Planning policy update relating to wind turbine development

Background

On 6 June 2013 a Written Ministerial Statement was published by the Rt Hon Eric Pickles MP relating to local planning and onshore wind.

The statement set out that in relation to onshore wind development it is the Government’s view that there is a “need to ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment”

Community Consultation

The ministerial statement highlights “the benefits of good quality pre-application discussion for onshore wind development and the improved outcomes it can have for local communities.

It is proposed to make pre-application consultation compulsory for “the more significant on-shore wind applications. As yet there is no further detail as to what may constitute ‘significant’ development and amendments to secondary legislation will be required prior to the introduction of this requirement.

In a separate statement from the Department of Energy and Climate Change the Government indicated they expect the industry to revise its Community Benefits Protocol by the end of the year to increase the recommended community benefit package.

New Planning Practice Guidance

The statement makes it clear the fundamental aim of the National Planning Policy Framework of facilitating sustainable development in suitable locations has not changes but emphasises the aim of meeting energy goals should not be used to justify the wrong development in the wrong location.

The Government encourages local councils to include in their local plans policies which ensure that adverse impacts from wind farms developments, including cumulative landscape and visual impact, are addressed satisfactorily.

The minister advises the Department for Communities and Local Government will shortly be issuing new planning practice guidance to assist with the consideration of local plans and individual planning applications.

The guidance will set out that:

- The need for renewable energy does not automatically override environmental protections and the planning concerns of local communities
- Decisions should take into account the cumulative impact of wind turbines and properly reflect the increasing impact on (a) the landscape and (b) local amenity as the number of turbines in the area increases.
- Local topography should be a factor in assessing whether wind turbines have a damaging impact on the landscape (i.e. recognise that the impact on predominantly flat landscapes can be as great or greater that as on hilly or mountainous ones).
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.

**Comment**

The ministerial statement is a material consideration which should be taken into account in the determination of planning applications and appeals.

Further detailed guidance is awaited from government however on the basis of the ministerial statement it does appear that, although the new advice from Government does not provide local communities with a veto against wind turbine development it does seem to shift the balance in the decision making process.

When reviewing previous planning appeal decisions there are a number of cases where Inspectors have acknowledged a development would have some adverse local impacts but that these were outweighed by the wider benefits associated with renewable energy. Local planning authorities should now be in a stronger position to refuse planning permission on the grounds of local impacts.

In relation to the development of local plan policy the Council is currently consulting on the pre-submission draft of the Allerdale Local Plan (Part 1). Policy S19 of the draft Local Plan relates to the development of renewable energy and low carbon technologies, including wind turbines.

It is considered the criteria based policy proposed is consistent with the approach set out in the ministerial statement.

Kevin Kerrigan – Head of Development Services, 13 June 2013
195. The UK Renewable Energy Strategy sets a national target to provide 15% of electricity and heat from renewable and low carbon sources by 2020. Renewable energy is an important issue nationally as well as locally across the communities of Allerdale.

196. The Cumbria Renewable Energy Capacity and Deployment Study (2011) considers the renewable energy potential across Cumbria and provide the evidence to support renewable energy policies within Local Plans. It considers an extensive range of renewable energy sources, translating potential into a realistic deployable capacity up to 2030 in order to help Cumbria to meet Government energy targets.

197. The overall level of renewable energy currently deployed across Cumbria is 295MW of which 70% is located within Allerdale Local Plan Area. The Study found that Cumbria has a high natural resource for renewable energy. However, as it also has a large number of high quality landscapes and designations, the level of resource that is realistically achievable is significantly reduced.

198. The study indicates that within the Plan Area there is also a large renewable energy resource, and suggests that there is a realistic potential for an extra 80MW by 2030. This additional supply is likely to come from a mix of technologies, with the onus on micro renewable technologies and commercial wind developments. Given the current number of wind developments and the future deployment, both singular and cumulative impact will be key considerations. The future development of the renewable resource, especially micro generation presents an exciting economic opportunity in terms of job creation, investment and economic diversification and is well aligned with the aspirations of the West Cumbria Economic Blueprint.

**S19 Renewable Energy and Low Carbon Technologies**

The Council will seek to promote and encourage the development of renewable and low carbon energy resources given the significant wider environmental, community and economic benefits. Proposals where impacts (either in isolation or cumulatively) are, or can be made acceptable will be permitted.

