, including bio mast schemes and promoting sustainable development in particular. And again, the actual threshold, we do not think it is an arbitrary threshold. It has been through a local plan inquiry, it was set for specific reasons, and we wouldn't regard it as arbitrary.

THE CHAIRMAN: Can I just put to you one suggestion that came from Mr Molloy earlier, that perhaps tip height might be more relevant than hub height, because the actual swept area I think is the key thing as far as the wind turbine is concerned. I am not suggesting I wanted to put forward a figure, but I just wondered why you were going for hub height rather than tip height, because tip height is the thing that determines the visual impact I would have thought?

AUTHORITIES: As far as I am aware I thought that the blade length, i.e. the tip height, was dependent on the hub height of the wind turbine, and that is why we took hub height.

THE CHAIRMAN: Mr Molloy, could I bring you back in?

WEST COAST ENERGY: Could I just put another interpretation on scale? I mean, the interpretation that has been taken here is very much one of height and visual impact. The overall gist of this policy is towards community development rather than commercial development. Now, that would probably be better qualified by the actual power output rather than visual impact of a wind turbine. So an interpretation of scale is not the visual impact of height, it is more the Mw output.

THE CHAIRMAN: Okay. I know quite a few other people want to come in, but could we just deal with this one, because actually I don't think that is my reading of the policy. I think a number of people have talked about small scale schemes, community based schemes; I don't think this policy as such is about community based schemes, and I think it is primarily about the landscape. Could you advise me on that, Katrina Rice?

AUTHORITIES: Yes, you are correct on that. And in paragraph 8.13 of the proposed changes it actually says: "The process for schemes both connected and not connected to the electricity distribution network will be considered under this policy",

policy R45, so we are dealing with larger scale schemes, commercial schemes, as well as the smaller schemes.

THE CHAIRMAN: Yes, but the policy R45 is not principally about community schemes, it is about projects generally, and the issue of the height or the size of the machine turbine is to do with landscape, is that correct?

AUTHORITIES: Yes. It is the scale and the impact on the landscape, yes.

THE CHAIRMAN: English Heritage, Ms Nelson.

ENGLISH HERITAGE: English Heritage are concerned about the scope of this policy. You have only said national parks, but it is national parks and AONBs, and we are concerned about Hadrian's Wall Military Zone World Heritage Site as well. That is designated for its outstanding universal significance. The UK government has international treaty obligations to look after World Heritage Sites. If they are not looked after they can be removed from the list of World Heritage Sites. Hadrian's Wall cuts across twelve different local authority areas, and what we would want is a consistency and simplicity and conformity of policy for the length of Hadrian's Wall, because although it has a management plan, in fact it has had two management plans, it is only through the inclusion of policies in development plans that it is given any statutory protection, because designation in itself brings no statutory protection to a World Heritage Site. So what we would want is that the Hadrian's Wall Military Zone World Heritage Site is included within the scope of this policy.

THE CHAIRMAN: Firstly, I think that is a mistake on my part not to mention the AONBs, because they are clearly covered in the policy, so I pick that one up. Before I go to the two authorities, I will perhaps go to Mr Bamber. Do you want to comment on that, if you like, bringing in the World Heritage Site into the scope of this policy?

GONW: That is what I wanted to comment on, yes. As has been discussed on other days, this is to do with landscape primarily, and of course one has to accept that Hadrian's Wall is very much a part of the landscape in a way that other World Heritage Sites perhaps aren't, but PPS22 does in fact say, paragraph 9, "Planning permission for renewable energy developments likely to have an adverse effect on a site of international importance, which includes World Heritage Sites, should only be granted once an assessment has shown that the integrity of the site would not be adversely affected". So the structure plan might make reference to that, but the policy protection for the World Heritage Site is there, I would suggest.

MR GIBBS: Sorry, is where?

GONW: In PPS22.

MR GIBBS: And of course it is in policy E34 in the plan. It is one of these questions about how much cross-reference is necessary in the plan. I was going to bring it up later on in relation to coastal areas.

ENGLISH HERITAGE: Could I just come back on that point. Hadrian's Wall is a World Heritage Site, parts of it are Scheduled Ancient Monuments, its setting zone, its wider landscape setting, parts of it are within the National Park, parts of it are

within AONBs, so potentially in terms of clarity and consistency and the sort of applicant being able to know where to look for policy guidance in the structure plan, to say something about Hadrian's Wall itself will be very user-friendly to people when they are looking at the plan, because otherwise you are going to be jumping about all over the plan trying to find the bit of the policy that is relevant to considering it.

MR GIBBS: In essence that is what 6.2 of policy E34 does.

ENGLISH HERITAGE: There is no policy in this structure plan for the World Heritage Site, unlike Northumberland county and Northumberland National Park structure plan which has a policy in that.

MR GIBBS: If you look at policy E34 within the context of international designations, World Heritage Site is listed, and that is the way that it is covered here. Whether that is adequate is really part of the discussion about policy E34 rather than the policy towards turbines and renewable energy.

THE CHAIRMAN: Because E34 is obviously covering any kind of issue which concerns the feature in question and its setting, so it would take in wind turbine or other renewable energy developments and anything else for that matter, and clearly it is flagged up. Would you accept that that is adequately covered by policy E34? Is your concern adequately dealt with by policy E34?

ENGLISH HERITAGE: I am afraid it's not, no. We think it's not sufficiently robust and it needs to be brought out in the—

MR GIBBS: That is a point that surely relates to your concern about the World Heritage Site, yes, rather than to renewable energy? It is about World Heritage Sites and all its dimensions, is that right?

ENGLISH HERITAGE: I am just wondering why we are bringing out, as national parks are mentioned and AONBs are mentioned, extra policies on renewable energy if there are not special considerations for those, and I think that those special considerations relate to a World Heritage Site. Chris Bamber has referred to paragraph 9 in PPS22, where that is brought out, these international designations are mentioned in PPS22 as being very important.

THE CHAIRMAN: Okay. Well, I will ask the National Park Authority to come back on that. I would imagine it is particularly because of the significant landscape considerations in the Park, but I will obviously ask them to come back on that. Mr Evans.

ALLERDALE BC: Just a point of support for English Heritage on this one, sir. We have a substantial part at the end of the World Heritage Site in Allerdale including the coastal defences and it is an area which is very windy. I think I would support that contention that World Heritage Sites should go into the title of this policy. An exclusion of the World Heritage Site may - I know it is a belt and braces issue - be seen as pertinent material.

THE CHAIRMAN: Mr Bamber?

GONW: There is a slight difficulty with that, sir, in that if you include World Heritage Sites the same argument could be applied to other things mentioned in policy E34.

THE CHAIRMAN: If I could check to make sure I'm correct here, the World Heritage Site designation covers a number of concerns. Obviously the archaeological artefacts and the ground, the setting, it is a broad range of things which have been protected. Landscape comes into that. It is one facet but it is not the whole of what the designation is about. It is one element amongst a number. Is that correct?

ENGLISH HERITAGE: The Hadrian's Wall World Heritage Site is all of those different elements together. You can't say that one bit is more important. Clearly the upstanding parts of the Roman wall are very significant but the historic landscape which forms the setting for that military zone is equally important to understanding the context for the World Heritage Site and it is the change that that whole area of landscape has gone through which is important in understanding the significance of the World Heritage Site. You can't just say it is the upstanding parts of the wall. It is the whole World Heritage Site which is why, when looking at the World Heritage Site, a buffer zone, a setting zone was included in that designation and that is not something that is done for every World Heritage Site but for the Hadrian's wall military zone it was considered important to do that.

THE CHAIRMAN: Yes, Mr Stockton?

YORKSHIRE DALES NPA: I just wonder if I could help out. Is not the issue here whether or not wind turbine development up to 25m should be classified as major development within the Hadrian's Wall World Heritage Site?

MR GIBBS: No, I understand English Heritage to be asking for rather more than that which is to come within the terms of this policy by which I mean R45.

THE CHAIRMAN: Yes, of which the turbine definition is only one element. Anybody else before I bring in the two authorities. I want to come back on the question of the World Heritage Site but also the points raised by NWRA about using more general criteria set out in PPS22 and in RPG not prejudicing the reasons for the designation, whether that is an adequate safeguard. So if you come back on those two points and anything else you want to raise as well.

AUTHORITIES: Just to clarify why the National Park and the AONB are covered by policy R45, it is because AONBs have been recognised by the Government as the same level of landscape protection as National Parks. Both have special purposes and are equivalent in terms of their landscape value. This is recognised in PPS7, paragraph 21, which similarly groups these two together as nationally designated areas having highest level of protection in relation to landscape and scenic beauty. That's why these two are included in R45.

