

NAME OF COMMITTEE	Resources
DATE	17 September 2013
REPORT TITLE	Interim Planning Guidance for Renewable Energy: Consultation Response
REPORT OF	Strategic Planning Officer
WARDS AFFECTED	All

Summary of report:

This report:

- Sets out a summary of the responses of consultees to draft Interim Planning Guidance for Renewable Energy;
- Recommends changes to the draft Guidance to take consultee's comments into account;
- Recommends the adoption of the amended Guidance for use in the planning process.

Financial implications:

There are no financial implications arising from this report

RECOMMENDATIONS:

It is recommended that:

1. The draft Guidance notes are amended as proposed in the appendix to this report (available on the Council website); any further minor amendments to be delegated to the Head of Planning, Economy and Community in consultation with the Chair of the Resources Committee;
2. The amended documents are adopted for use in the planning process and published on the Council's website

Officer contact:

Pauline Warner

Strategic Planning Officer

01822 813577 | pwarn@westdevon.gov.uk

1. BACKGROUND

- 1.1 At its meeting on 13 June 2013 the Community Services Committee agreed the publication of the following draft documents for public consultation:

- On Shore Wind Turbines in West Devon: Interim Planning Guidance for Prospective Developers;
- Micro Scale Wind Turbines and Permitted Development: A Guide for Property Owners in West Devon;
- Solar Arrays in West Devon: Interim Planning Guidance for Prospective Developers; and
- Installing Solar PV or Solar Thermal Panels and Permitted Development: A Guide for Property Owners in West Devon.

1.2 The guidance was available for comment from 5 July for a period of four weeks with the following consultation arrangements:

- An invitation to respond was sent directly to statutory consultees (including all Town and Parish Councils), stakeholders, interest groups and organisations and individuals registered on the Local Plan consultee database.
- Documentation and interactive response forms were made available on the Council's web site.
- Printed copies were available for public inspection at the Council's offices in Tavistock and Okehampton and some additional copies were made available on request.
- A drop in surgery was also held on two days in Okehampton.
- A press release publicised the consultation and the availability of the documents.

2. NEW GOVERNMENT POLICY

2.1 While the documents were out for consultation, the Government published new national planning guidance for renewable energy. 'Planning Practice Guidance for Renewable and Low Carbon Energy'¹ replaces the former Companion Guide to PPS22. The Government has also issued a 'call for evidence' about community renewable energy to inform the content of a Community Energy Strategy, due for publication next year.

2.3 The Government is currently considering new proposals for community consultation in association with "significant" wind proposals. This will require secondary legislation but the details of when this is likely to happen are not yet known.

2.4 These changes in national policy will necessitate some amendments to the documents to reflect the updated position (see section 3).

3. THE CONSULTATION RESPONSE & PROPOSED AMENDMENTS

3.1 A total of 36 interested parties responded to the consultation. While this is not a high number, the draft documents had already benefited from the responses to similar guidance for South Hams thereby dealing with some potential issues of concern. However, a number of important statutory consultees responded with helpful comments and there was also a response from the trade body for wind energy.

1

3.2 There were a significant number of supportive comments, with 11 respondents welcoming the guidance as useful and informative.

3.3 The tables below summarise the main changes recommended in response to issues raised. A table with a full summary of the response and the detail of proposed changes is available on the following link [insert hyperlink]. A limited number of hard copies will be available at the Committee meeting for reference.

General Comments:

Topic	Issue	Recommended response
National policy and other issues	<ul style="list-style-type: none"> • The role and use of renewables; • Government policy/subsidy; energy production; • The range of technologies, especially hydro; • Capacity of grid. 	<p>These issues lie beyond the scope and role of the guidance. They are noted and the issues relating to strategic context, range of technologies etc will be taken forward as the new Local Plan develops.</p>
Strategy and policy	<p>To be effective the documents need to be published in the context of a renewable energy plan for West Devon. Renewable energy is a cross boundary issue.</p>	<p>Current strategy is set out in the West Devon Core Strategy.</p> <p>It is recommended the documents include Strategic Policy 3 from the Core Strategy as the key enabling policy for renewable energy.</p> <p>The review of the Local Plan will consider the need for strategic policy update. The SW Devon Community Energy Partnership is currently preparing a Community Energy Plan.</p> <p>Renewable energy cuts across administrative boundaries and therefore the Council will be required under the Duty to Cooperate as set out in the Localism Act to work with our neighbouring authorities when considering our future strategic policy framework and approach for enabling renewable energy development.</p>

On Shore Wind Turbines in West Devon: Interim Planning Guidance for Prospective Developers

