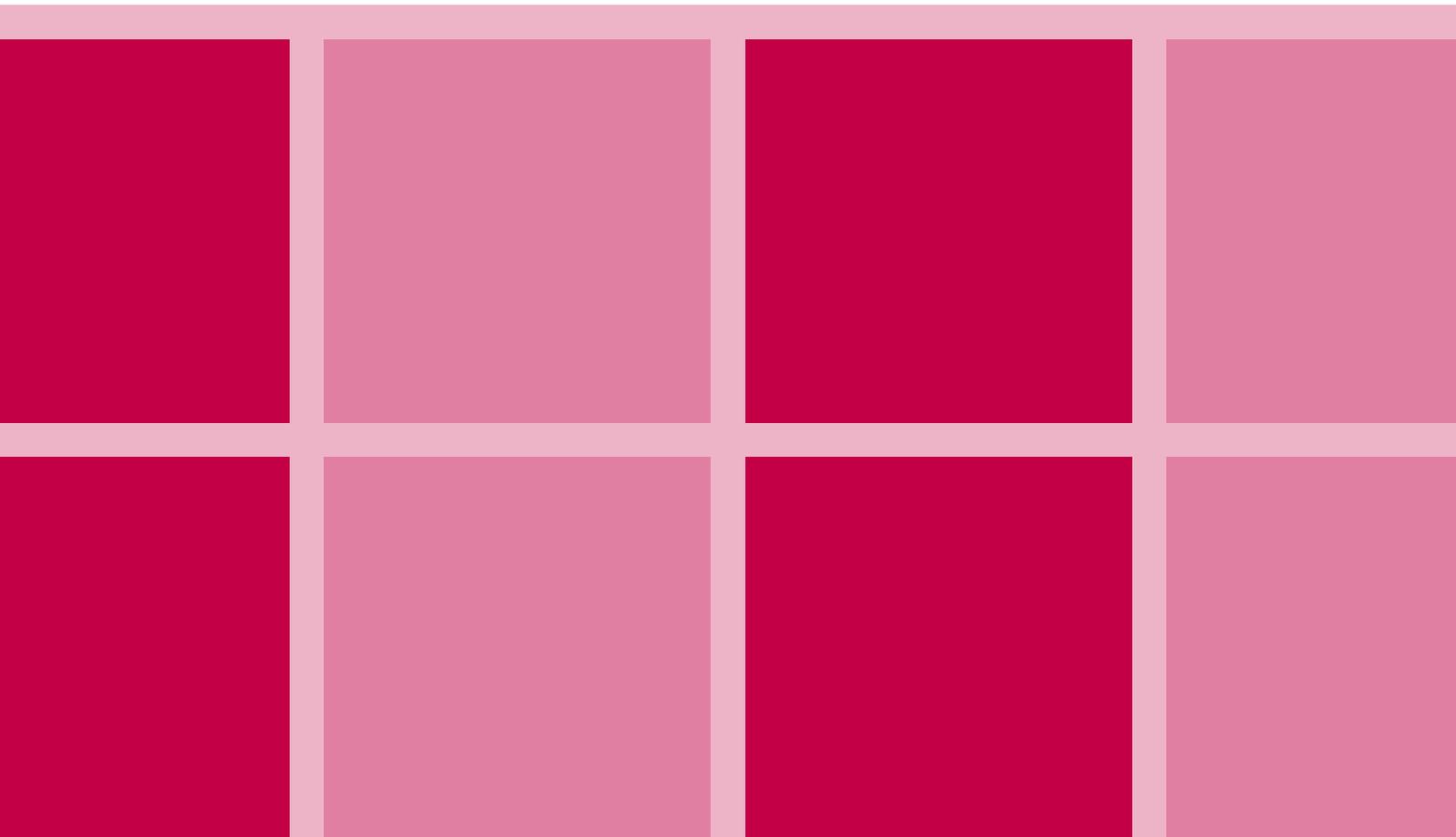


Technical Paper - Renewable energy



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1 Introduction

1.1 The purpose of this technical paper is to explain the Council's approach to promoting renewable energy. This paper sets out the legislative context, evolving national policy framework and the Council's planning policy response for dealing with this topic including its responses to representations received to the Regulation 18 (Consultation) version of the Local Plan and the Regulation 19 (Publication) version of the plan.

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2 Planning policy / regulatory framework

International, European and National legislation

2.1 There are a number of policies and strategies at international, European and national level that support or require the reduction and/or impacts of climate change to be addressed in the development of planning policies in this area.

