

12 September 13

Agenda Item:

**REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND
CORPORATE SERVICES**

**PLANNING PRACTICE GUIDANCE FOR RENEWABLE AND LOW CARBON
ENERGY**

Purpose of the Report

1. To provide a summary of the recently published Planning Practice Guidance for Renewable and Low Carbon Energy (July) (2013) that will form a material consideration in the determination of planning application for such development proposals.

Information and Advice

Introduction

2. The Department of Communities and Local Government (DCLG) published 'Planning Practice Guidance for Renewable and Low Carbon Energy' on 30th July 2013, as a result 'Planning for Renewable Energy: A Companion Guide to Planning Policy Statement 22' is cancelled. The guidance is a material consideration in the determination of planning applications for renewable and low carbon energy.
3. Local District and Borough Councils are the determining authority for renewable and low carbon energy proposals of 50 megawatts or less installed capacity (under the Town and Country Planning Act 1990). Proposals above this capacity are considered by the Secretary of State for Energy.
4. The guidance provides advice on the planning issues associated with the development of renewable energy. It will be kept under review and should be read alongside the National Planning Policy Framework (NPPF).
5. The new guidance is clear that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role to play in the delivery of new renewable and low carbon energy infrastructure in

locations where the local environmental impact is acceptable. The guidance answers a number of key questions as follows:

How can LPA's develop a positive strategy to promote the delivery of renewable and low carbon energy?

6. The need for renewable energy does not override environmental protection and the planning concerns of local communities. LPAs when drawing up Local Plans need to consider the local potential for such technologies, such as:
 - The range of technologies that could be accommodated and the policies required to facilitate development;
 - The cost of many renewable technologies is reducing, which could in turn increase the number of proposals;
 - Different technologies have different impacts on different areas; and
 - The UK has legal commitments to cut greenhouse gases and meet increased energy demand from renewable sources (however Local Plans do not need to include quotas).

How can LPAs identify suitable areas for renewable and low carbon energy?

7. There are no set rules, however, LPAs need to consider the requirements of the proposed technology, potential environmental impacts, including cumulative impacts and the view of the local community. Use should be made of tools such as Landscape Character Assessments, when determining planning applications.
8. Identification of areas suitable for renewable energy in plans will give greater certainty as to where development will be permitted. Applications should only be approved where the impact is (or can be made) acceptable.
9. When identifying suitable areas LPAs should be clear on the factors that will be taken into account when considering individual proposals. Such factors may be dependent on the investigatory work underpinning the identified area.

Do criteria based policies have a role in planning for renewable and low carbon energy?

10. Positively expressed policies can be useful in shaping local criteria for inclusion in Local Plans, it is important they are clear and consider the following:
 - The need for renewable or low carbon energy does not automatically override environmental protections;
 - Cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity;
 - Local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominantly flat landscape as in hilly or mountainous areas;

- 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;
- Proposals in National Parks and Areas of Outstanding Natural Beauty (AONB), and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration; and
- Protecting local amenity is an important consideration which should be given proper weight in planning decisions.

Are buffer zones/separation distances appropriate between renewable energy development and other land uses?

11. LPAs should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances. Other than dealing with set back distances, distance itself does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part, but so does the local context including factors such as topography, the local environment and near-by land uses.

What is the role for community led renewable energy initiatives?

12. Community initiatives are likely to play an increasingly important role and should be encouraged as a way of providing local benefit from renewable energy development. LPAs may wish to establish policies which give positive weight to renewable and low carbon energy initiatives which have clear evidence of local community involvement and leadership.

13. Neighbourhood Plans (NP) provide the opportunity to plan for community led projects. Neighbourhood Development Orders (NDOs) and Community Right to Build (CRTB) can be used to grant planning permission for such development. As part of an NP communities can look to develop a community energy plan and could be assisted by the LPA who will share relevant evidence, as part of their duty to advise and assist.

How can decentralised energy opportunities be identified?

14. Planning can provide opportunities for, and encourage energy development which will produce waste heat, to be located close to existing or potential users of heat. Planning can also provide new customers for heat by encouraging development which could make use of that heat.

15. Information on local heat demand is published by the Department of Energy and Climate Change (DECC) to assist planners and developers in identifying locations with opportunities for heat supply.

What are the planning considerations that relate to specific renewable energy technologies?

Hydropower

16. Planning applications for hydropower should normally be accompanied by a Flood Risk Assessment (FRA). Early engagement with the LPA and the Environment Agency (EA) will help to identify the potential planning issues, which are likely to be highly specific to the location.

Solar Technology

17. Active solar technology (photovoltaic and solar heating systems) on or related to a particular building is often permitted development (development that does not require planning permission), provided installation is not of an unusual design, is in a designated area or does not involve a listed building. Factors to consider include:

- The importance of siting systems where they can collect the most energy from the sun;
- The need for sufficient areas of solar modules to produce the required energy output from the system;
- The effect on a protected or designated area/building; and
- The colour and appearance of the modules.

18. Large scale ground mounted solar voltaic farms can have negative impacts on the environment, however, this can be addressed through the consideration of the following factors:

- Encouraging the effective use of previously developed land, if as proposal is on Greenfield land, it allows for continued agricultural use and/or encourages biodiversity improvements around arrays;
- Solar farms are normally temporary and the use of planning conditions can be used to ensure the installations are removed when no longer required and the land is restored back to its previous use;
- The effect of glint and glare on neighbours and aircraft safety;
- Great care should be taken to ensure heritage assets are protected both physically and in terms of their setting;
- The potential to mitigate landscape and visual impacts, for example through screening;
- The energy generating potential, which can vary for a number of reasons, including latitude and aspect.

19. The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of influence could be zero.

Wind Turbines

20. The following should be taken into consideration when assessing a planning application for wind turbines:

- Noise impacts;

- Safety, in terms of proximity to buildings, power lines, air traffic, defence, radar and the strategic road network
- The affect on electromagnetic transmissions;
- Ecology, in terms of bird/bat strike and species displacement;
- Impact on a heritage asset, in terms of its physical presence and its wider setting;
- Shadow flicker and reflected light;
- Cumulative visual impact, its should not be assumed that just because a proposal is not visible, there will be no cumulative impacts, i.e. shadow flicker

21. LPA should also consider the use of planning conditions to ensure that redundant turbines are removed when no longer required and that the land is restored to an appropriate use.

Other Options Considered

22. There are no alternative options to consider as the report is for information only.

Reason for Recommendation

23. This report is for information only.

Statutory and Policy Implications

24. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

1) This report is for information only.

Jayne Francis-Ward
Corporate Director, Planning, Policy and Corporate Services

For any enquiries about this report please contact: Nina Wilson, Principal Planning Officer, Planning Policy Team, ext 73793

Background Papers

Planning Practice Guidance for Renewable and Low Carbon Energy (July) (2013)

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Constitutional Comments

25. As this report is for noting only constitutional comments are not required.

Financial Comments

26. There are no direct financial implications arising from the contents of this report.

Electoral Division(s) and Member(s) Affected

All.