

<b>NAME OF COMMITTEE</b>	<b>Community Services Committee</b>
<b>DATE</b>	<b>30<sup>th</sup> April 2013</b>
<b>REPORT TITLE</b>	<b>Interim Renewable Energy Guidance for West Devon</b>
<b>Report of</b>	<b>Strategic Planning Officer (PW)</b>
<b>WARDS AFFECTED</b>	<b>All</b>

**Summary of report:**

The report recommends the preparation of a set of interim guidance notes for wind and solar photovoltaic (pv) development, pending preparation of a new Local Plan. These guidance notes are intended to bring to the attention of developers:

- the nature of the issues they will need to consider;
- the methodologies to be used to assess impacts; and
- to clarify the roles of both developers and the Development Management service.

**Financial implications:**

The costs associated with the recommendations relate to staff time only.

**RECOMMENDATIONS:**

It is recommended that:

1. Interim guidance notes for wind and solar pv energy development are prepared;
2. The Strategic Planning Officer and Member Group (SPOMG) agrees the scope and content of the guidance notes
3. A report to the Community Services Committee in June considers:
  - (i) The draft interim guidance notes and their release for public consultation; and
  - (ii) The findings of the South West Devon Community Energy Partnership (SWDCEP) evidence base and its implications for future strategy and policy development.

**Officer contact:**

Pauline Warner  
Strategic Planning Officer  
01822 813577 | [pwarn@westdevon.gov.uk](mailto:pwarn@westdevon.gov.uk)

## **1. BACKGROUND**

- 1.1 The Strategic Planning Officer and Member Working Group (SPOMG) has been considering the role and content of policies and guidance for renewable energy development. The National Planning Policy Framework (NPPF) makes it clear that all Local Planning Authorities have a responsibility to contribute to energy generation from renewable or low carbon sources, as well as making sure that the environmental impacts are acceptable and important assets are protected.
- 1.2 The West Devon adopted Core Strategy contains strategic objectives to minimise resource and energy consumption arising from new development. Strategic Policies 2 and 3 provide a positive approach to renewable and low carbon development, set against criteria that safeguard amenity and the environment.
- 1.3 Proposals for renewable energy development raise contentious issues and there is often considerable public concern about its impacts. There have been requests for a review of policy and more detailed guidance on the acceptability of proposals. Interim guidance could help inform the Development Management process when dealing with planning applications for wind turbines and solar arrays and set out what needs to be considered when dealing with planning applications.

## **2. STRATEGIC RENEWABLE ENERGY ISSUES**

- 2.1 The NPPF requires Local Plans to set out what sustainable development means in the local context and develop policies for development that “meet objectively assessed needs”. Local Planning Authorities are to have a “positive strategy” to promote energy from renewable or low carbon sources. This includes the option to identify suitable areas for renewable and low carbon sources, and supporting infrastructure, where this would help secure the development of such sources.
- 2.2 The review of the Core Strategy and preparation of a new Local Plan will address this. It will also enable many of the issues of concern put forward by Members and the public to be fully aired and tested, when options for renewable energy strategy are considered and consulted on. This work is likely to take place in the next 18 months.
- 2.3 A commitment of the Connect Strategy is to produce a Community Energy Plan. This is being taken forward by the South West Devon Community Energy Partnership (SWDCEP)<sup>1</sup>. The SWDCEP has commissioned Exeter University to undertake a review of energy-related data, including renewable energy resource assessments. This work is largely complete and will recommend indicative priority actions for the partnership, for further testing at both community and Local Authority level. The report will also provide the evidence base for Local Plan renewable energy strategy and policy development.

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<sup>1</sup> representatives of 10 community groups; West Devon Borough Council; South Hams District Council; Dartmoor National Park Authority; Devon County Council; Devon Assoc for Renewable Energy

### **3. RENEWABLE ENERGY: INTERIM GUIDANCE**

3.1 The NPPF, Core Strategy and 'saved' Local Plan policies are used by Development Management to reach a view about the acceptability of renewable energy proposals. Proposals can range in scale from small turbines to serve a farm holding, to large commercial wind clusters like that proposed for Den Brook. There is a role for further guidance to clarify the nature of information that will be required with turbine and solar array planning applications and to signpost to sources of information and advice. Other Local Authorities have produced guidance of this type; the most well known "best practice" example is the guidance prepared by Cornwall Council, available from the following link: <http://www.cornwall.gov.uk/default.aspx?page=25182>.

