

REPORT TO CABINET

REPORT OF: Economic Development Portfolio Holder

REPORT NO: PLA 945

DATE: 1st October 2012

TITLE:	Draft Wind Energy Supplementary Planning Document: Approval for Public Consultation	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Cllr Frances Cartwright Grow the Economy, Economic Development Portfolio Holder	
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INITIAL IMPACT ANALYSIS:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
Equality and Diversity	Yes	No
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	National Planning Policy Framework http://www.communities.gov.uk/publications/planningandbuilding/nppf National Policy Statement for Renewable Energy Infrastructure (EN-3) http://www.official-documents.gov.uk/document/other/9780108510793/9780108510793.pdf South Kesteven Core Strategy (2010) http://www.southkesteven.gov.uk/index.aspx?articleid=2910	

1. RECOMMENDATION

- 1.1 That Cabinet approves the draft Wind Energy Supplementary Planning Document for the purposes of public consultation.

2. PURPOSE OF THE REPORT

- 2.1 National policy on renewable energy is set out in the National Planning Policy Framework (NPPF). This indicates that local planning authorities should take a positive approach to renewable energy projects and that there is a responsibility on all communities to contribute to energy generation from renewable or low

carbon sources. The NPPF makes clear that in considering proposals applicants should not be required to demonstrate the overall need and urges local authorities to approve applications if *'its impacts are (or can be made) acceptable'*.

- 2.2 Although the National Policy Statement for Renewable Energy Infrastructure (EN-3) provides the primary basis for decisions on nationally significant renewable energy schemes (defined as being over 50MW capacity for onshore wind proposals), and which are decided by the Secretary of State for Energy and Climate Change, it is likely to be a material consideration in the determination of other renewable energy planning applications. However, whether and to what extent it is a material consideration should be judged on a case by case basis.
- 2.3 The local policy framework against which proposals in the District for wind energy developments will be assessed are set out in Policies EN1 (Protection and Enhancement of the Character of the District) and EN3 (Renewable Energy Generation). The purpose of the Wind Energy SPD is to support the implementation of these policies by providing guidance to planning officers, elected members, developers, local communities and the public on:
- Key planning issues associated with wind energy developments during their construction, operation and decommissioning
 - Criteria that will be applied when determining applications for wind energy developments
 - Good siting and design of wind energy schemes including how potential impacts can be minimised
 - Information that should be provided when submitting a planning application
- 2.4 The drafting of the SPD has been supported by Land Use Consultants (LUC), who were appointed following a procurement process. LUC have particular experience in renewable energy issues and have worked on projects ranging from national strategic research studies, regional and local resource assessments and sustainable energy strategies to site level Environmental Impact Assessments (EIAs). Whilst they have prepared EIAs and landscape and visual impact assessments for specific wind energy projects they have also been responsible for preparing planning guidance and landscape sensitivity and capacity studies for renewable energy for a range of local authorities and other organisations.
- 2.5 It should be made clear, however, that the draft SPD is the Council's document and has been subject to extensive comment by officers and members during the preparation of the draft document and scrutiny of the process for adoption.
- 2.6 The purpose of this report, therefore, is to seek approval of the draft Wind Energy Supplementary Planning Document and for it to be published for public consultation prior to adoption as an SPD.

3. DETAILS OF REPORT

- 3.1 Informal consultation was carried out by LUC from the 21st May to the 15th June 2012. This provided an opportunity for Parish Councils, Statutory Consultees

and local interest groups to submit views or comments on the key issues/topics that should be included in the SPD, any specific issues relating to these topics and to identify any additional documentation that may be useful in the preparation of the SPD.

- 3.2 46 responses were received ranging from general support for the preparation of the SPD to detailed comments on matters to be covered from both organisations with a specific remit e.g. Natural England and others.
- 3.3 The draft SPD is attached as Appendix 1 to this report. It includes sections providing the context and background on the purpose of the SPD and role of wind energy as well as information on the application process including EIA, design and access statements and planning conditions. The main part of the draft SPD outlines the key planning issues associated with wind energy and provides guidance for the siting and design of developments and covers the following topics:
- Landscape and visual amenity
 - Ecology
 - Historic environment
 - Hydrology
 - Traffic and movement
 - Noise and vibration
 - Shadow flicker
 - Aviation
 - Telecommunications
 - Socio-economics
- 3.4 For each, information is provided on the issues that are a material planning consideration, the key features within South Kesteven relevant to the topic, guidance to be followed when selecting sites and designing developments including measures to help mitigate adverse impacts and sources of further information. Where appropriate, the draft SPD distinguishes between large and medium/small scale proposals.
- 3.5 However, whilst the SPD provides clear guidance it will remain the case that each planning application for wind energy development must be determined on its own individual circumstances.

