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Representation Form
Part B

For office use only		
Consultee Ref:	1045	Date Recieved
Representation Ref:	2286	RECEIVED 24 JAN 2018

Barrow Borough Council
Regulation 19 Consultation: Submission Draft Local Plan
Consultation on Proposed Major Modifications – December 2017

Please use a separate Part B form for each modification you wish to comment on. Representations must to be attached to Part A of the representation form. Please note that we cannot accept anonymous responses.

Please print your name on each separate Part B representation.

Name (Print)	Philip Rowell
Organisation	Adams Hendry Consulting Ltd
Date	24.01.2018

1. To which of the 27 Proposed Major Modifications does this representation relate?

Please state clearly the reference number of the modification which you are commenting on from the Schedule of Proposed Major Modifications (e.g. MAJ1)	MAJ	1

2. Do you consider the Major Modification is legally compliant?

Legally compliant?	Yes	✓	No	

3. Do you consider the Major Modification is sound or sound with minor amendments?

Sound?	Yes		No	✓
Sound with minor amendments?	Yes	✓	No	

If you have selected 'Yes' to either of the above then please skip question 4 and continue to question 5.

4. If you consider the Major Modification is unsound, on which grounds do you consider the document to be unsound?

Please select as many as you consider apply.

Positively Prepared	✓
Justified	✓
Effective	✓
Consistent with national policy	✓

5. Please provide details of why you consider the Major Modification is not legally compliant or is unsound. Also if you wish to support the legal compliance or soundness of the modification, please also use this box to set out your comments.

Please be as precise as possible.

These representations should be read in conjunction with the representations submitted on behalf of DONG Energy (the former company name of Ørsted) to the Pre-Submission Draft Local Plan in July 2017. It is understood from information provided on the Council's website that those previously submitted representations remain valid. The following representations are, therefore, provided on this basis and do not repeat relevant detail and argument that is already contained within those representations. At the outset, for completeness, it is also made clear that Ørsted is aware that Associated British Ports (ABP) – the owner and operator of the Port of Barrow – has submitted similar representations to the current Submission Draft Local Plan consultation.

Proposed Major Modification MAJ1 is understood to consist of an amendment to the boundary on the Proposals Map of the proposed 'Energy Uses Opportunity Area' the subject of draft policy EC7. The reasoning for the change proposed is explained by the Council as being *"To acknowledge the potential of the sites for future exploration, production, generation and transmission of energy and related activities".*

Ørsted's objection in respect of this major modification is that this is not the only amendment that should have been made to areas on the emerging Proposals Map in this part of the Borough. Changes should also have been made in respect of the Port of Barrow area, and accompanying policy provision. The Port of Barrow is located in close proximity to the 'Energy Uses Opportunity Area and is itself a facility that, amongst various things, has the potential for *"future exploration, production, generation and transmission of energy and related activities".*

In this respect it is highlighted that the status of Ørsted as a global leader in the offshore wind power industry, and the significance of the Port of Barrow as a strategic hub in providing for the current and future requirements of this industry is explained in Ørsted's earlier July 2017 representations.

It is disappointing that the Council have not taken on board the points raised by Ørsted (and ABP) at the July 2017 Pre-Submission stage, and are now proposing to proceed with an unchanged position in the Submission Draft Plan in respect of the Port of Barrow. As a result, Ørsted considers that the Submission Draft Plan – for the reasons explained in its July 2017 representations – is 'unsound' in respect of the way it deals with the Port of Barrow. In summary, the plan cannot simply roll forward the position for the Port which is contained within the Barrow Port Area Action Plan. This Action Plan document from 2010 is now largely out of date and inaccurate, and, amongst other things, was prepared before the publication of, and therefore unable to take account of, policy contained within the National Planning Policy Framework (NPPF) and the National Policy Statement for Ports (NPSfP).

As indicated in its July 2017 Pre-Submission Draft representations, Ørsted considers that in order to be made sound, it is necessary for the emerging Local Plan to set a correct vision and strategy for the Port of Barrow, including through the provision of an appropriately worded policy, and to correctly identify the area concerned on the Proposals Map. It remains Ørsted's position that this would be a relatively minor amendment to the emerging Plan.

In addition to the above, Ørsted is aware that ABP – in its Submission Draft Reps – has highlighted that emerging Policy N3 of the Submission Draft Plan is unsound. Having considered this issue, Ørsted agrees with ABP that the section of policy N3 under the sub heading 'Designated Biodiversity and Geodiversity sites' as currently worded does not appear to accord with relevant national policy and legislation, and needs to be amended accordingly.

As indicated, Ørsted is disappointed that its previous representations on these matters have not been taken on board within the Submission Draft Plan. Ørsted would welcome the opportunity to work with the Council on these matters prior to the submission of the Plan for examination, or alternatively look forward to further explaining these unsoundness matters to the Inspector at the examination of the Plan.

Please note: *Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.*
After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

6. Please set out what change(s) you consider necessary to make the Major Modification legally compliant or sound, having regard to the tests you have identified in question 3 where this relates to soundness.
Please say why you consider the change(s) will make the Major Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

For the avoidance of doubt, the following parts of the Submission Draft Plan need to be amended in the way detailed within section 6 of Ørsted's July 2017 representations on the Pre-Submission Draft Local Plan:

1. Chapter 3: Development Strategy – Barrow Port Action Plan (Paragraphs 3.3.10 – 3.3.13);
2. Chapter 6: Economy – Barrow Port Area (paragraphs 6.1.14 – 6.1.21);
3. Chapter 6: Economy – Policy EC1 and paragraphs 6.3.8 and 6.3.11 – Waterfront Business Park Strategic Employment Opportunity Area and Port of Barrow,
4. Proposals / Policies Map.

In addition, the text under the sub-heading 'Designated Biodiversity and Geodiversity sites' of Policy N3 needs to be amended to bring it in line with the requirements of national policy and legislation.

7. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

Yes I wish to participate	✓		No I do not wish to participate	

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:
Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

This representation relates to matters of importance. Having regard to the fact that, disappointingly, the Council do not appear to have taken account of these matters from earlier representations, it is essential that Ørsted is able to participate at the Examination. It is important that the Inspector has the opportunity to explore the unsoundness of the emerging Barrow Borough Local Plan in respect of these matters.

Please attach any additional documentation you consider necessary to support your representation.

Submitting your representation
In order to be valid you must complete both Part A and Part B of the representation form and return them to the Planning Policy Team via email or post.

- E-mail: developmentplans@barrowbc.gov.uk
- Post to: Planning Policy, Barrow Borough Council, Town Hall, Duke Street, Barrow-in-Furness, Cumbria, LA14 2LD

Please note that representations cannot be kept confidential but all responses will be held by the Council in accordance with the Data Protection Act 1998. All representations received and any information provided will be open to public scrutiny including publication on the Council's website.

Personal information (such as your address or email address) will remain confidential. However, your contact details will be shared with the Programme Officer and Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process. By submitting this form you are agreeing to the above.

If you have any queries regarding the consultation process please do not hesitate to contact the Planning Policy Team on 01229 876341.