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Your Ref
Our Ref FOIA1875/DW

10 February 2012

Dear Mr Hey,

Re: Freedom of Information Act 2000 – FOIA1875

Thank you for your recent request which has been dealt with under the Freedom of Information Act 2000 (FOIA). You requested the following information:

- Copies of any maps or documentation, Draft or Final, showing where Scarborough Borough Council is recommending that Commercial Wind Turbines are installed, to meet its current targets.
- Any communication that has been supplied to Banks Renewables regarding pre discussion talks on the location of Wind Turbines in the Borough.

Pre-application discussions are confidential in nature, so the specifics of conversations that have taken place cannot be disclosed. However, the Borough Council wishes to make it clear that it has never actively suggested any areas for the development of wind turbines, either through the development management or plan making process. To date, the Council has only made reference to publicly available studies that were undertaken at the regional (Yorkshire and the Humber) and sub-regional level (North Yorkshire County). Information relevant to this FOI request is provided below.

In 2005, Land Use Consultants and the National Energy Foundation were commissioned by a partnership of local authorities in North Yorkshire¹ to undertake a sub-regional renewable energy study. The study, entitled 'Delivering Sustainable Energy in North Yorkshire'², consisted of the following four interrelated elements:

1. *"Review of the technical constraints and opportunities for renewable energy development in North Yorkshire.*
2. *Preparation of planning guidance on sustainable energy for local planning authorities.*
3. *Assessment of the sensitivity of the landscape to accommodate renewable energy developments.*
4. *Preparation of guidance for local authorities on delivering renewable energy as part of their corporate strategies."*

¹ comprising North Yorkshire County Council, District Councils, National Park Authorities, City of York Council, the Regional Assembly and the Government Office for Yorkshire and the Humber

² A copy of the study can be found on North Yorkshire County Council's 'carbon management' webpage at: <http://www.northyorks.gov.uk/index.aspx?articleid=3097>

A series of maps were produced to support the assessment of landscape sensitivity (element 3). These maps identified areas where the landscape would be less sensitive to the development of wind turbines. However, they do not indicate that development in these areas is acceptable, or make recommendations to that end. Within the Borough of Scarborough the following areas were identified as being less sensitive to wind energy development:

- North of Scarborough: Medium Sensitivity
- Cayton Bay to Filey: Medium to Low Sensitivity
- South of Hunmanby: Medium to Low Sensitivity

It should be noted that as the study was undertaken at a desktop level there are limitations to the assessment and as such, a more detailed assessment of landscape impact would be required to support any planning application; the planning authority cannot use these maps to assess localised impact. This is recognised within the study, which states in paragraph 5.8 that:

“... the landscape sensitivity study cannot be prescriptive at a site level, it is intended to provide broad guidance on the relative sensitivity of different areas of North Yorkshire. It cannot be used to indicate whether a specific development site is suitable or not. For specific developments a site based landscape character assessment would need to be undertaken, and guidance is provided in Chapter 6 on the key criteria that should be considered when carrying out such an assessment.”

More recently, in 2011 AECOM were commissioned by Local Government Yorkshire and Humber to undertake an assessment of the resource for low carbon and renewable energy generation across the Yorkshire and Humber region. This study³ included an assessment of the potential capacity for wind energy generation using a methodology issued by the government department for Energy and Climate Change (DECC) in January 2010⁴. Using this methodology, no areas within Scarborough Borough were shown to be ‘practically viable’ for wind energy development. It should be emphasised that although the Energy Opportunities Plans provide an overview of potentially feasible technologies and systems within an area, they do not prevent developers from coming forward and demonstrating the feasibility of sites with more up to date and site specific information. It is highlighted within the study that the information presented is appropriate for a strategic regional study, it is not a sufficient basis for planning decisions about individual renewable energy proposals.

These studies form a key part of the evidence base for the planning authority’s new development plan for the Borough (Local Plan replacement) and are being used to inform the production of new planning policies relating to renewable energy. Nevertheless, the Council has been clear throughout the various stages of plan preparation that the development plan should not prescribe where the development of renewable energy technologies should take place or indeed what technologies should be utilised. This was reflected in the Council’s Core Strategy Preferred Options DPD (November 2009), which in direct reference to the renewable energy study, stated in paragraph 10.19 that:

“Although regard is given to the findings of this report, the Core Strategy does not prescribe the technologies to be used to reduce CO2 emissions. This approach ensures that whatever available technologies are available and economically viable at the time can be used to cut CO2 emissions.”

In shaping the policy approach in the coming months, consideration will need to be given to the latest Government guidance to assess whether the above approach remains appropriate. However, in the context of climate change and the need to reduce carbon emissions, the Borough Council has to take a favourable approach to planning for the development of renewable technologies; as required by Planning Policy Statement 1 (PPS1): Delivering Sustainable Development and PPS22: Renewable Energy. This approach is also reflected in the draft National Planning Policy Framework, which states that local planning authorities should:

³ ‘Low Carbon and Renewable Energy Capacity in Yorkshire and Humber’, available at: <http://www.yourclimate.org/pages/low-carbon-renewable-energy-capacity-yh>

⁴ “Renewable and Low Carbon Energy Capacity Methodology for the English Regions”

- Consider identifying (within the development plan) areas suitable for renewable and low-carbon energy sources, and supporting infrastructure, where this will help secure development of Renewable and Low Carbon Energy.
- Where proposals come forward outside of these areas, develop frameworks to determine planning decisions based on the criteria used to identify suitable areas.
- Place an emphasis on developers to demonstrate that an alternative location meets with the criteria used in plan-making.

Therefore, at the least, the Council will be required to develop a decision making framework for the development of renewable energy technologies, including wind turbines.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to David Kitson, Senior Solicitor, Legal and Support Services, Town Hall, St Nicholas Street, Scarborough, North Yorkshire, YO11 2HG or email david.kitson@scarborough.gov.uk.

If you are not content with the outcome your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner's Office cannot make a decision unless you have exhausted the complaints procedure provided by Scarborough Borough Council. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Tel: 01625 545745 Fax: 01625 524510 Web: www.ico.gov.uk.

Yours sincerely



Mr D. J. Walker
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