Landscape Character Assessment

- 3.6 The South Kesteven Landscape Character Assessment (LCA) makes reference to the sensitivity of each of the seven identified landscape character areas (*lca*) to wind energy development. Although the wording is caveated to indicate that each proposal should be considered on its own merits, these sections have been read as the Council's position on wind energy development and have been taken to indicate that wind proposals in some *lcas* would be considered favourably.
- 3.7 The preparation of the SPD provides an opportunity to make clear that it is against the key issues set out in the SPD that wind energy proposals will be assessed and considered and that the sections of the LCA relating to wind

development sensitivity are not a material consideration in the determination of relevant planning applications. It is recommended that this issue is covered as part of the report to Cabinet on the adoption of the SPD.

Next Steps

- 3.8 A SPD does not form part of the Development Plan but may be taken into account as a material consideration in the determination of planning applications. Before an SPD can be adopted there is a requirement to undertake a formal period of consultation, with all representations considered and the issues relevant raised taken into account in finalising the documents.
- 3.9 The nature of the public consultation that should be undertaken in relation to SPDs is set out in the Council's adopted Statement of Community Involvement. The following will, therefore, be undertaken:
- 6 week period for consultation starting in late October
 - Notification of the consultation to be sent to those who may have an interest in the subject matter – this will include Parish Councils, statutory consultees, relevant local and national interest groups, wind energy organisations etc.
 - The draft SPD to be made available for public inspection in local libraries, the Council offices and on the Council's website
 - Statutory notice in the local press
 - Issuing of press release to local media
- 3.10 Subject to the number and nature of any representations received, it is anticipated that the representations, together with responses to them, will be reported to Cabinet in January 2013 at which time Cabinet will be requested to adopt the SPD as a document which is not within the Council's policy framework.

4. OTHER OPTIONS CONSIDERED

- 4.1 Do not proceed with preparation of the SPD - the alternative would be to rely on prospective developers to submit a planning application and hopefully engage in pre application and post application negotiations. The preparation of the SPD is more positive in that it provides guidance to developers, SKDC officers and the general public on the key issues and impacts to consider in assessing or submitting a planning application for wind energy.

5. RESOURCE IMPLICATIONS

- 5.1 There will be costs associated with the public consultation through the publication of statutory notices and printing of the documents, although this will be kept to a minimum through the provision of electronic as opposed to hard copy versions of documents.

6. RISK AND MITIGATION

- 6.1 Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
Reputational – perceived inconsistency in decisions concerning wind energy development	Preparation of Wind Energy SPD and monitoring and reporting of effectiveness through Annual Monitoring Report

7. ISSUES ARISING FROM IMPACT ANALYSIS

7.1 A Stage 1 Equality Analysis has been completed and has not identified any potential for discrimination.

8. CRIME AND DISORDER IMPLICATIONS

8.1 None arising out of this report.

9. COMMENTS OF FINANCIAL SERVICES

9.1 It is confirmed that the costs associated with the publication of the draft SPD can be met from within existing budgets.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

10.1 The purpose of the report to Cabinet is to consider the draft Wind Energy SPD for consultation purposes. It is proposed, following consultation, the results of the consultation be reported to Cabinet. Cabinet will be asked to consider and approve the SPD taking into account relevant representations made as a result of the consultation.

11. COMMENTS OF OTHER RELEVANT SERVICES

Development Management Service Manager

11.1 The preparation of the SPD will help to provide greater certainty and consistency when considering proposals for wind energy development. This will help local communities, their representatives and developers to better understand the key issues in the determination of these applications.

12. APPENDICES:

- Appendix 1 – Draft Wind Energy SPD
- Appendix 2 – Stage 1 Equality Analysis