



# **Policy LP19 Renewable Energy Proposals Evidence Report**

**Proposed Submission  
April 2016**

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# 1 Introduction and Policy Context

## Introduction

- 1.1 A joint Local Plan for the Central Lincolnshire area is being produced which will set the framework for how development will be considered across the districts of the City of Lincoln, North Kesteven and West Lindsey to 2036.
- 1.2 This Evidence Report (which is one of a collection) provides background information and justification for policy LP19, which relates to renewable energy proposals.

## National policy

- 1.3 The National Planning Policy Framework (NPPF) was published in March 2012 and the National Planning Practice Guidance (NPPG) was introduced in 2014 which offers 'live' government guidance.
- 1.4 Section 10 of the NPPF concerns "Managing the challenge of climate change, flooding and coastal change" and there is a separate section on "Plan-making". The following paragraphs are particularly relevant:
  - Paragraph 17- ... planning should... encourage the use of renewable resources (for example, by the development of renewable energy).
  - Paragraph 93- Planning plays a key role in ... supporting the delivery of renewable and low carbon energy and associated infrastructure...
  - Paragraph 97- To help increase the use and supply of renewable and low carbon energy, local planning authorities should... have a positive strategy to promote energy from renewable and low carbon sources; design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts; consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning...
  - Paragraph 98- When determining planning applications, local planning authorities should: not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.
- 1.5 The NPPG also provides the following general guidance in relation to renewable energy:

"... all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities." (Reference ID: 5-003-20140306)

"Community initiatives are likely to play an increasingly important role and should be encouraged as a way of providing positive local benefit from renewable energy development. ... Local planning authorities may wish to establish policies which give positive weight to renewable and low carbon energy initiatives which have clear

evidence of local community involvement and leadership.” (Reference ID: 5-004-20140306)

“Policies based on clear criteria can be useful when they are expressed positively (i.e. that proposals will be accepted where the impact is or can be made acceptable). ... In shaping local criteria for inclusion in Local Plans and considering planning applications in the meantime, it is important to be clear that:

- the need for renewable or low carbon energy does not automatically override environmental protections;
- cumulative impacts require particular attention...;
- local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape...;
- protecting local amenity is an important consideration which should be given proper weight in planning decisions. (Reference ID: 5-007-20140306)

Local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances. Other than when dealing with setback distances for safety, distance of itself does not necessarily determine whether the impact of a proposal is unacceptable. (Reference ID: 5-008-20140306)

- 1.6 Further to the above, the Secretary of State for Communities and Local Government (Greg Clark) issued a Written Statement (HCWS42) on 18 June 2015 in relation to wind energy development. In this statement, Clark set out “new considerations to be applied to proposed wind energy development so that local people have the final say on wind farm applications”. He stated:

*“... When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:*

- *the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and*
- *following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.*

*... suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines, or similar, will not be sufficient. Whether a proposal has the backing of the affected local community is a planning judgement for the local planning authority. ...”*

- 1.7 The ‘considerations’ took effect from 18 June 2015 and several of paragraphs of the National Planning Practice Guidance (NPPG) which relate to wind energy were revised, including:

*“... In the case of wind turbines, a planning application should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a Local or Neighbourhood Plan. ...”*

(Ref ID 5-005-20150618)

“The following questions should be considered when determining applications for wind turbines:

- Do local people have the final say on wind farm applications?
- How are noise impacts of wind turbines assessed?
- Is safety an issue when wind turbine applications are assessed?
- Is interference with electromagnetic transmissions an issue for wind turbine applications?

- How can the risk of wind turbines be assessed for ecology?
  - How should heritage be taken into account in assessing wind turbine applications?
  - Is shadow flicker and reflected light an issue for wind turbine applications?
  - How to assess the likely energy output of a wind turbine?
  - How should cumulative landscape and visual impacts from wind turbines be assessed?
  - What information is needed to assess cumulative landscape and visual impacts of wind turbines?
  - Decommissioning wind turbines”
- (Ref ID 5-014-20150618)

“Suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines or similar will not be sufficient.”

(Ref ID 5-032-150618)

“The Written Ministerial Statement made on 18 June 2015 is quite clear that when considering applications for wind energy development, local planning authorities should (subject to the transitional arrangement) only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

Whether the proposal has the backing of the affected local community is a planning judgement for the local planning authority.”

(Ref ID 5-033-150618)

- 1.8 The above NPPF policy and NPPG guidance has been taken into account in policy LP19 in particular.

## 2 Central Lincolnshire Context in Relation to Policy LP19

- 2.1 Central Lincolnshire has witnessed several renewable energy developments, some for personal power generation, some larger schemes for power generation for business use or the national grid.
- 2.2 One of the key issues facing Central Lincolnshire is that decentralised energy (energy generated close to where it is used, rather than at a large plant elsewhere and sent through the electricity grid) can pose issues for the electricity distribution network due to the increased ‘flow’ of energy ‘upstream’. It is therefore important that the impact of decentralised energy proposals upon the grid is considered.

## 3 Local Plan Policy: Preliminary Draft

- 3.1 The Preliminary Draft version of the Local Plan (published for consultation in October – November 2014) included a policy on renewable energy.
- 3.2 Comments made in response to this policy included: “we do not want a countryside with sprawling villages around the towns and the rest of the area dominated by wind farms”; the plan should distinguish between small / medium / large scale turbines as all have different potential impacts and requirements; this policy should include a clause to protect local air quality from impacts from biomass proposals.