Obviously we recognise the significance of the Hadrian's Wall World Heritage Site but we think it is adequately covered by policy E34 which includes other sites and features of international and national conservation importance and we don't think it should be referred to specifically in R45.

With regard to the alternative put forward by NWRA as outlined in PPS22 we wanted to identify a scale of development that would be appropriate within the National Park. In PPS7 it states that major developments shall not take place only in exceptional circumstances so when we identified what we call small scale we were linking that to what we term major scale and that links back to the silking principles which are set out in PPS7 and we have set out in ST4 and we regard this as a more rigorous approach to any development within the National Park than the alternative wording put forward by NWRA.

THE CHAIRMAN: I think we have covered that quite adequately from our point of view. Can I move on then to question D, and this takes us through a list of points and questions that people have raised in relation to both R44 and R45. Again I will bring to your attention what people have said and bring them in on those points but you are free to come in at any particular point as well.

The first point raised by a number of people is as to whether or not both policies, R44 and R45, are sufficiently promotional and encouraging as required by PPS22, key principle 1? To follow on from that, would it assist in making them even more promotional if two of the criteria included in RPG partial review document policy ER15, page 96 - there are two criteria in that policy C and D which are not covered in my reading of policies R44 and R45 - if those kind of sentiments were included within the plan? There are two questions. Firstly, is it sufficiently promotional? Secondly, would it make it so if those two criteria were reflected in the policy in some way? Jill Perry, for FOE?

FOE: We don't think that those policies as they stand are supportive. It stems really from the fact that there is no mention of climate change in the construction chapter. I know we studied that in depth last week but neither is there any mention of the reasons for needing renewable energy within the renewable energy chapter in the utilising resources chapter. So anybody reading the joint Structure Plan would have no concept of why renewable energy was needed. Then there is no mention of the benefits despite what it says in PPS22. There is no mention of the other benefits of renewable energy and social and environmental and the economic benefits and yet there is a long list of the potential detrimental impact of renewable energy developments.

I think the joint authorities misunderstood our point in their response to our evidence. They refer to paragraphs 8.10 and 8.12 of the joint Structure Plan but 8.10 refers only to the benefits of developing wood fuel and 8.12 refers to the benefits of offshore energy which is beyond the remit of the joint Structure Plan anyway. What we would be looking for is something like point C in ER15 or like PPS22, page 6, not repeating either of those necessarily and certainly not repeating both but something which outlines the need for and benefits of renewable energy in general.

MR GIBBS: Can I ask one point about that in terms of the criticism. To what extent does item 4 in policy R44 address that in relation to proposals outside the Lake District National Park and AONB?

FOE: It doesn't address the point at all. Obviously renewable energy development produces energy but it doesn't address the point about the wider benefits, the economic, the social and the environmental benefits beyond the amount of energy that is produced.

MR GIBBS: That is point D. It is not point C in ER15. It seems to me that what you are saying is that point D is not addressed.

FOE: Yes, that is what I am saying.

THE CHAIRMAN: Yes, Mr Wrigglesworth?

NPOWER RENEWABLES: Can I make two points, chair? We take the view that the policy as it stands is not sufficiently supportive in that we prefer words to be used such as "encourage and support" perhaps linked with the need to contributing to meeting regional and national targets and that should be enshrined within the wording of the policy itself.

The second issue is a lawyers' point but the requirement to meet all the criteria within the policy, it seems to me that if you miss one of those criteria your development doesn't get off the ground. There were particular concerns that the criterion which say that if there are any significant adverse effects across the range of potential effects, whether they be landscape or heritage, et cetera, then you don't even get to balance the benefits that accrue in terms of regional and national energy policy. If one looks at the wording of criteria 4 that only brings the balance into play where you have adverse effects as distinct from significant adverse effects. It seems to me looking at the policy as a whole, where you have significant adverse effects then you fail to meet criteria 1 and therefore the policy doesn't require any balancing exercise to be carried out at all. Clearly that is in conflict with PPS22. It is a modest point in terms of the way in which the policy is worded but—

MR GIBBS: Is it just simply the word "unless" in front of 4?

NPOWER RENEWABLES: Policy 4 refers to adverse effects. It doesn't refer to significant adverse effects.

MR GIBBS: Adverse effects include significant adverse effects. It may be wider than significant adverse effects but it does include significant adverse effects. It is a balancing exercise and what you are saying is that there ought to be an expression of the balance within the policy and my immediate reaction is that if you put the word "unless" in front of 4 it would introduce that as the balance. I suggest you look at it. I am not saying I am right but that is what I think it does and what you are asking for is a balancing component.

NPOWER RENEWABLES: Some of our representations suggested using the word "acceptable" in front of "significant" but then it made clear that there may well be significant adverse effects but they nevertheless need to be balanced against the gains from the development. As it stands at the moment the requirement to meet all five of the criteria seems to me to mean that if you have significant adverse effects on the

criteria 1 for example, it could be then argued that you have failed to meet the policy. It may be a lawyer's point but—

MR GIBBS: I understand you are saying there wasn't a balancing in the policy. I was looking to see if that would introduce a balance?

NPOWER RENEWABLES: In terms of wind farm development, clearly all commercial wind farm developments will have some significant adverse effects. If they don't they won't even require investment so in most cases we are looking at developments that will have some significant adverse effects. What we are looking for is for those effects to be then balanced against the benefits and we are not clear that this policy does that at present.

THE CHAIRMAN: You are saying that the policy as you read it is operating sequentially, that you are going to have to cross each hurdle in turn, as it were. I think I hadn't quite read it like that. I had read it as a whole but can I get advice and pick up that point from the two authorities. Mr Fairlamb?

AUTHORITIES: The policy as drafted certainly does require development to meet all of the criteria in the policy although, however, further down the policy there are specific elements for different technologies. The issue has been raised about significant adverse effect. Clearly the two authorities feel where the adverse effect is demonstrated to be significant then there are issues to be addressed in terms of local impact and certainly we are not seeking to encourage developments which have a significant adverse effect on those aspects. There is some balance in the policy if you look at criteria 3 where we are allowing development where there are some adverse effects to be mitigated. The key issue here is when the development impact comes to a point where it is significant. Then clearly there are issues. Obviously that much depends on the individual development itself in terms of its impact. What we set out in the policy are the key factors which need to be tested and resolved together.

THE CHAIRMAN: Mr Wrigglesworth, do you want to come back on that?

NPOWER RENEWABLES: I think it may well be a question of refining the wording and making it clear that where there are significant adverse effects that there is still a requirement to balance those effects against the benefits. There is a danger that using words such as "satisfy all the following criteria" does run the risk that this will be seen as a sequential policy where if you fail to meet criteria 1 you don't even look at the other criteria. That would be the way opponents of wind farm developments would read this kind of policy. I think the language of it does need to be changed to make clear that in every case there will be a balance of effects against benefits.

THE CHAIRMAN: You brought up the issue of the use of the word "all", "to satisfy all the requirements." In a sense doesn't that help you because if you have to satisfy all you have to look at the policy as a whole. The word "all" to me may imply that it is not necessarily sequential, you have to look at things as a whole. Does that help?

NPOWER RENEWABLES: If it is read in that way, yes, but there are dangers that it could be read in a sequential way. Perhaps it needs to be made clear that you have to have regard to all of the criteria.

THE CHAIRMAN: Yes, we have gone a little specific and I was wanting to focus on the issue of whether the policy overall is sufficiently encouraging. Can we stay with that for a moment. I do have one or two questions of my own on the specific criteria in the policy but can I make sure I have collected all the views on the general tenor of the policies and the text as to whether it is sufficiently promotional in terms of PPS7. Sir Martin Holdgate?

SIR MARTIN HOLDGATE: I do myself feel that it is sufficiently promotional but I have been pondering the issue that has just emerged and I suspect that one of the problems in R44 is that there are 'unlikes' brigaded together in this list of criteria. If you look at 1 and 2, these are essentially constraint judgments, that there shall be no significant adverse effect on the landscape, et cetera, there is no significant adverse effect on amenity, economic, et cetera, and then 3, 4 and 5 are, as it were, procedural requirements. It is saying that in evaluating a proposal there will be a requirement to judge that. It takes all practical measures to reduce any adverse impact, that the energy contribution shall outweigh any adverse impact and where there is to be an EIA there shall be one. These are actual different conceptual statements and it might have been better, and I am sorry to raise what is essentially a drafting point, in drafting terms purely to have subdivided the policy at that point so that 1 and 2, the adverse effects which have to be seen to be not significant or outweighed, are listed and then the measures to be taken are listed. I'm afraid it is a purely drafting point, chairman.

THE CHAIRMAN: We have encountered a lot of drafting points over the last couple of weeks.