2.2 The first global agreement on reducing emissions related to climate change came in Kyoto in 1992.

2.3 The 2009 Renewable Energy Directive sets a legally binding target for the UK to achieve 15% of its energy consumption from renewable sources by 2020.

2.4 The UK is also legally bound to reducing our carbon emissions by 80% of 1990 levels by 2050, as established within the 2008 Climate Change Act.

2.5 Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to include in their Local Plans *“policies designed to secure that the development and use of land in the Local Planning Authority’s area contribute to the mitigation of, and adaptation to climate change.”*

National Planning Policy Requirements

2.6 The National Planning Policy Framework (NPPF) provides clear guidance for Local Planning Authorities (LPAs) on how they should be working towards a low-carbon future, specifically in the paragraphs below:

2.7 Paragraph 94 of the NPPF advises local planning authorities to adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.

2.8 At paragraph 95, to support the move to a low carbon future, local planning authorities should:

- plan for new development in locations and ways which reduce greenhouse gas emissions;
- actively support energy efficiency improvements to existing buildings; and
- when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards.

2.9 Paragraph 97 of the NPPF states that local planning authorities (LPAs) should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. There is also an onus on LPAs to 'have a positive strategy to promote renewable energy from renewable and low-carbon sources' and to 'design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily'.

2.10 Councils are advised at paragraph 98 not to require applicants to demonstrate the need for renewable or low carbon energy and, further, that planning applications should be approved if the associated impacts are, or can be made, acceptable.

2.11 Other relevant sections in the NPPF as it relates to renewable energy include:

- Local plans must be prepared with the objective of contributing to sustainable development: NPPF [paragraph 151];
- LPAs should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Mitigation or compensation measures may also be appropriate: NPPF [paragraph 152];
- Local plans should be aspirational but realistic. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included: NPPF [paragraph 154];
- Local plans should include strategic policies to deliver climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment: NPPF [paragraph 156, bullet 5];
- Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost and development and mitigation, provide competitive returns

to a willing landowner and willing developer to enable the development to be deliverable: NPPF [paragraph 173].

Planning Practice Guidance (the PPG)

2.12 The PPG was revised in June 2015 in relation to how local planning authorities should plan for renewable and low energy and it is important that Councils preparing Local Plans read the NPPF in the context of this revised guidance. This guidance also takes into account the Ministerial Statement on wind energy dated 18 June 2015.

2.13 The PPG continues to acknowledge that renewables can contribute towards a more secure supply of energy. In preparing for a Local Plan, councils are advised to think about:

- The range of technologies that could be accommodated and policies needed to encourage their development;
- The costs of renewable energy;
- The different impacts of different technologies; and
- The UK's legal commitment to cut greenhouse gases while recognising that there is no quota which a specific Local Plan has to deliver.

2.14 The PPG advises councils to establish policies which give positive weight to renewable and low carbon energy initiatives which have clear evidence of local community involvement and leadership. Councils can consider suitable areas for renewable energy but maps showing wind resource as favourable or similar will not be sufficient.

2.15 The PPG finally suggests councils adopt criteria based policies for renewables. These include:

- Recognising that the need for low carbon energy does not automatically override environmental protections
- Requiring cumulative impact to be assessed
- Taking account of local topography and protecting heritage assets as well as other protected landscapes such as the Shropshire Hills Area of Outstanding Natural Beauty
- Giving proper weight to protecting local amenity

2.16 Councils are advised not to adopt inflexible rules on buffer zones or separation distances from renewable energy facilities and neighbouring uses and to plan for decentralised energy opportunities.

Technical Housing Standards Review

2.17 On 27th March 2015, the Government announced a new approach to the setting of technical housing standards in England. This was accompanied by the publication of a new set of streamlined national technical standards. It published a Planning Written Ministerial Statement of the same date which outlined the policy on the application of these technical standards for plan making and decision-taking. It confirmed that the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the PPG.

The Deregulation Act 2015

2.18 The Deregulation Act 2015 serves to make the Building Regulations the primary instrument for delivering low carbon housing. It removes certain provisions of the Climate Change and Sustainable Energy Act 2006, in particular section 3 which required local authorities to have regard to energy measures reports published by the Secretary of State when carrying out their functions. This includes any policy requiring any level of the Code for Sustainable Homes to be achieved by new development. The government has now withdrawn the code. The Ministerial Statement detailing how the changes to the law should be applied as they relate to individual dwellings ⁽¹⁾ advises that: *"local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings."*

2.19 Section 43 of the Act amends the Planning and Energy Act and states that :

A local planning authority in England may in their development plan documents ... include policies imposing reasonable requirements for—

(a) a proportion of energy used in development in their area to be energy from renewable sources in the locality of the development;

Implications

2.20 While acknowledging the broad aims of renewable energy set out in the NPPF which was issued in 2012, it is important that the Council interpret its policy responsibilities in the light of subsequent guidance and legislation which serves to restrict where and how the Council can apply national policy.

