

## RURAL ECONOMIC AND ENVIRONMENT COMMITTEE

3<sup>RD</sup> SEPTEMBER 2014

### REPORT OF HEAD OF REGULATORY SERVICES

#### LANDSCAPE CAPACITY AND SENSITIVITY STUDY: WIND ENERGY

##### 1.0 PURPOSE OF REPORT

- 1.1 To present the Committee with the draft Landscape Capacity and Sensitivity Study (LCSS) for Wind Energy, providing the background to the study and an explanation of its potential use in informing development proposals and in developing policies through the Melton Local Plan.
- 1.2 The report also provides members with the opportunity to discuss the next steps and what further measures they feel may be effective in advance of developing policies to manage wind energy development through the Melton Local Plan.

##### 2.0 RECOMMENDATIONS

###### 2.1 It is recommended that the Committee

- a) **approves the draft Landscape Capacity and Sensitivity Study that comprises Appendix 1 to this report, with authority delegated to the Head of Regulatory Services to make minor amendments and subsequently accept as a complete document, for use as part of the Local Plan evidence base and in assisting the assessment of any planning applications for wind energy development in the Borough.**

##### 3.0 KEY ISSUES/BACKGROUND

- 3.1 There are significant local concerns about the impact of wind turbines on the landscape and on residential amenity.
- 3.2 The National Planning Policy Framework (NPPF) 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 Reflecting this position and the need for action whilst the Local Plan is being prepared, REEA Committee resolved on the 4<sup>th</sup> September 2013 that a Landscape Capacity and Sensitivity Study (LCSS) for the Borough would be prepared on the understanding that this could be used as technical evidence to support the preparation of the Local Plan and assist with assessing the impact of proposals as part of the planning application process. On the 8th January 2014 REEA resolved that for purposes of efficiency and cross boundary impacts and opportunities a joint LCSS would be prepared in partnership with Rushcliffe Borough Council.
- 3.4 Land Use Consultancy (LUC) were commissioned to undertake this work. The draft Melton and Rushcliffe Landscape Capacity Study: Wind Energy Development is appended to this report (appendix 1).
- 3.5 The LCSS assesses the potential impacts on any landmark landscape features. It also includes an assessment of visual sensitivity of the Borough considering views from important view points and sensitive routes. Maps are included which show the landscape and visual sensitivity and capacity of each of the Boroughs landscape

character areas and looks at their ability to accommodate different scales of wind development.

3.6 The LSS once completed will be used as evidence to support decision making. The tool will be used in informing and justifying the Council’s decisions on renewable wind energy proposals with regard to landscape impact, capacity and sensitivity. The evidence will also be used to prepare renewable energy policies as part of the new Melton Local Plan.

3.7 Landscape capacity and sensitivity is perhaps the most high profile and challenging, but one of a number of issues that feed into the assessment of the appropriateness of wind energy developments. Other issues include, noise, electromagnetic interference, aviation implications and ecology impacts and several others.

**4.0 NEXT STEPS**

4.1 However, the view has been expressed to the Council many times that a “wind turbine policy is required” and consideration should be given as to whether it is feasible to meet this request and if so in what form it could take, in view of the position of the Local Plan and the constraints upon developing SPD.

4.2 Once completed the LSS work will be technical evidence that will be referred to in determining planning applications on wind energy development with immediate effect.

4.3 Suitable policies will be developed as part of the Local Plan to manage Wind Energy developments, subject to this approach there may not be a need to develop a further SPD. In the first instance this will form part of the Issues and Options consultation. There are three options which the Borough Council has at the present time to use the study, before the local plan is adopted. The table below sets out the different options and the positive and negatives to each approach.

Option going forward	Positives	Negatives
‘Do nothing’ use the LSCS as evidence	<ul style="list-style-type: none"> <li>• The study can be used as evidence in assessing planning applications</li> <li>• The study can be used as evidence to support the development of renewable wind energy policies through the Local Plan.</li> <li>• Developers looking for sites will be directed towards the least sensitive locations as a starting point.</li> <li>• The study can be used to assist the design of any proposals to ensure that they are sensitive to the landscape as they can be</li> <li>• The study will inform members and public on landscape and visual issues and promote positive planning for renewable energy</li> <li>• Could have weight as a</li> </ul>	<ul style="list-style-type: none"> <li>• The study only covers landscape, and we do not currently have any guidance on the other factors that need to be considered in assessing the effects of wind turbines.</li> </ul>

