
Meeting: Executive
Date: 18 March 2013
Subject: Planning Guidance Note on Wind Energy Development in Central Bedfordshire
Report of: Cllr Nigel Young, Executive Member Sustainable Communities – Strategic Planning and Economic Development
Summary: The report proposes that Executive adopts the technical guidance document on wind energy development in Central Bedfordshire for development management purposes.

Advising Officer: Gary Alderson, Director of Sustainable Communities
Contact Officer: Stephen Mooring, Acting Environmental Policy Team Leader
Public/Exempt: Public
Wards Affected: All
Function of: Executive
Key Decision Yes

CORPORATE IMPLICATIONS

Council Priorities:

The aim of this guidance on wind energy development is to provide a greater degree of technical analysis to help the Council in its decisions with regard to wind energy proposals and in particular their impact on the countryside and landscape. This contributes to the delivery of Council's priorities in the Medium Term Plan, particularly in relation to 'Enhancing Central Bedfordshire – creating jobs, managing growth, protecting our countryside and enabling businesses to grow'

Financial:

1. Failure to have sound technical guidance in place for development management purposes with regards to wind developments may lead to more appeals against Council decisions and the subsequent costs of these. For the Langford Wind farm appeal this was estimated to be in the region of £50k.

Legal:

2. Once adopted as technical guidance this will constitute a material planning consideration to be taken into account when determining all relevant planning applications in the Council's area.

Risk Management:

3. None

Staffing (including Trades Unions):

4. Not applicable.

Equalities/Human Rights:

5. None

Public Health:

6. None

Community Safety:

7. The Council has a statutory duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to reduce crime and disorder in its area. This duty applies to all of the Councils functions and this will be considered when planning applications for large scale wind developments are received.

Sustainability:

8. Renewables, such as wind turbines play an important role in reducing CO₂ emissions and contributing to the global effort to mitigate climate change. However there are a range of technologies available and this technical guidance aims to help inform planners, developers and members decision making to help ensure that the right balance is achieved between the deployment of the appropriate technologies in the most appropriate places, limiting negative impact on landscape character, biodiversity and heritage, whilst at the same time ensuring local communities receive maximum benefits.

Procurement:

9. Not applicable.

Overview and Scrutiny:

10. This matter has been considered by Sustainable Communities Overview and Scrutiny on the 6 March 2013. Comments from this meeting will be provided at the Executive meeting.

RECOMMENDATIONS:**The Executive is asked to:**

- 1. adopt Guidance Note 1: Wind Energy Development in Central Bedfordshire' as technical guidance for development management purposes; and**
- 2. delegate authority to the Director of Sustainable Communities, in consultation with the Executive Member Sustainable Communities - Strategic Planning and Economic Development, to make minor amendments to the technical guidance note prior to its publication.**

Reason for Recommendations:

To provide the Council with an additional planning guidance for the consideration of planning applications for wind turbines and larger wind developments.

Executive Summary

11. National Planning Policy places a presumption on Local Planning Authorities to approve sustainable energy developments. However it also allows local planning authorities to set their own criteria to assess site suitability and the cumulative impact of development.
12. A technical guidance document focusing on wind developments has been produced for development management purposes. It clarifies how issues such as landscape sensitivity, heritage and biodiversity should be taken into account in planning decisions. The guidance also highlights areas of Central Bedfordshire where the landscape character and type would be deemed too sensitive to accommodate wind developments, alongside assessing the capacity of the landscape and defining how cumulative impact will be assessed.
13. The guidance has been through a four week period of public consultation and as a result further supporting work is being carried out to ensure that the guidance is as robust as possible and would stand up to scrutiny through appeal etc.
14. The technical guidance is being considered by Sustainable Communities Overview & Scrutiny Committee on the 6 March. Comments and recommendations will be provided at this Executive meeting. The main recommendation as set out in 1 above, is for Executive to adopt the technical guidance note for development management purposes. It is envisaged that it could become a supplementary planning document once the Council's emerging Development Strategy is adopted.