MR GIBBS: In relation to that, 5 in particular shouldn't have 5 before it because it is a totally separate point, as it were, but that is something that the joint authorities can think about. I don't think it needs the 5 in front of it.

THE CHAIRMAN: Can I bring in Sarah Hemsley-Rose.

FORCE: Just in response to your question to the participants, FORCE do support policies R44 and R45 and we feel the wording that renewable energy developments will be permitted is promotional and adequate.

THE CHAIRMAN: Ruth Chambers?

COUNCIL FOR NATIONAL PARKS: Just to respond to Mr Wigglesworth, my reading of this policy is that it is quite clear. If all of the requirements have to be satisfied, they have to be satisfied. I read it in a holistic and integrated way. I didn't read it in a sequential way. That hadn't occurred to me so my reading of the construction of the policy is that it is constructed in a very clear way.

We very much support R45. I have one detailed comment to make on R44 and I will do that once we get onto the detailed discussion, if that's acceptable.

THE CHAIRMAN: Yes, thank you. Mr Bamber?

GONW: Just a quick comment on Sir Martin's point. It is the eternal dilemma of the drafter of the criteria based policy who has to accommodate the Government's fund of criteria based policy with the Government's imprecations to have as few policies as possible. (Laughter) There you are. On the question of whether the plan is promotional enough, we didn't feel particularly strongly about that. I would point out that climate change is a given through national policy and indeed international policies for those countries who subscribe to it. Yes, it would be nice if the Structure Plan said something about climate change, perhaps right at the very front when it is talking about sustainable development, because sustainable development is all about climate change at the end of the day, when you are dealing with it or heading it off or whatever.

Then we have the essentially promotional messages of PPS22 and the regional spatial strategy and the Structure Plan is on that borderline between that kind of perspective and the kind of perspective of the local development document which is looking at proposals as they come in and deciding how to deal with them.

One other point regarding this fourth criterion, I thought I would mention the comparison with the policy ST4. We talked about net gain and all the rest of it and the criterion in ST4 says the total benefit clearly outweighs the detrimental effects and that kind of phraseology allows you to take account of extraneous factors in a way which perhaps the one in R44 doesn't.

THE CHAIRMAN: I have a further question on criterion 4 later on. On the question of generally promoting, generally encouraging, et cetera, if I could go to the two authorities for a comment on that. We did discuss climate change on the first day and we covered that in general discussion in relation to sustainable development. One suggestion that was made, I think from Npower, was something in the text which talked about action in Cumbria, assisting in meeting regional and national targets that would be a positive statement. You do mention targets in paragraph 8.2 but a positive upfront statement that you were seeking to contribute towards. That was the point that Mr Wrigglesworth was making. Picking up Sir Martin Holdgate's point, obviously it is something we can think about ourselves, and we will do, but whether criteria 3 to 5 might as process points go in the text rather than the policy. Would you like to think about that? Can you come back on those two points?

AUTHORITIES: On that latter point, reading through the policy I would consider that criterion 4 is a test to be satisfied in that balancing effect. Whilst we are talking of that particular criterion, the intention was in terms of the energy contribution. The energy contribution is perceived as the positive contribution towards climate change through renewable energy contribution which picks up point C in policy ER15 of RPG. There is a difficulty. RPG has the benefit of being a spatial document which can refer to aspects that cover the geographic area. However, in the Structure Plan we have very much been focusing on the land use aspect and the tests that legitimately need to be presented in policy. Here we are setting out clearly issues which we feel need to be addressed before developments can proceed. There is some difficulty in always being positive when you are trying to present a legitimate test in the plan.

The issue of climate change was discussed last week and the message was coming through that there are issues of climate change that should be set out. Again in the utilising resources chapter, the first paragraph, 8.1, does spell out how the plan contributes to climate change through encouraging the efficient use of resources which it does in policy ST3, by encouraging developments to minimise energy use through design and also incorporate technology. But then the other aspect is that we can give due consideration and support to good renewable energy development where they satisfy the local tests. That is how we set out this policy. It is certainly not intended to be negative overall. It sets out what we feel are the appropriate considerations and tests for all forms of renewables. We do refer to the positive aspects of some forms of renewables in the supporting test. Mention was made of small scale biomass energy crops, small scale heating paragraph 8.10 and also the valuable contribution that can be made by offshore renewable energy schemes at paragraph 8.12. So I wouldn't want the Panel to go away and think that the plan is setting out to be deliberately negative on this issue. Clearly we are not but we do have a responsibility to set out those appropriate tests in the plan in considering future development proposals.

THE CHAIRMAN: I might have missed it but in relation to Npower's point about a statement contributing towards regional targets, would that be a useful addition?

AUTHORITIES: I would draw attention again to criterion 4 in R44 which does give recognition to the energy contribution regardless of its relationship to targets. Clearly the energy contribution is seen as a valuable aspect of a renewable energy development which contributes to renewable energy targets. The targets are described in paragraph 8.2 so a relationship could be made to those.

MR GIBBS: I have a lot of sympathy with that view about contribution to energy rather than contribution to meeting the target. I may be being a bit provocative here but I am aware that there is a danger when the target is expressed in terms of generating capacity whereas what we are interested in is the contribution that the facility will make to energy generation. It obviously has particular implications for wind energy and the one-third generation to capacity. It can be argued that wind, if judged against targets, is making a higher contribution than if it is judged against generation. I notice the plan is expressed in terms of generation or at least energy contribution which can be interpreted both ways.

THE CHAIRMAN: Yes, it could be a bit confusing. Targets are obviously to do with generation.

MR GIBBS: Yes, and the plan here is energy contribution which I have a lot of sympathy with.

THE CHAIRMAN: Mr Brunt?

NWRA: We would support a move to relate these policies more clearly to the delivery of targets, specifically regionally, but also potentially nationally. Obviously this is the context within which these policies are being developed. Also the setting of targets and the use of reference to targets within the document would tie in with

government guidance on the measurability and the use of indicators and measures for this type of issue. So we would support that.

Just a further point as well on the discussion relating to criteria 1 and 4 within Policy R44. I think on another read through, we would have slight concern that there is a potential for reading it in a sequential way. That is, if you don't initially meet criterion 1 then you don't proceed. Obviously there is a clear need to make it explicit that there are ways of mitigating and balancing those effects. So we may support any attempts to try and reword word that to reflect that principle.

THE CHAIRMAN: If I could go on. We have talked quite a bit about criterion 4, and it is something I wanted to raise in relation to PPS22, key principles 6, on page 8. The way I would read criteria 4 in R44 is that there is a weighing situation taking place, that the output of a particular project is put on one side of the scales, and the adverse impacts, after mitigation etcetera, are put on the other side of the scales, and there is a weighing process going on as part of assessing the project and taking it forward to the planning process.

The way I read 6 in PPS16 and PPS22 is that that approach is not supported. It says: "Small scale projects can provide a limited but valuable contribution to outputs etc. Planning Authorities should not, therefore, reject planning applications simply because a level of output is small".

My reading of that -- I think there may be other material in PPS22 -- is that the amount of scale of output is not something to be put into the balance. The project should be assessed in its merits against the criteria. The level of output is something separate. I may be wrong, but could I come in and ask the Government Office or the Assembly if I am correct in that interpretation. I really want to check whether people consider this criteria 4 is PPS22 compliant.

MR GIBBS: While thinking about it, while the advice may be you don't reject it because it is small, does not mean to say that you don't give it added weight because it is large.

SIR MARTIN HOLDGATE: I am slightly puzzled by this one. Thinking back to R45, there is the curious paradox almost. R45 assumes that small scale projects, that is what essentially it is about, will indeed be acceptable within the National Park and AONBs, where they can be satisfactorily assimilated and avoid adverse impact etcetera.

On the same principle, surely this must apply even more so outside the most safeguarded of areas. I am afraid I read PPS22, 6 as affirmative, almost "of course such projects, assuming that they are environmentally compatible will be favoured". Whether it needs a specific. I would have thought it was encompassed within 44 as well as specifically almost favoured in 45. Maybe I am misreading it too.

THE CHAIRMAN: My question is whether we need this criteria at all in the light of PPS22: whether it is consistent with it and whether we need it?

SIR MARTIN HOLDGATE: I am afraid I regard 6 in PPS22 as almost a blinding statement of the obvious, but it maybe needed to be stated.

PROJECT CLAREN: A lot of the projects we deal with are small scale and, I have to say, as a whole, excluding wind and other issues that go with that, we do find inside and outside national park projects are now coming to planning, and that they are broadly very supportive of all the projects we are involved in and that smaller scale where we have gone down community route and have met the criteria, they do seem to be getting very favourable responses.