The Council will take a positive view where:

a) Proposals (either in isolation or cumulatively);
   i) Do not have an unacceptably adverse impact on the amenity of local residents (such as air quality/emissions, noise, odour, water pollution);
ii) Do not have significant adverse impact on the location, in relation to visual impact and impact on the character and sensitivity of the surrounding landscape;

iii) Do not have a significant adverse effect on nature conservation features, biodiversity and geodiversity, including Natura 2000 sites, habitats and species;

iv) Do not have unacceptably adverse impact on heritage assets and their settings;

b) In the case of wind turbines, it can be demonstrated that the development would not result in a significant adverse effect (either in isolation or cumulatively) on protected bird species, including designated sites and migration routes;

c) Appropriate operational requirements are addressed (including accessibility and suitability of road network, ability to connect to the grid, proximity of any relevant feedstock);

d) Appropriate measures are included for the removal of structures and the restoration of sites, should sites become non-operational;

e) Potential benefits to the local economy and the local community, including agriculture and other land based industries are considered.

Within Hadrian’s Wall World Heritage Site and its buffer zone, and the Solway Coast Area of Outstanding Natural Beauty only small scale renewable energy schemes, which preserve the special qualities of these designations and accord with the aims and objectives of their management plans will be acceptable.

Renewable energy proposals are expected to provide supporting evidence including landscape, visual and environmental assessments and to demonstrate that any negative impacts can be satisfactorily mitigated. Where mitigation is required to make impacts acceptable these will, where necessary be secured through Planning Obligations. Developers will be expected to work with local communities from an early stage and deliver benefits to the local area where the proposal is located.

199. Policy S19 sets a positive framework for the development of renewable energy across the Plan Area reflecting both national planning policy and local evidence.

200. In order to ensure that only appropriate development takes place, the policy adopts a criteria based approach to encourage acceptable proposals to come forward to help meet national renewable energy targets. This addresses each proposal on its merits, and works in conjunction with other local plan polices to ensure the maximum level of resource is harnessed while ensuring that any impacts are, or can be made acceptable. Following both community concerns and evidence, this policy, ensures that amenity, landscape, biodiversity and geodiversity, Natura 2000 sites as well as historic assets are protected. Great emphasis is placed on the consideration of the potential for cumulative adverse impacts arising from the growing number of
renewable (especially commercial wind) developments across the Plan Area.

201. In some instances renewable and low carbon energy proposals can result in unacceptable impacts that preclude development in some areas. For example, inappropriately located wind turbines have the potential to impact on protected bird flight paths and sites, as well as protected landscapes such as Areas of Outstanding Natural Beauty, or heritage assets.

202. The Habitats Regulations Assessment produced alongside this plan suggests that without detailed assessment and bird surveys it is difficult to prove that further wind turbines will not have a cumulative effect on the SPA bird populations during construction and operation of the wind farms. Therefore, wind development proposals will be expected to demonstrate that there will be no significant adverse effects on protected bird or bat species, when considered alone and in combination with other existing and proposed wind farms or vertical structures. The Allerdale Local Validation Checklist provides further details on the circumstances and survey scope that will be expected.

203. An Assessment of Likely Significant Effect should be carried out on any developments with potential for impacting directly or indirectly on Natura 2000 sites. Appropriate Assessment will be required for any development with a likely significant effect on Natura 2000 sites. Where proposals have a significant adverse effect on Natura 2000 sites that cannot be made acceptable through mitigation they should not be allowed to go ahead. Where mitigation is proposed, measures should be clearly defined and where appropriate secured by planning obligations. Where mitigation is proposed, measures should be clearly defined and where appropriate secured by planning obligations.

204. In order to address community concerns and in the interests of residential amenity and safety, a minimum separation distance of 800m between wind turbines (over 25m) and residential properties will be expected. It is recognised that in some cases due to site-specific factors such as orientation of views, landcover, other buildings and topography it may be appropriate to vary this threshold, where it can be demonstrated through evidence that there is no unacceptable impact on residential amenity. Shorter distances may also be appropriate if there is support from the local community.

205. Further guidance related to wind development is provided in the Cumbria Wind Energy Supplementary Planning Document and any update hereafter.

206. In some cases the large scale nature of some renewable technologies can give rise to unacceptable impacts which could make them unacceptable; such as large wind turbines on protected landscapes such as the Solway Coast Area of Outstanding Natural Beauty.
(AONB), and Hadrian’s Wall WHS. Within these sensitive landscapes the policy ensures that renewable schemes are in keeping with the aims and objectives of the designated areas, and of a scale that will result in minimal impact.

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