Introduction

15. The Council's Climate Change Strategy (adopted in June 2010) acknowledges that climate change is a real and immediate threat for us all. Carbon dioxide (CO₂) levels have already reached their highest level for almost half a million years and are rising faster than ever. Decarbonisation of the UK's energy supply through the increased deployment of renewable and low carbon energy generation technologies is a key element of the UK Government's approach to meeting the tough carbon reduction targets set in law by the Climate Change Act (2008), these being to reduce green house gas emissions by 34%, from 1990 levels, by 2020 and by 80% by 2050. In addition to this the UK is also committed to generating 15 per cent of energy from renewable sources by 2020 (through the European Renewable Energy Directive).
16. This has and will lead to an increase in planning applications and developments of renewable energy generation technologies across the UK. In order to ensure maximum deployment, national planning policy via the National Planning Policy Framework (NPPF) and the National Policy Statements for Energy (EN-1 and EN-3) place a presumption in favour of 'sustainable energy developments'. This is reflected in the decisions in favour of the applicants in the Langford Wind Farm appeal decision and the approval of the Covanta Energy from Waste plant at Rookery Pit.

17. Notwithstanding the positive stance required under national policy, the NPPF and Energy Policy Statements provide scope for Planning Authorities to guide development to less environmentally sensitive areas where negative impacts can be most effectively mitigated. This has to demonstrate that the process of selecting areas has been done through the use of a criteria based approach, making it clear what criteria have determined the selection and include guidance on what size of development in these areas would be considered suitable (paragraph 97 NPPF). However the Planning Authority should also subsequently approve the application if its impacts are (or can be made) acceptable. Once areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas (paragraph 98 of the NPPF).
18. The Council's emerging Development Strategy, Policy 46, covers renewable and low carbon energy development. To support this policy and provide further clarification on how the policy will be applied, a technical guidance note on Wind Energy (see Appendix A) has been produced. It is envisaged that further notes will be produced for development management purposes, each focusing on specific technologies. The range of technologies being covered and timescales for delivery of subsequent technical guidance notes is yet to be confirmed.
19. This takes forward the approach to large scale renewables set out in the North Core Strategy which stated in policy that the Council would consider favourably proposals for renewable energy installations as long as they satisfied a range of criteria. These include that they are not harmful to residential amenity, including noise and visual amenity; are located and designed so as not to compromise the landscape and scenic beauty of the Chilterns Area of Natural Beauty; and also that in other areas identified through the Landscape Character Assessment as having high sensitivity, be located and designed so as to respect the character of the landscape. There was no specific policy regarding large scale renewables in the draft joint Core Strategy and no further technical guidance was ever produced.
20. The guidance note on Wind Energy is intended to help all those concerned with renewable energy to achieve development that is both suitable in scale and has least impact and maximum community benefit. Wind development has been focused on in the first instance to reflect the public concerns about the perceived impact of large scale wind development in rural locations.
21. The aim to produce a series of technical guidance notes for a range of technologies, is in line with national policy, as set out in the UK Government's Renewable Energy Roadmap (2011). This states that encouraging a diverse mix of energy sources, including renewables, is the best way to meet the UK's decarbonisation objectives, protect consumers against rising energy prices and ensure the lights stay on. Therefore providing clarification on the planning issues relating to a range of Renewables technologies will support the deployment of a wider range of technologies in Central Bedfordshire, allowing the most appropriate use of technology for the proposed location.

22. It is important to also note that applications for wind farms with a generating capacity over 50MW (equivalent to 25 Vesta V90 turbines, which are the type being use at Langford) would not be considered by the Council but by the Planning Inspectorate, who would in turn make a recommendation to the Secretary of State for approval or not. The Council would be a consultee and this technical guidance would inform the Council's response.

The Approach Taken

23. Wind developments unquestionably have a significant impact on the landscape and other sensitive receptors, including biodiversity, local heritage assets and communities living adjacent to them. The technical guidance therefore considers:
- (a) the capacity of the landscape to accommodate wind development alongside other sensitivities relating to biodiversity, heritage and communities;
 - (b) it defines and provides examples of 'cumulative impact' of wind developments, including the larger wind farms being built outside of, but near to the Council's boundary;
 - (c) assesses the capacity of landscape to accommodate wind developments and at what scale; and also
 - (d) provide an overview of the most and least sensitive areas in Central Bedfordshire to wind developments.
24. The technical guidance considers and applies the requirements of the National Planning Policy Framework, the National Policy Statements for Energy (EN1 and EN3) alongside the key policies in the Council's emerging Development Strategy. It does not promote specific sites for the location of wind developments.
25. It is important to reiterate that this document does not provide comprehensive guidance in relation to all the issues that developers would need to consider in relation to wind developments. For instance noise issues are not considered as ETSU-R-97 – 'The Assessment and rating of noise from wind farms', is the current best practice guidance on which noise assessments of wind developments are based in the UK.