YORKSHIRE DALES NPA: My concern about criteria 4 is that the way I read it is that very large scale schemes that generate a lot of output will be viewed favourably. It reads almost as if the output would somehow guarantee that they would go ahead and that would outweigh their adverse effects.

THE CHAIRMAN: My question is; is this an allowable issue in the whole weighing process? That is my question in relation to PPS22.

ALLERDALE: My answer to your question would be yes. Looking at criterion 4, whether you keep the for or against it or not, I would say that the wording is actually more in line with PPS22(6) than if you actually put in the word "target". I would say it is more in line with that if you actually leave out the word "target", because you are then encompassing small additions as well as large additions to energy production.

FLD: We would certainly concur with you, sir, that criterion 4 should come out. Mr Gibbs has hinted that criterion 4 ought to come out. Mr Gibbs has hinted at some complexities of renewable energy which we have rehearsed at public enquiries, which do not take the debate forward, principally because you are not weighing measures which can be equally measured. On that basis we would recommend taking it out.

MR GIBBS: Can I just come back on that. The planning process is a process of weighing imponderables in totally different dimensions against each other. So in what way is this different from the way in which, in my day job, I am always doing that?

FLD: I would not question you, sir, but all I am saying is that at public enquiries that particular issue has been debated at length, and it does not get to the nub of the issue: Does it cause harm or does it not?

WEST COAST ENERGY LTD: Can I just pick up on what Mr Gibbs has just said. The planning process is a matter of balance. To come back to Friends of the Earth, their point was basically one that if you read the policies and read the reason for justification, there is very little in there about promotion, very little in there about encouragement.

You go through the criteria, and the only thing that is stacked on the side of the scales in favour of wind is the energy contribution. There is no mention about climate change or the other benefits that renewable energy sources have. This is very one-sided.

GONW: The points that have been made with reference to this criterion are valid. I go back to what I said before about perhaps expressing it differently. You could actually use a criterion in that position in the policy, so to speak, to bring in some of the other social benefits of small scale schemes, perhaps more outlandish benefits if somebody could justify a very big scheme on the basis it would reduce the need for lots of smaller schemes, or something like that, and the question of enabling the county to meet its targets. All those kinds of things are valid considerations to be taken into account. But perhaps as Mr Molloy said, just focusing on that energy contribution expressed so boldly is perhaps not so positive as it might be.

COUNCIL FOR NATIONAL PARKS: Very briefly, sir, I disagree with the speaker before last that the policy is one-sided. The reason for that is just to look at the very first paragraph in both policy R44 and R45 the construction is quite clear: "Proposals will be permitted" etc. and "proposals will be favourably considered". It is a positive indication to development providing that the criteria set out in the policies can be satisfied. It would be a completely different scenario if it were the other way round and policies were "not to be permitted unless". So it is actually giving the onus of acceptance towards developers, if they can meet the criteria set out in the policy. So I don't think it is one-sided.

THE CHAIRMAN: Mr Fairlamb, perhaps you could round this particular one off.

AUTHORITIES: Yes, further to the discussion I think it would be useful if I just explain the background and reasoning behind the inclusion of criterion 4. Obviously in Cumbria there has been a long history of applications, particularly for wind farm developments, and also further technical studies have shown that obviously the electricity yield of schemes very much depends on the location and also how much, depending on the actual siting of the scheme, adverse local impacts vary as well.

The reason this criteria has been incorporated is to actually bring the energy contribution or electricity yield of a particular scheme into the equation when reviewing the merits of a proposal. Obviously what we are trying to encourage are schemes that have good electricity yields but with low adverse environmental impacts, and it is that balancing which has been the key determinant of planning applications for renewable energy schemes in the county to date, and certainly we would wish to retain that criteria in the policy.

Just to go back to a point which was raised by Chris Bamber about the expression in the policy in the comparison with a similar criterion policy ST4, reading this criteria again, I think it could be made further explicit if the word "any" was substituted with the words "the total adverse impact", to spell out we are talking about all of the adverse impacts as a whole in balancing the two issues together, if that is any help to you in looking at this wording.

THE CHAIRMAN: So you are talking about change to criteria 4?

AUTHORITIES: In policy R44.

THE CHAIRMAN: Just take me through it again.

AUTHORITIES: Policy R44, criterion 4, the policy makes reference to "any adverse impacts" at the end of the policy. I think it would help clarify issues in terms of that we are looking at all adverse impacts if the word "any" was substituted with "the total", then it would run on "adverse impact".

THE CHAIRMAN: It goes back to Mr Ellerby's point about how effective you can weigh. Referring to the benefits of the output as a benefit, I think there is a feeling that that is something which is helpful and should be included in the policy.

The issue I raised was really to do with the balancing, the use of this in the balancing exercise and whether it was compliant with PPS22. I am still not totally sure about this. I don't think that "any" or "all" changes. It does not address that issue still. There is still an issue as to whether it should be used for balancing purposes. To illustrate the benefits, yes, fine, I don't think that is a problem, but should it be a key thing in a balancing situation? Perhaps we have been round this one fairly well. I will just bring in Friends of Rural Cumbria's Environment

FORCE: With regard of PPS22 and criterion 4, PPS22 is saying that small energy outputs should not be the reason for rejecting a planning application. I really can't see that is an issue with criterion 4. Criterion 4 is about balancing against adverse impact. If that was going to cause failure of an application, the reason would be the adverse impact not the small output.

NWRA: Just a couple of other observations, again based on the discussion. In assessing or evaluating the energy contribution, surely that process would be facilitated and made more tangible by having reference to the targets at the appropriate level. If you had a target for Cumbria included, it would give easier quantification in terms of assessing energy contribution and the significance of it without prejudice as to whether that is a valid measure or balance to be had.

Also I just wondered again, just based on the discussion, whether there might be a case for maybe combining criteria 3 and 4. Because they are so closely related you could take an approach which said the proposal must take all practical measures to reduce adverse impacts, and then go on to say, where there are residual impacts, whatever balance you choose to have, whether it is energy contribution, or whatever, the proposal must be shown to outweigh them. So you are using the concept of residual impact after the mitigation and avoidance measures and so on had been taken. That would seem to me to make more sense.

THE CHAIRMAN: I think I would like to bring in West Coast Energy. Reading your statements, you had a concern about the way in which policy E34 applies to renewables generally. What is your concern?

WEST COAST ENERGY LTD: We had originally objected to R44 and 45. They were consequently changed in the proposed changes of June '04. What we now find is that the objections that we raised in terms of those two policies have now been deflected on to E34 and E36. I had wished to discuss this yesterday, when you were specifically looking at those two, but was told I should more appropriately raise them today.

The E34 objection basically is the setting of the National Park. I assume you probably had quite a discussion on that yesterday. The one I started to mention earlier on this morning was E36. We have just discussed what constitutes a major development. ST4 finishes by saying: "Such major developments are national rather than local in character".

That immediately then has an impact in terms of wind farm development in areas of county importance, because within that policy E36, it states "if there is any detrimental impact." There is still no quantification of detrimental. It is just detrimental impact. Ergo all wind farm developments will be refused unless they meet a local need. We have already established that any commercial wind farm development is not going to be meeting a local need; it is going to be meeting a national need. E36, followed through accurately, would mean that you would never see any development of wind farms within areas of county importance. I can't believe that is correct.

THE CHAIRMAN: Is that the effect of policy E36?

AUTHORITIES: Yes, chairman. Well, we actually discussed the merits of this policy and the need to have County landscapes fully yesterday, and the case was made by the two Authorities that they were still appropriate in Cumbria. To pick up the point that is being made, obviously this policy would apply the test where development was detrimental to the distinctive character. If the development was not detrimental to the distinctive character, then the test in the policy to meet local structure needs would not apply.

We feel the county landscapes are there for a purpose. They are there to give appropriate protection to areas of distinctive character locally, and full research into the evaluation of those areas and their determination has been undertaken to date.

THE CHAIRMAN: When we had the discussion yesterday, I think we discussed the idea that the plan actually includes a twin track approach. It retains county landscape areas, and it also has criteria for assessing schemes within landscape character areas. It actually has got both approaches included. I want to really ask Mr Fairlamb again. He has referred to how a wind project in a county landscape area would be assessed. It would be assessed as to whether or not it was detrimental to the landscape. I think that was his answer; that would be the test. If there were not to be county landscape areas, how would the process differ if the character approach and the criteria in E37 were to be applied. Is it essentially a similar approach or is it a different approach?

AUTHORITIES: As can be seen in the policy, policy E36 applied specifically to landscapes of county importance. Obviously there is a legitimate test, the two Authorities would argue, for that type of landscape, which would not affect areas within the county that were county landscapes or nationally designated, when other tests would apply to those areas in other policies in the plan.

