

AGENDA ITEM 12

RURAL, ECONOMIC & ENVIRONMENTAL AFFAIRS

9th JANUARY 2013

REPORT OF HEAD OF COMMUNITIES & NEIGHBOURHOODS SUPPLEMENTARY PLANNING DOCUMENT ON WIND POWER

1. PURPOSE OF THE REPORT

- 1.0 To approve the arrangements for the preparation of a Supplementary Planning Document on wind turbines.

2. RECOMMENDATIONS

2.0 The Committee is recommended to:

- Authorise the preparation of a Supplementary Planning Document on Wind Power based on the scope, evidence requirements and timetable set out in this report;
- Instruct officers to draw up a brief for the work and to seek quotations from suitably qualified and experienced consultants;
- Delegate to the Head Of Communities and Neighbourhoods, in consultation with the Leader of the Council and the Chair of the Rural, Economic and Environmental Affairs Committee, decisions on the final scope and methodology for the SPD, following discussion with the successful consultant.

3. KEY ISSUES/BACKGROUND

- 3.1 There are significant local concerns about the impact of proposed development of wind turbines on the landscape and on residential amenity. This has resulted in the refusal of planning applications for such development, in some cases contrary to officers' recommendations. Appeals have already been received against some refusals and it is likely further appeals will be made.
- 3.2 This is in the context of the National Planning Policy Framework (NPPF) which places a presumption in favour of sustainable development in general and encourages local authorities to support the delivery of renewable and low carbon energy associated infrastructure.
- 3.3 In response to the local concerns, whilst also taking account of the NPPF, a Focussed Change to the relevant Core Strategy policy has already been proposed. This will be considered by the Inspector carrying out an independent examination into the soundness of the Core Strategy and his report is expected in June 2013 following which the Core Strategy can be adopted. The amended policy CS20 contains the following:

We will allow new renewable and low carbon energy developments which contribute to the above targets and to national and international environmental objectives on climate change providing that, individually and cumulatively with other existing and proposed schemes, they:

- respect the landscape and its capacity to accommodate the scale of development proposed (informed by the Melton Landscape Character Assessment),*
- respect the natural environment and protect the integrity of European Sites and their settings,*
- respect the historic and built environment and protect designated heritage assets and their settings,*
- do not have an unacceptable adverse impact on the local community and residential amenity (including issues of noise intrusion, shadow flicker and safety), and*
- take account of other nearby land uses.*

3.4 Whilst the Melton Core Strategy will provide the basis for assessing planning applications, further detail is needed to assist a response in relation to specific proposals, to take account of various types and sizes of proposal, their location and other factors. It is not appropriate to include more detail in the policy itself in a strategic policy document. It is also too late to introduce further changes to the Core Strategy, since they should have been included in the submission documents, although suggestions for changes from other parties may be considered by the inspector at the Core Strategy hearing.

3.5 Instead the further detail could be provided by a Supplementary Planning Document (SPD). An SPD should not introduce a new policy but it intended to elaborate on, and be consistent with, existing and emerging development plan policies. It must not conflict with the adopted development plan or with the NPPF. It could not therefore rule out development on the grounds of a lack of need, nor could it restrict the location of development to only the most suitable areas, since a proposal in another location should be approved if it meets the same criteria as were used to define the most suitable areas.

3.6 When adopted by the Council the SPD would be a material consideration when considering planning applications in Melton, although it would not have as much weight as a DPD or Local Plan. The SPD must “hang off” a Local Plan policy so it would have very little weight in development management decision before the Core Strategy Policy CS20 is adopted.

3.7 Before deciding whether and how to pursue this option, members need to consider the following issues:

- Scope
- Evidence requirements
- Programme

Scope

3.8 One option would be to prepare an SPD on renewable energy, but this would be more time-consuming and expensive than just focussing on wind turbines. There are several examples of SPDs which just address wind turbines and

there is no reason why this approach should not be adopted. This could be justified on the basis that wind turbines are the form of renewable energy development most likely to have the largest impact and because Melton has been identified as the district in Leicestershire with the greatest potential for wind power.

3.9 There are various levels of guidance which could be provided:

- A case by case approach which does not define strict criteria (especially minimum separation distances) but requires a residential visual amenity assessment for large and medium scale developments, or for any scheme where impacts on residential visual amenity is an issue e.g. South Kesteven.
- An SPD which addresses only limited aspects of potential impact such as noise and separation distances, e.g. Milton Keynes.
- A more comprehensive definition of criteria which should be addressed in considering applications for and a definition of what might be considered acceptable, e.g. Cornwall.
- An SPD which addresses these criteria but goes further to define locations/ areas which are most and least suitable for wind power development, e.g. Rutland.