The Main Conclusions made in the Technical Guidance

26. The scale and industrial character of turbines will always result in dramatically changed landscapes, but in an acceptable location the strong form and connection with green energy can result in the creation of a positive landmark and play a role in combating climate change. The latter being a key factor leading to the loss of valued features within the landscape.
27. However it is essential that schemes are in scale with the setting and do not detract from valued landscapes or cause unacceptable intrusion to communities.

28. Such suitable sites are likely to be limited in number due to the dense settlement pattern in Central Bedfordshire, the variation in landscape character (character areas are often narrow or limited in extent) and landform creates a greater sensitivity than the judgements on landscape character alone suggest. In relation to landscape sensitivity and impact the key conclusions below would be used to help steer planning decisions. Where developers propose a wind development contrary to these principles, the onus would be on them to clearly define how impacts would be mitigated and why the conclusions reached don't apply with regard to their planning application.
- (a) The capacity for medium scale wind developments (between 3 to 5 turbines) is considered to be low. The Central Bedfordshire landscape is not appropriate to accommodate large scale wind developments (of more than 10 turbines).
 - (b) There is potential to support a limited extent of small to medium sized wind developments, particularly within the clay landscapes to the north east of Central Bedfordshire.
 - (c) The cumulative impact of a series of single turbines is considered to be of a greater consequence than a single medium sized farm of 3 to 5 turbines. Only an exceptional site would allow a second installation without a serious threat of overwhelming cumulative impact.
 - (d) The Central Bedfordshire countryside is too complex, populated and varied in its landform to be able to successfully accommodate more than one farm within a 10km setting.
 - (e) The exception to this would be in the large-scale arable clay-farmland landscapes, largely to the north east of Central Bedfordshire, which do offer some potential for farms to be in close proximity. This landscape type is still very limited in Central Bedfordshire compared to similar landscapes in other counties, for example the Bedfordshire and Cambridgeshire Claylands and the East Anglian Chalk National Character Areas, as demonstrated on p52 of the Draft Technical Guidance (Appendix A).
 - (f) There may be greater scope for the installation of single turbines towards the east of Central Bedfordshire or where they can be used positively to create nodal features along trunk roads, business estates and new large scale developments.
29. The technical guidance clarifies and provides advice on a range of other key issues. The key points being:
- (a) **Green belt:** Highlights that Policy 36 in the emerging Development Strategy sets out the general presumption against inappropriate development in the green belt. Also that very special circumstances would need to be demonstrated if turbines and their associated infrastructure (access tracks, substation etc) were proposed within an area of green belt.

- (b) **Heritage and Archaeology:** Highlights the need to assess the impact of each application on a case by case basis. Particularly important considerations include the impact on the setting of designated and non-designated heritage assets and the direct physical impact or loss of features of a heritage, historical interest or on archaeological remains. The National Policy Statement places a presumption in favour of conservation of heritage assets over sustainable energy development, but only where direct damage is likely to occur. Scheduled ancient monuments were also included in the mapping appraisal of highly and low sensitivity locations for wind developments in Central Bedfordshire.
- (c) **Biodiversity:** Highlights the importance of site selection and the location of turbines within that site with regards to avoiding impacts on wildlife. The impact of turbines on bats and birds (depending on site location) could be significant and further guidance is provided as to what expected measures should be taken. Areas of ecological value are also considered in the mapping appraisal of high and low sensitivity locations for wind developments in Central Bedfordshire.
- (d) **Communities:** Highlights the importance of communities being engaged at the earliest possible opportunity and the need for there to be clear benefits, whether financial or other, to those communities affected. It also highlights how community lead schemes will be supported in principal and as long as other impacts and issue covered in the technical guidance are adequately addressed.

Consultation responses

- 30. The technical guidance went through a four week period of consultation from the 14 January to the 11 February 2013. The Council has been proactive in seeking views from local stakeholders and communities by communicating this alongside the consultation for the emerging Development Strategy. This included highlighting the consultation period to all contacts on the development strategy database, relevant trade associations and wind energy developers.
- 31. Over thirty responses were received. The scope of responses ranged from:
 - (a) A number from individuals who wanted to express general opposition to wind developments, and wind turbines as a technology. These were not valid with regards to the wind guidance document as this does not consider whether wind turbines are effective or not. The NPPF, EN-1 and EN-3 state that the general pro's and cons of a particular technology should not be considered as part of the planning process. Comments were also received with regards to how the guidance defers to national guidance for noise and other issues that could be considered in scope e.g. low frequency noise, shadow flicker and health impacts.