So if there is a case being made for retaining county landscapes, and if that is the case, then clearly there is a case for applying appropriate tests for those types of development in those areas. That is explained in policy E36.

THE CHAIRMAN: My question is if there weren't county landscape areas, and schemes were assessed in areas outside the county landscape areas, how different is the process for assessing the same scheme under policy E37? Is it essentially the same process?

In both cases you are looking to see whether the change proposed is detrimental to the character of the landscape, is that correct? Is it a different process? Is it a higher level of testing?

AUTHORITIES: It would be the same process because you would need to satisfy, if it was a development in a county landscape, policy E36 and go through the process applied in E37. If the proposal was outside a county landscape and not in a nationally designated area, then you would apply the process in E37 in determining the effect on landscape character. So yes, there is a further test through policy for developments in county landscapes, and that is expressed in policy E36.

NPOWER RENEWABLES: I have a similar point to Mr Molloy's, sir. We would prefer to see R44 as far as possible be a comprehensive and self contained policy. Criterion 1 already requires that landscape character be a material consideration. Unless the policy is self contained, we do see a risk that other policies such as E36 will be seen to be preventing wind farm development, simply because they do not meet a local infrastructure need. Clearly wind farm developments are not going to meet a local infrastructure need in many cases, and therefore, if there is seen to be any detriment to the landscape of county importance, then on the face of it there will be conflict with that policy. It would be preferable, in our view, that wind farms be considered wholly within R44, and if other landscape designations need to be brought into the assessment, that they be brought into R44.

We feel probably they already are in terms of criterion 1 being part met in R44. It encompasses all landscape character, including, presumably, those of county importance. Bringing the assessment into R44 requires there is then the balance against the regional and national benefits and other wider benefits of renewable energy, which isn't found in policy E36.

THE CHAIRMAN: I think both in the case of West Coast, Npower, your starting point seems to be you seem to be almost assuming that wind power per se will be detrimental to landscape character. That seems to be your starting point.

NPOWER RENEWABLES: There is bound to be some detriment. We are talking about large developments here. There will be those who will argue that any wind farm development will have a detriment in its landscape. There is clearly room for different views. A recent inspector has found that they can in fact contribute to a landscape, but clearly there will be those who will argue detriment in every case, even for single wind turbines. Having found that detriment, an inspector on appeal might say: "Because this is not meeting a local infrastructure need, therefore there is a conflict with policy E36, leaving aside what R44 says about this type of development".

THE CHAIRMAN: Your other point again seems to be picking up on this sort of like sequential approach. I am trying to understand the point you are making. What you seem to be saying is that the test will be applied under E36 first if it was in county landscape area. If it failed that test, it would not go on to be looked at under E34 where the beneficial aspects of the project can be brought in to the frame as well. That is basically the point you are making. If you fail under E36, you would not get the chance to make a full case under E34. Is that what you are saying?

NPOWER RENEWABLES: Yes.

THE CHAIRMAN: I think that is probably similar to what Mr Molloy was saying as well, is that correct?

WEST COAST ENERGY LTD: It is quite clear for E36 that any application for a wind farm development in an area of county importance would immediately fail. By definition, commercial schemes are not local and therefore they cannot meet this policy. The policy is overly restrictive.

MR GIBBS: We are obviously going back to E36, but if one just had the phrase "or national" after "local", is that going to overcome your problem, because then you can shift the ground on which a debate is taking place. Clearly there is a need to take into account national factors, even line if it a tripling of the M6, or whatever. If the phrase "or national" is in there, if you have made a national case, you would always be in a position to make a national case anyway, but would it help in terms of the application of this policy if that was nodded towards?

NPOWER RENEWABLES: Yes, it would help, but the aim should be to make R44 comprehensive and bring all the considerations into R44.

MR GIBBS: I know, but what you are concerned about is that another policy impacts also on wind farms. You can't suggest that just because a wind farm is in one part of the plan other policies in the plan won't apply to it -- quite clearly they will, in that all inspectors and all decision makers have to take the plan as a whole.

NPOWER RENEWABLES: Agreeing, sir, that it is possible to do that within the scope of the policy, and criterion 1 already deals with landscape character, and therefore, can be seen to be bringing in E36, but then the other criteria should be weighed in the balance as well. I think it can be a self-contained policy by cross reference to other parts of the plan.

GONW: Just a couple of brief points. PPS22, 15: "Local landscape designations should not be used in themselves to refuse planning permission for renewable energy developments". That relates to one of the weaknesses of this concept of landscapes of county importance that I have raised in our representation and touched on the discussion we had yesterday. That remains a concern, despite the very persuasive defence of county landscapes yesterday, and possibly can be dealt with in the way policies are worded. The second point, on the question of landscape character, I would suggest that there is a distinction between detrimental effect on the landscape and detrimental effect on landscape character. Something might damage a landscape in a location by spoiling the view so to speak without actually damaging the landscape

character, because at the end of the day a drumlin is still a drumlin whether or not it has got a turbine on top of it. Somebody, I can't remember who it was, referred to artefacts improving landscapes; you might ask yourself if the Ribble Head viaduct for example is detrimental to the landscape character of the Yorkshire Dales.

THE CHAIRMAN: So I think there you are saying that PPS22 actually tempers the application of policy E36. You might like to reflect on that, Mr Wigglesworth and Mr Molloy. PPS22 is there and it will affect the way in which policy E36 is delivered. Mr Brunt.

NWRA: I was about to make the same point with reference to paragraph 15 of PPS22. It does seem to me that policy E36 of the structure plan is capable in itself of being used to refuse planning permission, and that is clearly contrary to this plan.

THE CHAIRMAN: Mr Bamber again.

GONW: I forgot to mention something in the technical paper on landscape character, another thing that might be taken into account in paragraph 2.29, where it cross-references with the technical paper on renewable energy, it refers to cumulative impacts, and that of course is another consideration when you are talking about landscape character.

THE CHAIRMAN: Yes. That is actually referred to in policy R44, cumulative impact is brought in to the assessment process there. Mr Blue.

ORTON PARISH COUNCIL: Unfortunately I don't have all these planning guidances at my fingertips, but all I can say is that landscape of county importance is often a continuation of a National Park and often landscape of similar standing to a National Park, and in some cases I would say greater in merit, and I definitely think it needs a strong form of protection, and whether you do that through PPS22 or whatever, it is something that I think ought to be considered very strongly.

THE CHAIRMAN: Ruth Chambers of Council for National Parks.

COUNCIL FOR NATIONAL PARKS: I wondered if it was convenient now to move this on slightly and make a connective but slightly separate point about the settings of national parks and AONBs, or whether we had really finished with county landscape areas?

THE CHAIRMAN: I don't think we have quite finished with that. I think Sir Martin Holdgate wants to come in, and I need to bring in the two authorities as well.

MR GIBBS: And when we are talking about settings we will very much want to point out that a lot of that discussion did take place yesterday about settings. I don't know whether you have read the transcript.

THE CHAIRMAN: Sir Martin.

SIR MARTIN HOLDGATE: Two points. First, paragraph 6.7 from which policy E36 depends makes the point that a wider variety of development is likely to be permitted within county landscapes than in national designations. Second, 6.7 and E36 are not about specifically renewable energy. We must remember they would

apply with equal force to reservoirs or motorways or what have you. The third point, I think it would be probably valid to say that perhaps simply by deleting the word 'local', and say 'it will not be permitted except where required to meet', maybe you could say 'essential' or 'major' or 'important', 'infrastructure needs', et cetera, because I would suspect that local, regional and national infrastructure needs might equally need to be considered.

THE CHAIRMAN: Mr Molloy?

WEST COAST ENERGY: Can I just pick up on a point, I can't remember who actually made it, but it was more or less to the point that if we have a policy such as E36 which is perhaps not in conformity with PPS22, that policy can be tempered somewhat. I would just like to say if it is not in conformity with government guidance, it shouldn't really be in the structure plan.

THE CHAIRMAN: Could I come back to the two authorities on that specific point, and also the suggestion in E36 that 'local' is changed to—

MR GIBBS: 'Local' is deleted, I think, and I had got to that stage as well.

THE CHAIRMAN: And also the way in which the plan works as a whole, and the extent to which projects will be assessed in relation to E36 and R44.