3.10 It is suggested that the best way forward would be a consideration of all the relevant criteria but without attempting to define areas which are more or less suitable for wind energy development. Subject to cost, the SPD should address the issues set out in Policy CS 20 and set out criteria on:

- *Separation distances from residential buildings:* These should be based on evidence and not just on those adopted elsewhere. They should vary according to the size of the proposed turbines and their number and should address the issue of when a proposal becomes over-powering, oppressive, overbearing, or overwhelming when viewed from the nearest dwelling. The distances should be such as not to rule out any wind turbines in the district. They would need to take account of the fact that the appropriate separation distance may differ according to local factors such as topography, tree screening and sensitivity of the recipient land use and so could not be rigidly applied.
- *Landscape and visual impact.* Apart from the Vale of Belvoir, there is relatively little difference in quality and sensitivity between the various landscape character areas in Melton. The landform of the Borough is generally indistinct lowland ridge and valley. Even within the same landscape character area there will be some locations which are acceptable while others are less so and the landscape impact will vary depending on the height of the proposed turbine, their grouping (if more than one is proposed), the cumulative impact with other existing or proposed schemes, and the specific sitting in relation to viewpoints, tree screening, altitude and exposure etc. Nevertheless, the study should address whether there are any views or locations of particular sensitivity, taking into account the Melton Landscape Character Assessment.

- *Noise*: the study should consider the extent to which low level noise from turbines impacts on neighbouring residential properties and include this in decisions on separation distances. It should also consider the effects of amplitude modulation (thump or swish noise). This consideration could feed into the recommendations on separation distances from homes, bridleways and footpaths and possibly into standard conditions.
- *Shadow flicker and reflected light*: The former relates to the effect of the sun passing behind the rotors of a moving turbine. This should feed into the separation distances from homes, roads, bridleways and footpaths and into recommendations about mitigation measures, including blade colour and surface finish in relation to reflected light.
- *Distance from roads, bridleway and footpaths*: With regard to roads, the key consideration will be safety both from the point of view of road safety/ distraction of motorists and in the event of potential “fall over” on both the strategic (Highway Agency) and local (County) network. In relation to bridleways consideration needs to be given to avoiding frightening horses and for footpaths the main factor will be fall over distance (rather than impact on views).
- *Impact on the setting of historic buildings and conservation areas*: The study should cover the distances and other measures required to avoid unacceptable impact on designated heritage assets such as listed buildings, conservation areas and historic parks and gardens. Consideration should also be given to the impact of wind turbines on the landscape when viewed from such assets and whether different factors apply from such viewpoints when compared with landscape impact more generally.
- *Impact on areas of nature conservation importance*: This should cover the impact of rotating blades on birds and bats and the measures required to minimise such impacts, especial on protected species. Apart from this, wind turbines are unlikely to warrant any different approach in terms of ecological impact from other development.
- *Cumulative impact*: Policy 20 stresses the importance of cumulative impact and the SPD should consider how this can be taken into account especially in relation to landscape impact, residential amenity, and noise, including criteria as to when they need to be considered and distances from other wind turbines which are not acceptable.

3.11 It has also been suggested that the SPD could include potential health risks, but this would be difficult as Core Strategy Policy CS20 does not include a criterion in relation to health impacts and it would therefore be difficult to hang the SPD off this policy. Moreover the evidence on such impacts is not conclusive. However, the consultants could carry out some desk-based research into any potential health risks based on scientific evidence to give an assessment of its validity and conclusions.

Evidence Requirements

- 3.12 The consultants could be required to carry out an assessment on the potential impact of wind turbine developments of various sizes in each of the Landscape Character Areas, either as already designed or as re-defined specifically for this purpose. However the alternative approach adopted by South Kesteven Borough Council requires the landscape impact to be assessed on a case by case basis through a Landscape Visual Impact Assessment for each proposal that comes forward. It does not therefore require much evidence to be collected in advance of a specific proposal.
- 3.13 If members wish for minimum separation distances to be included within the SPD, then it may be necessary to commission some further research into what these should be in the context of the local situation and national guidance. However it may be possible to rely on national studies and appeal decisions (outlined in the report for Rutland) combined with an assessment for the impact of the standards on the ability to make a reasonable contribution to wind power targets. This would involve a GIS – based definition of zones around all residential property or settlement boundary for each size of turbine and turbine group in order to identify a distance which would provide a balance between residential amenity and the ability to provide some turbines of all or most sizes.
- 3.14 If members wish the consultants to review potential health impacts these will need to be based on scientific evidence, therefore further research will be required. A number of independent peer reviewed research studies have looked at the impact of noise and other issues on people's health. Given the existing evidence Government's views is that properly sited wind farms do not have a direct effect on public health, and that the planning system is fit for purpose to determine on a case by case basis whether sites are appropriate for development, there is question as to whether the cost of such research is justified.