3.2 This report proposes that interim guidance notes are prepared which will:

- bring to the attention of developers the nature of the issues they will need to consider when submitting applications for renewable energy developments;
- set out the methodologies the Council will use to assess impacts of renewable energy proposals; and
- clarify the roles of both developers and the Development Management service in applications for renewable energy developments.

For reference purposes, South Hams is currently consulting on a set of draft guidance notes similar in scope and content to the Cornwall documents. These can be viewed on <http://www.southhams.gov.uk/article/1884/Current-Plans--Projects>. The consultation period ends on 17 May 2013.

3.3 The South Hams documents have been developed through a shared officer resourced by both Councils and progressing this work in West Devon will enable the Council to make best use of the evidence and knowledge already gained. In so doing, it will enable documents to be prepared in a timely and efficient manner. The content of the interim guidance can be drafted to reflect the specific Development Plan policies in place and to be sensitive to the environmental and other characteristics which are unique to West Devon. There is the added advantage of being able to learn from the consultation feedback on the South Hams guidance which also includes consultation with statutory consultees. Delegation of drafting the interim guidance to the Strategic Planning Officer and Member Group would mean draft guidance could be agreed by the Committee in June for subsequent consultation in July, hence enabling the Council to have guidance in place in a timely and efficient manner.

### **4. LEGAL IMPLICATIONS**

4.1 The NPPF continues to promote the plan led system stating that Local Plans are the key to delivering sustainable development that reflects the vision and aspiration of communities. Up to date, NPPF compliant Local Plan policies therefore have full weight in the decision making process. Interim guidance has value as an engagement and advisory tool, helping to raise the quality of planning applications and make the decision making process more transparent.

## 5. FINANCIAL IMPLICATIONS

- 5.1 The only financial cost to the Authority arising from the recommendations is the staff time required to progress interim guidance by June.

## 6. RISK MANAGEMENT

- 6.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

## 7. OTHER CONSIDERATIONS

<b>Corporate priorities engaged:</b>	Environment
<b>Statutory powers:</b>	NPPF
<b>Considerations of equality and human rights:</b>	No direct impacts; consultation on interim guidance will allow all groups to respond to the draft. Impacts of renewable energy development on residential amenity and health will fall within the scope of the interim guidance
<b>Biodiversity considerations:</b>	No direct impacts. Drafting of interim guidance will set out the steps to be taken to assess the impacts of renewable energy development on biodiversity and the role of mitigating measures
<b>Sustainability considerations:</b>	Draft interim guidance will improve the quality of planning applications received and result in better information for decision makers. The purpose of the planning system is to deliver sustainable development and the NPPF promotes renewable energy and low carbon development as an important contributor to this.
<b>Crime and disorder implications:</b>	No impact
<b>Background papers:</b>	Cornwall Council Renewable Energy Guidance <a href="http://www.cornwall.gov.uk/default.aspx?page=25182">http://www.cornwall.gov.uk/default.aspx?page=25182</a>  Draft South Hams Interim Guidance Notes: <a href="http://www.southhams.gov.uk/article/1884/Current-Plans--Projects">http://www.southhams.gov.uk/article/1884/Current-Plans--Projects</a>
<b>Appendices attached:</b>	None

## STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Applications for renewable energy development that do not address the requirements of existing Development Plan policies or where impact assessment is not of sufficient standard to aid decision making	Clarity around information required for planning applications and issues to be addressed in response to existing Development Plan policies, enabling Council to make fully informed decisions	3	2	6	↑	Dissemination of interim guidance to renewable energy stakeholders and potential applicants; alignment with Development Management validation procedures	Strategic Planning team and SPOMG

Direction of travel symbols ↓ ↑ ⇄