AUTHORITIES: We have actually reopened the discussion on landscapes of county importance in relation to renewable energy development specifically, and the first point obviously is to reiterate that policy E36 applies to all forms of development. We don't feel that it is not in conformity with government guidance. Clearly local designations are catered for in PPS22 and PPS7, and the insistence there is that authorities set out appropriate criteria. The direction of this policy is to try and encourage developments which would damage or threaten those county landscapes are actually encouraged elsewhere, and we still feel that is a very important motive of the policy, to try and encourage that. They have been designated for very good reason, and we should not without proper test remove the caveats within the policy. That said, it has been said quite correctly this morning policies need to be read together, and major developments of a scale to meet national needs are covered in policy ST4 and again appropriate tests are applied there. We see no reason why those two policies couldn't be read together and appropriate discussion had on the weighting within those policies taken on a case by case basis.

MR GIBBS: Do you have any view about the removal of the word 'local'? I know it is yesterday's debate, but is there a reason why it refers to local? Is it so as to allow very small scale energy schemes or road schemes or whatever?

AUTHORITIES: The reason it is local is because we acknowledge that there will be local infrastructure needs in these areas that from time to time may have an effect on the character of the areas, and we feel it is appropriate to allow for that scale and level of development within the housing landscapes. That is the reason why we specify local.

MR GIBBS: Local also comes in from 'which cannot be located elsewhere' as well, doesn't it? That gives the local dimension to something.

AUTHORITIES: That is right.

THE CHAIRMAN: Just in terms of where we are going, it is ten past one, there is an item on the agenda to talk about tourism and renewable energy. It was raised by some of the participants. There was no particular consensus view as to whether tourism was affected in either direction by renewable energy. So I don't have any particular question on this. I don't know if it is something anybody wants to raise. Mr Greenwood from the Tourist Board.

CUMBRIA TOURIST BOARD: You did hear earlier on in the week about the scale of tourism spend in Cumbria, and the number of jobs it sustains, and the forecast that we would seek to try and double that spend over the next 10 years. It currently attracts 15 and a half million visitors per annum, and we know from the numerous visitors that do come, the principal reasons for them coming are the attractions of Cumbria's landscape and its cultural heritage. So the effects of renewable energy on the decision making of those 15.5 million visitors is therefore pretty crucial, so certainly the Board welcomes the additional reference that has come in between the original plan and the changes of the local impact in clause 2 of policy R44, but we are very interested in how that economic impact is going to be assessed, and certainly the Board would encourage both prospective developer and the local planning authority to insist on some sort of assessment and consultation taking place, both with a local tourism interest and visitors, and that is clearly a little bit difficult.

There have been a number of studies undertaken over the last two or three years which have tried to assess potential visitor impacts of typically wind turbine developments. Visit Scotland undertook some, Friends of the Lake District undertook some work, Scottish Renewables and the Cumbria Tourist Board itself has done some work with the business, and what they seem to conclude is that anything between 8% and 26% of visitors would potentially steer clear of an area, or not come back to an area, which is affected by wind turbines. So clearly that is of some significance and we would encourage a fairly precautionary approach to renewable energy policies in the structure plan. It is fair to say in conclusion that the Board is broadly supportive of the terminology in the policies R44 and 45, but we suggest that the text could have some additional explanation in them advising developers that they would be expected to undertake the full economic assessment including the likely effects on visitor experience.

THE CHAIRMAN: This would be in relation to criterion 2, tests that the local authority is in a better position to evaluate precisely the effects on the local economy and the tourist economy in particular?

CUMBRIA TOURIST BOARD: That's right, sir.

THE CHAIRMAN: Sir Martin Holdgate?

SIR MARTIN HOLDGATE: I have a very similar point. The local economy at criterion 2 in R44 could be held perhaps to encompass the tourist based industry but I wonder if it could be made at least explicit in the general text at paragraph 8.9 which speaks of the need to protect landscape character. One could include "and the tourist industry that depends on it" to make it explicit that these are intimately interlinked.

THE CHAIRMAN: Yes, Mr Hopcraft?

EDEN DC: Just to endorse the two previous speakers from Eden district council's point of view. Wind energy developments or having two permissive policies would adversely affect the local economy by reducing levels of tourism and would, therefore, put jobs at risk, we feel, because tourism relies on the quality of landscape particularly in the relationship between Eden district, Lake District National Park, the Yorkshire Dales National Park and the North Pennines AONB. So, therefore, we would welcome what the joint authorities have put into criterion 2 but would also welcome further amendments to the text to include specific reference to tourism.

THE CHAIRMAN: Yes, Mr Evans?

ALLERDALE BC: I wish to support specifically what has been said in terms of the impact on landscape, tourism, et cetera, the asset that the tourists come to see but I also want to make the point that it can occasionally work both ways. On the west coast one of the strands of our regeneration policy is to build upon the renewable energy theme and in particular also to tap into the potential tourism asset of Robin Rigg which is the big wind farm out in the Solway which could be coming on stream in the next few years.

THE CHAIRMAN: You have a positive angle as far as tourism is concerned for renewable energy?

ALLERDALE BC: In West Cumbria, yes, in particular areas.

THE CHAIRMAN: Mr Blue?

ORTON PARISH COUNCIL: Just following on from Richard Evans's point, I would strongly urge caution with regard to tourism and wind turbines. The two visitor centres that have been set up in the south of England with regard to wind turbine developments have both encountered a lot of financial problems and I understand both may now be closed. So it is not an area of tourism which is going to be one that is greatly productive. I think it may be for a short time while the novelty value lasts and after that it seems to wane.

My initial point was very much following on from what everyone else has said in that Cumbria's economy is recognised to be one of the slowest growing in the country. The only bright star on the horizon is the tourist industry and whether or not you can say introducing renewable energy in the form of wind turbine developments is going to assist with that tourist industry I think we have to treat it very much with caution. I agree very much with Sir Martin Holdgate's point that we ought to introduce into the Structure Plan a reference as he pointed out.

THE CHAIRMAN: Yes, Mr Brunt?

NWRA: I just wanted to reiterate our understanding of the surveys that have been undertaken so far in the UK in the last few years. There is no real consensus that there is a significant negative impact from the development of wind turbines on

tourism and numerous studies show that. I am not aware of the particular studies that were referred to by Richard Greenwood but certainly from my reading of other studies that have been undertaken they have broadly found no significant impact and in some cases even a marginal benefit. So we would caution against making the assumption that wind turbines equate to negative impact on tourism and indeed to reinforce the point that Richard Evans made that there is potential for Cumbria to benefit by utilising these resources in a positive way.

THE CHAIRMAN: We have seen the report that the Friends commissioned in particular and we have read that through. Jill Perry?

FOE: I was going to make the same point that renewable energy visitor centres can bring tourists to the area. Some have operated very successfully around the country and there is no reason to believe that visitors are deterred from visiting an area by wind energy developments. There is plenty of research that doesn't show the negative effect on tourists. I was going to make another point but I have temporarily lost it.

THE CHAIRMAN: Shall I go to Mike Hall while you are thinking?

FOE: Yes, please.

KIRBY LONSDALE CIVIC SOCIETY: As I mentioned, I am Mike Hall from Kirby Lonsdale Civic Society and I have already touched on the issue of tourism with regard to the local impact on Kirby Lonsdale in terms of visual impact. I would like to make a general point under tourism that the answers you get, and this argument is going to go on a long time, depends on the question you ask as I'm sure you are well aware. If I went out into Kendal and said to people in the street, "Do you think pensions ought to be doubled tomorrow?", I'm sure I'd get 90% or more agreeing that they should but if I then said, "Consequently, your income tax might double also," you'd get a different answer.

Can I just point out that a number of studies have been done and one has already been referred to, the Leeds Metropolitan study, which did show something like 20% of people wouldn't return to the Lake District if it became significantly developed with wind farms. That is a fact and it was a specific fact. The situation really is that if the facts are explained you get a different answer to if they are not and you are probably aware that Country File ran a programme last November - 26<sup>th</sup> October to be accurate - and they basically gave a 35 minute programme giving the pros and the cons of Whinash wind farm in Cumbria and they then took a poll and 55% of the people that voted, which was 20,234, said that they would not be happy to have a wind farm near their home. That is 55% against a wind farm. That is very different to the figures that are being bandied about of 80% or 90% support.

Another recent survey has just been published, and this took place within the last few weeks at Stornoway, where 276 people who visited Stornoway on the Isle of Lewis actually were asked whether they favoured the development of Lewis wind farm and whether it would have any impact on their visiting it. Ninety per cent said they were opposed to it in principle, 54% said any wind farm in this area "will discourage us from revisiting Lewis." It really is a difference between asking somebody down in London whether they are worried about a wind farm in Cumberland or asking

somebody who has actually experienced them on the ground, where you get a very different answer. I don't think there is a clear answer yet. We need better research into the issue of tourism and wind farms, and I would, therefore, very strongly support the suggestion that this should be included within the final version of the plan, as Martin Holdgate suggested, and somebody else. It could be referred to that it would be up to the developer to actually then demonstrate that there was not going to be an adverse effect on the tourist industry.