Programme

- 3.15 If the evidence requirements involve landscape assessments then it may be necessary to wait until the spring, when there are leaves on the trees, to carry out the work. If the South Kesteven approach is adopted, supplemented perhaps by an analysis of appropriate separation distances based on standards elsewhere, then seasonality will not be factor. However, given that the SPD will have very little weight until after adoption of the Core Strategy in July, there is little point in commencing work until spring 2013. This would also tie in with budget availability and in any event it would difficult to commission a study any quicker, given other pressures on staff resources leading up to the Core Strategy hearing and the need to negotiate the detailed scope of the study in order to ensure the work remains within budget.
- 3.16 The stages of preparation and consultation which are required for an SPD are less onerous than for a Development Plan Document and do not involve an independent Examination. The following timetable is proposed:

- REEA approval to proceed: 9th January 2013
- Prepare brief for consultants: January -February 2013
- Procurement of consultants and agreement on scope: March 2013
- Research and first draft report: April- May 2013
- Comment on final draft report: May 2013
- Consultation: June – July 2013
- Consider responses and amend as necessary: July - August 2013
- Adoption: September 2013

4. POLICY AND CORPORATE IMPLICATIONS

- 4.1 The renewable energy SPD will set out the criteria against which applications for wind turbine development would be judged, and will be used as material consideration when determining such applications.

5. FINANCIAL IMPLICATIONS

- 5.1 It is proposed that consultants will be required to carry out surveys and research, prepare the document and carry out the consultation, due to in house staff resources already committed to the delivery of the Core Strategy. There will however be in house resources required for the procurement, contract management and quality control.

- 5.2 The cost of the SPD is dependent on the complexity of the report. Rutland County Council's Landscape Capacity Study cost approximately £12,000, but this did not include the cost preparing the SPD itself and carrying out consultation. There is provision in the LDF budget for a 'Planning for Climate Change Study', which could be used for the SPD instead, although this is not likely to be sufficient to cover all the work required.

6. LEGAL IMPLICATIONS

- 6.1 Once adopted by the Council, following adoption of the Melton Core Strategy, the SPD will be a material consideration in deciding planning applications for relevant development. It must be in general conformity with the Core Strategy and with the National Planning Policy Framework.

7. COMMUNITY SAFETY

- 7.1 No community safety implications

8. EQUALITIES

- 8.1 No equality impact assessment implications.

9. RISKS

9.1 Without the SPD, the Council would be reliant on the general criteria in the (changed) Core Strategy policy, which leaves room for interpretation which could be challenged on appeal in the event of a refusal being based on them. On the other hand, more definition of specific criteria would mean that it would be very difficult to refuse applications once the criteria are met. The criteria must be based on evidence.

10. CONSULTATION

10.1 There are no consultations to consider at this stage. Consultation on the SPD will be carried out in accordance with the Council's Statement of Community Involvement.

11.0 WARDS AFFECTED

11.1 All wards are affected

12.0 CLIMATE CHANGE

12.1 The 2009 Energy Directive sets a target for the UK to derive 20% of energy from renewable energy sources by 2020. The Core Strategy Policy CS20 states that in the region of 45MW of renewable energy will be delivered by 2026 and that we will work towards the delivery of renewable developments that contribute to a minimum target for wind power of 12MW by 2026. The SPD will be used as material consideration in determining planning applications for the development of wind turbines, in order to get the correct balance of delivering renewable energy and the impacts on the landscape, nearby residential properties and other issues as identified in this report.

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Appendices none

Background Papers:

Melton LDF Core Strategy (Submission) DPD

SPD: Wind Turbine Developments- Consultation Draft, Rutland County Council, May 2012

Draft Wind Turbines SPD and Emerging Policy, Milton Keynes Council, January 2012

Draft Renewable and Low carbon Energy SPD, Cornwall Council, June 2010

Draft Wind Energy SPD, South Kesteven Borough Council, October 2012

Reference: Council, C'tees & Sub-C'tees/REEA/2012-13/09-01-13/HR- Report Wind Power SPD