- 3.3 Another comment highlighted that the cross reference to, and hence the requirement to meet, the stated design principles under the Design policy is inconsistent and requires development to adhere to design principles that are unachievable for renewable energy proposals.
- 3.4 Another response expressed that the policy was very vaguely worded and could be applied negatively, and as such runs contrary to the positive policy on Climate Change and Low Carbon Living. Appendix F was also considered to have a restrictive tone that could stifle the promotion of renewable energy.
- 3.5 It was observed that the subjective and ambiguous phrase ‘unacceptably adverse impact’ was repeatedly used throughout the policy, and that this fails to allow for a proper balancing of the benefits of a scheme against its effects, and also whether the effects can be suitably mitigated.
- 3.6 Another consultee requested that the policy outlined the preferred renewable energy sources, while also clarifying what is less preferable. Someone else expressed the opinion that photovoltaic panels should be mandatory on all new buildings, while another stated that only low grade agricultural land should be used for huge solar fields.

## 4 Local Plan Policy: Further Draft

- 4.1 The policy in the Further Draft version of the Local Plan was amended from the original Preliminary Draft in response to comments received during the consultation on the Preliminary Draft version of the Local Plan and in response to the Ministerial Statement discussed in section 1 above.
- 4.2 The criteria outlined in the policy were revised, with the cross references to other policies removed as all Local Plan policies would be considered in the determination of applications as relevant and thus cross-references are not necessary.
- 4.3 The term ‘unacceptably adverse impact’ was removed to avoid unnecessary ambiguity.
- 4.4 Though the suggestion to require solar panels on all new buildings was noted, this requirement was not introduced because of the potential viability implications of delivering this requirement in addition to other requirements, such as CIL and affordable housing. Furthermore, developers may wish to opt for alternative renewable technologies and such a requirement may inhibit their ability to do so.
- 4.5 The request that the policy expresses a preference for a particular source of renewable energy, and identifies the lesser preferred option/s was also not taken forward because proposals will be assessed on their merits: a proposal for one form of technology may be acceptable in one location, but the same technology in a different location may be inappropriate. Furthermore, given the potential progressions in renewable energy technology over the plan period it is considered inappropriate to state a preference.
- 4.6 The policy did highlight the need to take account of the Agricultural Land Classification, and part G of the Development in Rural Areas and the Countryside policy in the Further Draft Local Plan (now Development in Hamlets and the Countryside in the Proposed Submission Local Plan) relates specifically to the protection of the best and most versatile agricultural land.
- 4.7 Appendix F of the Preliminary Draft Local Plan was not included in the Further Draft version in light of the revisions to the policy.

### Further Draft Consultation

- 4.8 The consultation on the Further Draft Local Plan took place between October and November 2015. The key issues raised during this consultation were:
- That the policy is too vague.
  - Concern that Ministerial Statement (HCWS42) could be revoked which would have implications for policy: suggestion that the policy should include adequate protection to prevent inappropriate and speculative proposals.
  - Limiting renewable energy development to poorer quality agricultural land is in line with national policy but lower grade land is more limited in Central Lincolnshire than in other areas so the policy may prove overly restrictive.
  - Mixed support and objection to approach to wind energy development (i.e. not identifying sites for wind energy). Several objections suggest that the policy should identify suitable areas for wind energy development and that the policy is currently unsound. Comments that neighbourhood plans are not an appropriate tool for managing such development pressure and will lead to an inconsistent approach to wind energy across Central Lincolnshire.
  - Suggestion that policy should identify suitable areas for all forms of renewable energy.
  - Suggestion that baseline survey into how many commercial renewable energy developments have been built or granted planning permission be conducted.
  - Concern over impact of wind turbine development on Ministry of Defence Operations: policy wording suggested.

## 5 Local Plan Policy: Proposed Submission

- 5.1 The comments made during the Further Draft consultation have been duly considered. Only minor amendments have been made to policy LP19 in the Proposed Submission Local Plan in response to the comments and to improve the policy wording.
- 5.2 The revisions to the policy are the addition of a presumption against photovoltaic solar farm proposals on the best and most versatile agricultural land and the rewording of the last two paragraphs of the policy as the Further Draft policy included duplication in respect of mitigation of harmful impacts.

## 6 Alternative Reasonable Options

- 6.1 The following alternative options have been considered for this policy. (Option 1 is the preferred policy approach which has been included in the Proposed Submission Local Plan.)
- 6.2 **Option 2:** No policy on renewable energy and instead rely on national planning policy. This policy has been discounted: it is felt that specific criteria in relation to renewable energy development are necessary in addition to the Design and Amenity policy to highlight the specific considerations associated with proposals for renewable energy technology.
- 6.3 **Option 3:** Have separate policies for different types of renewable energy. This option has been discounted for two reasons: firstly, the desire to deliver a concise Local Plan and avoid repeating common principles across multiple policies. Secondly, given the likely progression in renewable energy technology over the plan period, and the potential development of new technologies, it is considered that establishing technology specific policies rather than an overarching renewable energy technology proposal could become outdated.

- 6.4 **Option 4:** Policy identifying suitable areas for wind energy development. This option has been discounted because:
- of the time which would be taken to produce the evidence (and the subsequent, and unacceptable, delay to the Local Plan);
  - the considerable (and unacceptable amount of) resources which would be needed to undertake a thorough assessment of areas which are appropriate for wind farms; and,
  - even if such evidence was produced, the likelihood that proposals within any identified zones being acceptable to the community being slim, with the subsequent implication being that any positive policy would, as a result of the ministerial statement and changes to National Planning Practice Guidance, be ineffective in any event.

## 7 Conclusion

- 7.1 This Evidence Report demonstrates the rationale for the proposed policy as contained in the April 2016 Proposed Submission Local Plan. We hope this helps demonstrate how we have responded to comments received during both the Preliminary and Further Draft consultations, as well as how the latest evidence and national guidance has been taken into account.