THE CHAIRMAN: I think he was putting it forward in the context of one area of assessment that developers should present.

FRIENDS OF THE EARTH: The other point I wanted to make is that tourists visit landscape when they come to Cumbria, but landscape is a changing entity, and the climate change impacts that would be felt most strongly in Cumbria, according to the regional study of climate change and where it has an impact, will be on our coastline and on our mountains. So landscape is not going to remain the same, and we are not protecting it by not investing in renewable energy.

WEST COAST ENERGY LTD: The current EIA regulations do require us to cover the issue of tourism and the impact on the human environment. So to some degree that is already looked at to a fair level. But I think I should probably be able to gauge from the discussions; there are a lot of statistics being bandied about, and they are all a bit dubious. These are the type of statistics that if there was a policy -- and it would have to be a negative policy within the structure plan -- that a wind farm does not have an impact on the tourist industry, how are you going to sift through all those statistics? How are you going to prove the negative?

THE CHAIRMAN: I don't think that was being suggested. I think it was a question of identifying this as an area of study so the case could be put for and against, or an assessment could be made by the developer and considered by the Local Authority.

WEST COAST ENERGY LTD: As I pointed out that is already done. It is incumbent upon any applicant to include that within his environmental impact assessment.

THE CHAIRMAN: Perhaps I should mention I did my own little mini survey yesterday - I shan't be taking this into account in preparing our report - when I went up on Scout Cragg, which was fantastic. The view was amazing. As I was looking across towards Landrigg wind farm I just happened to ask a passing tourist what they thought of it. Just to make the sample a bit bigger, I asked two people. I can reveal to you that it was 50/50, but we shall not be basing too much on that particular finding. Can I go back to the two Authorities.

AUTHORITIES: I don't think I can quite follow that. Going back to the issue of the effects on the local economy, clearly that is a message that we heard very strongly in responses to the policy in the deposit structure plan, that there were concerns that the perception of Cumbria's environment being adversely affected by a number of wind farm proposals, and we have certainly had a number of developments so far and investigations to come, I am sure. It was felt we needed to at least include reference to

local economy in policy R44 and 45. You find those under criterion 2. That refers to the local economy, which of course would include the effects on the tourist industry.

We don't feel it is the role of the structure plan to undertake further study on the public's views and perception of wind farms on an area for tourism. Clearly that is a role elsewhere. Certainly we acknowledge that renewable energy, particularly wind farm development, does have an effect on Cumbria's environment in terms of the landscape's character and sensitivity to development, which has been stressed in the structure plan, particularly at paragraph 8.9.

Suggestion has been made about making a direct link between tourism and the landscape. You have heard again the arguments that have been made here, and we would certainly take your advice on whether you feel that additional link should be made within that particular paragraph, but in terms of the policy, we feel the wider issue, the effect on the local economy, is adequately covered and should remain.

THE CHAIRMAN: I have one more question to raise, but I think Ruth Chambers wanted to raise a point as well.

COUNCIL FOR NATIONAL PARKS: There is a point I would like to make about setting but it is in relation to R44. Although not present yesterday, I am aware of the discussions that went on, and I will certainly try not to stray on to the same ground, and I will be very brief.

We would very much ask for an additional criterion to be added to R44 which covers the setting of the Lake District National Park and AONBs. There are two reasons why we ask for this to be added. We are aware that setting is referred to in E34, but we believe in a belts and braces approach and would ask for an additional criterion to R44 as well.

The first reason is PPS22, paragraph 14. That clearly identifies impact on setting of designated areas as a material consideration to be taken into account. PPS7, interestingly enough, even though that is the general PPS on the countryside, does not identify setting. We could ask ourselves why PPS22 has identified setting to be an important consideration. I will come on to that in my second reason.

We have already heard this morning that wind energy is likely to be the main technology, at least in the short-term, by which any targets are met in this area in Cumbria. The impact on landscape settings of national parks and AONBs is, we would say, arguably going to be greater by wind turbines because of their size and by the result of their movement, and also visibility, because quite often they will be assembled into large groups. So reference to setting in this policy would be helpful for those two reasons.

Finally, we have looked at what other structure planning authorities are doing. I know various structure plans are at various stages and obviously we had a point about how worthwhile are some of them anyway. But I wanted to draw the EIP's attention to two which involve national parks being prepared jointly. One is the North Yorkshire joint structure plan, which at the moment is at pre deposit consultation draft stage. If you look at policy NR3 in that, it quite clearly states: "Renewable energy proposals of

more than local significance should not be considered appropriate within or where they would impact adversely on the visual amenities of the national parks, AONBs etc."

Secondly, the Devon structure plan, the adopted version adopted in February 1999. Policy C23, the second part of the policy states: "Wind farm developments will not be appropriate where they would adversely affect the national parks, AONBs etc." I have got paper copies of those, which I could supply.

Other structure planning authorities have adopted setting in particular to renewable energies, even if they recognise setting in their more general policies, and we would urge structure planning authorities to do the same for R44.

FLD: We entirely endorse what the Council for National Parks have said and, I believe, Allerdale Borough Council, the National Trust, and the Yorkshire Dales National Park have requested "setting" to be reinserted into R44.

I used to do development control. If I was a development control officer looking at a wind farm outside an AONB and national park, I would not automatically turn to Policy ST11 or policy R45. I would turn to R44, outside AONBs and national parks. So from a pragmatic usability point of view, I would want "setting" to be included in R44.

Final point. If you get a moment to look at the Lake District National Parks adopted local plan, policy NE5, which deals with quieter areas, seeks to protect those areas against intrusion and disturbance. Those areas are the very essence of where people experience quiet enjoyment in the Lake District. If you examine the proposals map, you will see they predominantly border the National Park as a total. So it is very important those experiences in those quieter areas around the periphery of the Park are indeed protected. We believe adding "setting" back into R44 would assist with that process.

GONW: I refer you back to paragraph 14 of PPS22, which says: "Planning authorities should not create buffer zones around international or nationally designated areas, and apply policy to these zones that prevent the development of renewable energy project".

So the question is, if you are going to have the policy recognise a setting, really how it deals with that. We have discussed settings already and the question of reading policies in the plan such as E34 and E36 together. I also ask you to consider whether that can be met by perhaps putting references in the supporting text, rather than in the policy itself.

WEST COAST ENERGY LTD: I will try and keep it short. Unfortunately I don't know what went on yesterday regarding discussions over setting, but we have a serious concern about the wording of policy E34. We consider it to be contradictory to PPS22. In the drafting of PPS22 there was a lot of canvassing made on behalf of the issue of buffer zones, especially from this area.

We consider that the wording "setting of a national park" implies a buffer zone. It is also ascribing a restrictive policy to what is, in essence, an undefined and possibly quite extensive area. In terms of wind farm development, the setting of the National Park, because of the scale of the potential development, is likely to be quite a considerable area. We are talking basically about visual impact. If we look at the topography or geography of the Cumbria area, it is inconceivable that any development could take place that does not lie within the setting.

We were recently criticised by a local authority for not assessing the visual impact of a development from the Pennine AONB. That was 20 kilometres away from the AONB. If you half that distance, and in essence draw a ten kilometres buffer zone around the AONBs, SSSIs and the National Parks, apart from a very small area round Carlisle and the northern part of the Cumbria area, the whole of Cumbria is affected. In other words, the setting of the National Parks is Cumbria.

THE CHAIRMAN: For the record, I just want to say, Mr Molloy, you were invited to sit in yesterday, to listen to the discussions. I just wanted to make that point. We did invite you to hear what was going on. I just want to say I don't think anybody is talking about buffer zones. PPS22 is clear about that. We had this discussion yesterday. PPS22 is also clear what happens on the edge of designated areas is a material consideration. So we do not need to discuss that. It is quite clear in the PPS. I don't know if that helps.

NATIONAL TRUST: I will be very brief, just to put it in the regional context, that we spoke previously about policies on landscape character, ER2 and ER3 on built heritage in adopted RPG, which both refer quite firmly to settings.

AUTHORITIES: Thank you, chairman. Just to round off on that issue and the points that have been raised, there is an issue which is repeatedly mentioned throughout this Examination which is that the policies should be read together and, first of all, I must congratulate the responses from West Coast Energy which actually explicitly said that in the responses which I thought was quite refreshing from a developer's point of view but it does enforce the point that these policies aren't written in the plan to be self-contained and that is another issue that has been suggested to you today, that the policies should include criteria to make them self-contained. Clearly all policies need to be read together.