Topic	Issue	Recommended response
Impact on infrastructure, Public Rights of Way and other access issues.	Comments were received from rail, road and bridleway interests requesting amendments to text.	Some changes recommended to draw attention to processes required to cross rail infrastructure/impact on rail interests, engagement with the Highway Authority, and to sign post guidance and contacts for advice on other issues.
Strategic Environmental Assets	Section needs to include strategically important historical and cultural assets	Amendments to text to reference the World Heritage Site, the setting of the National Park and to give links to the Historic Environment Record and Historic Landscape Character mapping.
Environmental Impact Assessment	All proposals should be subject to EIA and that screening requests should be notified to Town and Parish Councils.	Regulations set out the way EIA is to be used and is therefore not within West Devon's control. Not all EIA screening requests result in planning applications and not all applications requiring EIA have them when submitted. All information relating to planning applications is available on the Council's website, and town and parish councils and local residents have the opportunity to make representations in the normal manner.
Noise & distance issues	There was support for a distance standard and concerns about noise levels and current noise assessment methods.	'Planning Practice Guidance for Renewable and Low Carbon Energy' states " <i>Local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances</i> ". Amendments to wording are recommended to reflect current national guidance.
Landscape	A mixed range of comments – some welcoming inclusion of cumulative impact, others wanting more emphasis on how landscape judgements are made. Reference to the Devon Landscape Policy Group guidance for wind	Few changes are recommended. This is because many of the comments relate to recent planning decisions and the process and outcome of landscape impact assessment. The document is signposting the latest good practice and methodology

Topic	Issue	Recommended response
	and solar development was generally welcomed. Some respondents wanted exclusion zones to apply to AONBs, AGLVs etc.	from the Landscape Institute and the Devon Landscape Policy Group with the intention of improving the quality of impact assessment and the information used to make judgements about the significance of that impact.
Soils, Hydrology, Land Management	References required to Environment Agency guidelines.	References and links to guidance to be included.
Historic & Cultural Heritage	Links required to the Devon Historic Environment Record, National Heritage List for England and Devon Gardens Trust listing of historic parks and gardens. Further wording requested to cover archaeological assets.	Additional text to be included, drawing attention to the potential requirement for further survey and evaluation work following desktop assessment. Links to additional listings and English Heritage guidance to be included. Reference to be made to the archaeological and cultural significance of Dartmoor and its setting.
Community	Clarification on the scale and nature of community benefits; the distinction between s106 and community funds.	Some minor changes to reflect recent Government announcements. Additional wording to clarify the distinction between s106 and community benefits.

Micro Scale Wind Turbines and Permitted Development

Topic	Issue	Recommended response
Various	Inclusion of links to guidance and case studies. Greater emphasis on energy saving/efficiency before installation of renewable technology.	Minor amendments to provide links to guidance. Links to case studies and community advice to be included. Text relating to energy efficiency re-located to give it greater prominence. Links to financial incentives for householders to be included.

Solar Arrays in West Devon: Interim Planning Guidance for Prospective Developers

(Many of the proposed changes outlined above are also applicable to the document dealing with solar arrays. This table only lists additional changes specific to the Solar Arrays document)

Topic	Issue	Recommended response
Soils, Ground Works & Drainage; Land Management	Additional wording requested to clarify de-commissioning arrangements and detailed requirements for drainage and vegetation management.	Minor amendments to text to clarify requirements, provide links to published guidance and to signpost the need to contact specialist agencies for advice.

Installing Solar PV or Solar Thermal Panels & Permitted Development

(Many of the proposed changes to the Micro Scale Wind document are also applicable to the document dealing with solar installations. This table only lists additional changes specific to the Solar PV/Solar Thermal document)

Topic	Issue	Recommended response
Various	Need to provide/plan for internal works; clarification that orientation etc also applies to free standing sites as well as buildings.	Minor amendments to text.

4. LEGAL IMPLICATIONS

- 4.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. The NPPF continues to promote the plan led system and up to date NPPF compliant policies continue to have full weight in the decision making process. It is considered Strategic Policy 3 of the Core Strategy (Renewable Energy) is compliant with the NPPF.
- 4.2 To help meet the challenge of climate change, flooding and coastal change the NPPF asks Local Planning Authorities to recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no significant financial implications arising from this report. The documents, once finalised, will be published on the Council's web site and the cost of printing a limited number of copies will be met from the strategic planning budget.

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

Corporate priorities engaged:	All
Statutory powers:	<ul style="list-style-type: none"> • Planning and Compulsory Purchase Act 2004 • Town and Country Planning (Local Planning) (England) Regulations 2012 • National Planning Policy Framework 2012 • Adopted Core Strategy 2011

Considerations of equality and human rights:	There is no direct impact on equality and human rights arising from the report.
Biodiversity considerations:	The contents of the interim guidance impact on biodiversity interests. The objective of the guidance is to improve the processes associated with planning applications for renewable energy generation, giving greater coherence and consistency to impact assessment. This will help safeguard biodiversity interests.
Sustainability considerations:	Renewable energy generation responds directly to the need to address the environmental, economic and societal impacts of energy use.
Crime and disorder implications:	No impact
Background papers:	<ul style="list-style-type: none"> • National Planning Policy Framework 2012 • Renewable Energy Policies for West Devon – Community Services Committee 30 April 2013 • Interim Planning Guidance for Renewable Energy – Community Services Committee 25 June 2013 • Planning Practice Guidance for Renewable and Low Carbon Energy – Dept for Communities and Local Government, July 2013
Appendices attached:	A table outlining the full consultation response and recommended amendments to the documents is available on the Council website as an appendix to this report.

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

Direction of travel symbols ↓ ↑ ⇄