- (b) Responses were received from strategic stakeholders such as Natural England, the Environment Agency and Highway's Agency. These were either in general support of the approach or highlighted relevant areas of concern and standards to their organisations that they believe should be considered or referenced. For instance the Highways Agency wanted their guidance on locating wind turbines close to trunk roads and motorways to be referenced and the Environment Agency highlighted issues relating to flooding and the control of water and ground pollution.
- (c) Comments were received from two wind developers, these being FCC – who are preparing applications for wind developments at Brogborough (up to eight turbines) and Arlesey (1 turbine) on the former landfill sites they operate. Whilst they opposed the guidance, useful feedback was provided to allow the Council to make the guidance clearer and more robust. Comments were also received from T G Landscape Architects, on behalf of Co-operative Estates, the developers of the Langford/Biggleswade Wind Farm. They considered the guidance to be a 'helpful and comprehensive approach to evaluating the capacity of the district to accommodate wind energy development...' but also noted that there were a number of fundamental aspects that needed to be addressed before the guidance could be considered to be sufficiently robust.
- (d) Comments were also received from South Bedfordshire Friends of the Earth who deemed the guidance (and the emerging Development Strategy Policy 46 that this provides further guidance on) to be unsound and not in compliance with the requirements of the NPPF, largely due to the requirement for Local Authorities to have a 'positive strategy for mitigating and adapting to climate change'. Our view is that this is met through the commitments made in the Council's Climate Change Strategy, positive policies on resource efficiency in the emerging development strategy and pragmatic and open approach to developments of all renewable energy generating technologies (not just wind) – ensuring that the most appropriate technology is located in the most appropriate place.

32. A number of actions are being carried out to address the concerns raised through the consultation process. These are seen as minor amendments and therefore a recommendation is being sought to delegate authority to the Director of Sustainable Communities, in consultation with the Executive Member for Sustainable Communities - Strategic Planning and Economic Development to make minor amendments to the technical guidance note prior to its publication. The minor amendments include:

- (a) The Introductory section will be split into a separate 'introductory document' to clarify that the Council's approach to Renewable generation technologies will not only consider wind developments.
- (b) Further clarification will be provided of the methodology used to develop the criteria used for the evaluation of landscape impacts in the guidance. This will acknowledge the differing impact that wind turbines have depending on their height. Further clarification will also be provided as to how the assumption that the capacity of the landscape in Central Bedfordshire cannot accommodate wind developments of more than 11 turbines was reached.

- (c) Supporting the assessment with a documented 'ground proofing' or site visit exercise particularly focused on the critical boundaries between landscape character areas.
- (d) Further clarification as to how national standards for noise and other issues will be applied and what they are.
- (e) Consideration of the issue of the reversibility of wind developments after 20 to 25 years and how this should be considered within the guidance.

Conclusion

- 33. National planning policy places a presumption in favour of sustainable energy developments. This potentially makes it difficult to refuse planning applications for wind developments without sound and robust reasons.
- 34. To clarify the Council's approach for planners, developers, communities and other stakeholders alike, should be seen as a proactive approach to enable wind developments proposal in Central Bedfordshire to be located in the most suitable areas, with least negative impact. It is envisaged, and shown in part by the consultation, that developers would welcome the clarification this technical guidance provides.
- 35. The technical guidance should provide the Council with a more robust platform for negotiation with developers and ensure that those communities affected are in a position to benefit as much as possible from the development. This clarity should also limit the potential of planning applications that are refused then going to appeal.

Appendices:

Appendix A – Renewable Energy Guidance - Guidance Note 1: Wind Energy Development in Central Bedfordshire

(http://www.centralbedfordshire.gov.uk/Images/140113%20Renewable%20energy%20guidance%20-%20Wind%20CONSULTATION%20V1.0_tcm6-39299.pdf#False)

Background papers and their location: (open to public inspection)

Copy of the guidance document and consultation questionnaire available at:

<http://www.centralbedfordshire.gov.uk/planning/strategic-planning/consultation-and-news.aspx>