That said, policy E34 refers to areas and features of national conservation importance and does refer to development in their settings which we feel is entirely compatible with the reference in PPS22 paragraph 14. So, therefore, there is no need for an additional reference in policy R44. That said, the joint authorities don't feel it is an important issue; clearly it is but we feel it is adequately addressed in policy E34. We don't feel there is a need although we acknowledge it is an important issue to consider, but is considered under E34.

THE CHAIRMAN: I think we are coming towards the end but I just want to ask one quick question for clarification for my benefit; I want to make sure I am reading this correctly. It is a question for the two authorities in paragraph 8.7, the last sentence, which says, "Renewable energy proposals that require an EIA as part of a planning application should be treated as major development proposals and should also satisfy

policy ST4.” Going to schedule 3 at the end where you helpfully put in the qualifications on requirements under the regulations, essentially any development involving more than two turbines requires an EIA or has to go forward to see if an EIA is required. So the effect of that paragraph on the schedule means that any projects with more than two turbines, as well as being considered under policy R44 and R45, would also fall to be considered under policy ST4. I want to check that that is correct. I think it must be but just to confirm.

AUTHORITIES: Just a slight clarification of that, it is only in policy R44, criterion 5, it is only developments which, following further assessment under schedule 3 criterion EIA regulations, if it is determined by the planning authorities that the full environmental impact assessment is required, then that would automatically involve consideration under policy ST4 which is major development under tests which are incorporated in that policy.

THE CHAIRMAN: So it doesn’t imply necessarily that every project which has more than two turbines would necessarily go to ST4? It depends what view is taken?

AUTHORITIES: That’s correct.

THE CHAIRMAN: At the EIA scoping stage?

AUTHORITIES: That’s correct.

THE CHAIRMAN: That’s helpful to me. Any comments on that? One comment from Mr Wrigglesworth?

NPOWER RENEWABLES: As a consequence of that, we had concerns about applying the criteria under ST4 to renewable energy projects, particularly those which are cumulative in the sense that a number of them are required to meet a target set in RPG3 through the review. Particularly criterion 3 seems to require an assessment of alternatives and a ruling out of alternatives. Clearly with wind development in particular there will need to be a number of developments to meet RPG13 targets once those targets are set. We query whether criterion 3 can reasonably apply to wind energy developments.

THE CHAIRMAN: You are obviously referring to those which require an environmental impact assessment. Is that something which would normally be looked at in terms of an EIA in any event?

MR GIBBS: The EIA looks at alternatives.

THE CHAIRMAN: In any event?

MR GIBBS: It doesn’t adopt them necessarily.

NPOWER RENEWABLES: Yes, it is the rejection part which concerns us.

MR GIBBS: It is the rejection part that you are concerned about? The phrase that they are unhappy with is not that the alternative locations and methods have been fully considered; it is the bit “and rejected” that you are unhappy with?

NPOWER RENEWABLES: Yes.

AUTHORITIES: The onus would be on the applicant to demonstrate the reasons why they have rejected alternatives and why their suggestion is the more appropriate. That is the interpretation that that criteria intended

THE CHAIRMAN: Are you saying, Mr Wrigglesworth, that that is an onerous requirement?

NPOWER RENEWABLES: It seems to be a criteria that is geared towards one solution to the problem. It seems to be geared to the large-scale energy producer where one site will meet the need. The need to reject alternatives seems to be out of step with the recognition that there will be a number of developments contributing to meeting targets. The need to reject alternatives seems to be at odds with that.

MR GIBBS: We hear your point.

THE CHAIRMAN: Thank you. I just want to confirm before we close the EIP that we have dealt with all the outstanding business. Is that correct? I have a feeling there might be one thing you want to put in front of us. This doesn't concern most of the people here but it is something we have to deal with before we say it has ended.

AUTHORITIES: Following the EIP session 2.1 on the approach to promoting a sustainable spatial strategy on 29<sup>th</sup> September we were asked to provide one or two suggestions as to how the issue of key service centres could be dealt with appropriately in the National Park should the Panel be minded to make suggestions for alternatives. The National Park authority have looked at the policies on key and local service centres again and what we are about to present is a suggestion from us as to how this issue could be dealt with if you decide to look at it.

THE CHAIRMAN: It is not your suggestion of how it should be done?

MR GIBBS: No, if it were done, t'were done like that!

THE CHAIRMAN: You are going to circulate this piece of paper to us and put it in the core documents. As I say, it doesn't really affect most people here. Any other points? If not, I will draw to a conclusion and Simon would like to say a few words and I would like to say a few words as well.

MR GIBBS: I have been delighted to be up in the Lake District and I did take Mr Hubbard's advice and go over to the Wordsworth house in Cockermouth. As you will know, environmental matters have been the subject of some controversy for quite a number of years in this part of the world and in 1844, 160 years ago, William Wordsworth left us these five lines of poetry which I thought I'd leave you with:

“Is there no nook of English ground secure

From rash assault? Schemes of retirement sown  
In youth, and mid the busy world kept pure  
As when their earliest flowers of hope were blooms  
Must perish; how can they this blight endure?"

As you all know, he was talking about the Windermere to Kendal railway. But I think it is an area that we can all ponder on the different dimensions of concern.

THE CHAIRMAN: Thank you. I would like to add a few remarks as well, firstly, again how much I have enjoyed being here in Cumbria and chairing this EIP and reading the documents that you sent to me and hearing the discussion, debate. It has been a very good experience as far as I'm concerned.

I suppose I have been coming to the Lakes for at least 45 years, quite a long time, or maybe a bit longer, so it is an area I know, love and appreciate. Also I have experienced the kind of soggy campsites' experience as well and the days walking round the anorak shops in Keswick or Ambleside that we were referring to a few days ago. I am very pleased to have had the privilege of chairing this EIP and I think we have an interesting few weeks ahead of us, putting our notes down, writing the report, putting our heads together and putting something back to you which will help you prepare the final document.

So thank you all for your participation, and for the record, for those of you who aren't here and I hope will read the transcript at some stage. I think we have experienced a very high level of input and contribution from people during the last two weeks. We appreciate that very much, from the professional officers, from the authorities, from the district councils who have faithfully appeared day by day and covered the wide range of subjects with us.

We would like to especially thank the National Park authority for allowing us to hold the EIP in this building and for the catering that you have put on. Bob Sutcliffe, I would like to thank you for that.

I also want to thank the two Franks, Frank Hewson and Frank Lee. I think without their support, what we have been doing over the last two weeks would not have been possible and I personally want to thank Frank Hewson for the level of support, and also Frank Lee, that they have given us in the preparation and the actual EIP itself and, I am anticipating, more support in the next two months.

I would also like to particularly thank our three stenographers who have been working away in the background doing this amazing service of putting the transcript together which we have managed to get on the website each day. I can only say that the first time I was able to use a transcript was in the Lancashire EIP and I found that so helpful in terms of writing my report. It made it a lot quicker, a lot easier. I didn't have to try and interpret my scribbled notes, et cetera, so if there were times when we weren't taking notes, it wasn't because we weren't listening, it was because we have this transcript and we know it is far better than the notes we were going to take. So I would like to thank especially Diana, Jill and Sarah who are here this week and Elaine who was here last week. It will make a great contribution to the production of our final report.

I want to mention also the individuals who have come here in their own time as well. I think a number of people have contributed on that basis and we are very grateful to have the individual contributions as well as the professional bodies and the key organisations as well.

Just two final things. One is that we will try and endeavour to have our report to the two authorities within two months. That should be possible and in our discussion so far, as well as reflecting on each of the topics that we have dealt with, we will try and draw out a few cross-cutting themes as well. A few have emerged throughout this EIP, particularly the effects of RPG13; that has been mentioned a number of times in relation to housing, economic development to a lesser extent, and how that affects the efforts to regenerate the county. So we are mindful of those points and we will not be too compartmentalised where we think there is an overall point or message to be brought forward as well. Also the balance between promotional activity and protecting the environment of the county. That is a theme that we have been discussing broadly today. So we will try and draw out those themes to help you in finalising the Structure Plan and also in terms of what happens after the Structure Plan, in terms of LDDs and the production of Regional Spatial Strategy. I am sure there may be a few things that we can say that may be helpful in those contexts as well. So thank you again. It has been a good experience and I wish you all the best with your further planning for Cumbria.

AUTHORITIES (Rob Terwey): Finally, on behalf of the two authorities I want to add our thanks to all the participants, and I would like that to be put on the record. I would also like to thank the two Franks, Frank Hewson and Frank Lee, for all their hard work. The two authorities are indeed looking forward to receiving the Panel's report. I hear that it is anticipated to be two months but, finally, we are also looking forward to going to the pub and there is an open invitation to all participants to join us and we promise not to talk about housing figures or the Structure Plan! (Laughter)

(The session ended at 1.50 pm)

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