	consideration as part of planning application, but this would depend on the specifics of any individual case.	
Prepare an SPD	<ul style="list-style-type: none"> <li>• Further detail could be provided for example: <ol style="list-style-type: none"> <li>1. Separation distances from residential buildings</li> <li>2. Noise</li> <li>3. Shadow flicker and reflected light</li> <li>4. Distance from roads, bridleway and footpaths</li> <li>5. Impact on setting of historic buildings and conservation areas</li> <li>6. Impact on areas of nature conservation</li> <li>7. Electromagnetic impacts</li> </ol> </li> <li>• When adopted by the Council the SPD would have weight when consideration when considering planning applications in Melton, although it would not have as much weight as a DPD or Local Plan</li> <li>• Would the potential to be developed through public consultation in accordance with the Statement of Community Involvement</li> </ul>	<ul style="list-style-type: none"> <li>• A legal opinion has been received which states any policies contained in a SPD must not conflict with the adopted development plan document, given the absence of a up to date policy in a development plan, a SPD would not have any basis upon which it could be justified.</li> <li>• Irrespective of the above any SPD would risk being subject legal challenge as part of its adoption process. This could have significant financial implications</li> <li>• Public consultation and screening for the need for Sustainability Appraisal (SA) and possibly needing to undertake SA could result in a lengthy process of preparation.</li> </ul>
Prepare a 'position statement' highlighting the Landscape Capacity and Sensitivity Study as technical evidence and state that the Borough Council will use it to inform its assessment of wind energy proposals	<ul style="list-style-type: none"> <li>• Could be produced relatively speedily, subject to proposed scope and resource availability</li> <li>• Would make clear the Borough Council's position to potential developer and communities.</li> </ul>	<ul style="list-style-type: none"> <li>• Would not carry weight and would purely explain how the LCSC was intended to be used.</li> </ul>

## 5.0 POLICY AND CORPORATE IMPLICATIONS

5.1 The LCSS will provide evidence and be used as a material consideration when determining planning applications for renewable wind energy. The document also provides policy recommendations to develop a renewable wind energy policy as part of the new Melton Local Plan. This will include use by the Reference Groups in order to inform their debate and advice on policy direction in this area.

## 6.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

- 6.1 There are no financial implications arising from this report and the receipt of this study. The study has been funded from the funds allocated in January 2014 and efficiencies have been made by preparing the study jointly with Rushcliffe Borough Council.
- 6.2 In the event that additional work is proposed to complement the study (e.g. one of the options described at para. 4.3 above or an alternative initiative) consideration will need to be given to the priority afforded, taking account of the scale of the work involved. The study is the responsibility of the Local Plans Team who are fully engaged in the production and consultation on the Local Plan (Issues and Options stage) in autumn/winter 2014 and in financial terms a specific allocation was provided which has been expended in full.

## 7.0 LEGAL IMPLICATIONS/POWERS

- 7.1 Once approved by the Council, the document will be a material consideration in determining planning applications for relevant development. The document would provide detailed evidence to support and inform assessment of proposals. The policy context for such proposals is set principally by the NPPF and NPPG which contains policies on accommodating low carbon energy, 'valued landscapes', etc.
- 7.2 A legal opinion has been received which states any policies contained in a SPD must not conflict with the adopted development plan document, given the absence of a up to date policy in a development plan, a SPD would not have any basis upon which it could be justified. Policies for the location of turbines, together with more detailed policies such as separation distances, noise limits should be developed through the Local Plan process, using evidence and through meaningful engagement with local communities.

## 8.0 COMMUNITY SAFETY

- 8.1 There are no direct community safety implications as a direct result of this report.

## 9.0 EQUALITIES

- 9.1 There are no direct Equalities implications as a direct result of this report.

## 10.0 RISKS

- 10.1 Without the evidence contained within the LCSS, the Council would be reliant on ad-hoc and more subjective assessment of proposals under the criteria set out in the NPPF. Therefore approving and using this evidence goes some way to reduce risk, but creates new risks with regard to how much weight would be given to the work.

Very High A				
High B				
Significant C		2		
Low D				

Risk No.	Description
1	Guidance does not assist in assessing wind power proposals or inform Local Plan
2	Guidance is given limited weight by Inspectors as part of any planning appeals

Very Low E				
Almost Impossible F	1			
	IV Neg- ligible	III Marg- inal	II Critical	I Catast- rophic

## 11.0 CLIMATE CHANGE

11.1 The 2009 Energy Directive sets a target for the UK to derive 20% of energy from renewable energy sources by 2020. The technical evidence will be used as a 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.

11.2 This work will assist the Borough in understanding the most appropriate locations for wind energy developments helping it make its contribution to mitigating climate change through this source of renewable energy where it is feasible.

## 12.0 CONSULTATION

12.1 Consultation was undertaken in Parish Council in August 2013 on the most sensitive landscape and views in their areas. Members (Melton and Rushcliffe) also participated in a session 11 June 2014, to feed in their views on sensitive views and landscapes and understand the methodology for the work. LUC are presenting the findings of the work to all Members (Melton and Rushcliffe) on the 10 September 2014.

12.2 As stated in the report, the LSS will form part of the technical evidence base for the Local Plan. Subject to Council approval consultation will commence on the Melton Local Plan Issues and Options in September 2014. The issues and options facing the Borough around wind energy development and the landscape will feature as part of this consultation. Moving forwards there will be further opportunities to engage in the development of draft policies through the Local Plan with the Preferred Options/ a Draft Plan scheduled for consultation in the May 2015.

## 13.0 WARDS AFFECTED

13.1 All wards are affected

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Contact Officer: Ms K Mills, Planning Policy Officer

Date: 11<sup>th</sup> August 2014

Appendix 1: Draft Landscape Capacity and Sensitivity Study To Follow