2.21 Thus it is appropriate that the Council articulate a policy that shows an in principle support for renewables and other initiatives such as decentralised energy but, at the same time, is not prescriptive nor covering matters which is restricted by primary legislation. The Council also needs to take account of very detailed guidance on the subject of wind energy.

3 Local Plan Policy for Renewable Energy

The Council accepts its responsibilities to promote renewable energy both as a landowner and as the LPA within the context of its duty to promote sustainable development.

1 Planning Update: Written statement - HCWS488 ("the Planning Update")

Council run solar farm at Wheat Leasows



Aim 7 of the Local Plan requires the Council and others to **Reduce the environmental impact of new development**. There are six objectives which support this aim.

The policy also successfully addresses the identified challenges facing the borough with regards to climate change whilst making best use of any opportunities that exist within the current legislative and policy framework. The policy approach as follows, provides developers with a flexible approach to ensure that climate change is mitigated by the proposed development:

A number of other policies in the Local Plan will indirectly contribute to this aim including transport policies which seek to promote alternatives to the car and safeguard public transport infrastructure (Policies C1 and C2), design criteria for major development and residential alterations (Policies BE1 and BE2) and policies which cover the natural environment (for example, minerals, water and flood risk management).

There are two monitoring indicators to reduce the environmental impact of new development too. These include the number of schemes approved for renewable energy and the adoption of the Residential Alterations SPD (due to be adopted in 2017).

Justification and explanation of Policy ER 1

The Regulation 18 Consultation Version of the Local Plan was prepared in advance to the revision to the PPG and the ministerial statements quoted above.

Renewable energy

All development will be expected to mitigate and adapt to climate change and reduce greenhouse gas emissions. The following principles provide the climate change policy context:

1. The Council promotes and supports low carbon development, development that is well adapted to the impacts of climate change and where energy conservation is considered and designed at the earliest stages through the use of energy efficiency management systems. Development incorporating the following standards will be supported:
 - a. New buildings should be built to comply with the Passive House Standard. Buildings constructed to other low energy standards may be considered as an appropriate alternative;
 - b. For new non-residential development a minimum BREEAM 'Very Good' rating is required, with developers required to demonstrate that 'Excellent' is not viable;
 - c. Where proposals affect a building of traditional construction, energy efficiency will be expected to be improved as far as possible without prejudicing the character of the building or increasing the risk of long term deterioration of the existing fabric.
2. Wherever feasible, development should include decentralised energy production or connection to an existing Combined Heat and Power or Community Heating System such as in Telford Town Centre. Development should provide for and enable commercial, community and domestic scale renewable energy generating schemes.
3. Existing development has to adapt to climate change and help reduce carbon emissions by including, wherever appropriate, the introduction of green roofs, micro-renewable energy, recycling facilities, building efficiency measures and measures to encourage greater levels of sustainable travel, such as cycle parking.
4. Proposals for renewable and low carbon energy schemes will be supported in principle consistent with the Local Plan and national guidance. Installations should be removed and the land restored to its previous use when the site is no longer used for renewable or low carbon energy generation.

This policy contributes towards achieving objectives 25, 28 and 31.

Comments on the Regulation 18 (Consultation Version) policy

A number of the representations from developers challenged the merit of the policy, indicating that it adversely affected viability or that the policy desire for development to be built to Passivhaus standards or BREEAM was inconsistent with current legislation. On the other hand, a number of respondents stated that the policy needs to be strengthened as it did not go far enough in stipulating renewable energy schemes and sustainable building standards. A number of respondents including Historic England stated that the policy needs to include a siting criteria for renewable energy schemes to protect against impacts on historic environment, village communities, biodiversity impacts and agricultural land. One respondent asked that the policy should specifically identify Telford & Wrekin as a borough that would support wind energy.

As the Regulation 18 draft was prepared in advance to the revision to the PPG and the ministerial statement, changes were made to remove the Passivhaus Standard. Comments on siting criteria were taken on board in the next revision in the supporting text to the policy.

Regulation 19 (Publication Version) policy

The Regulation 19 Publication Version of the Local Plan was prepared in accordance with latest guidance on the PPG and the ministerial statement. It states the following:

All development will be expected to mitigate and adapt to climate change and reduce greenhouse gas emissions. The purpose of Policy ER1 is to make sure new development is energy efficient by promoting sustainable building standards and the generation of renewable and low carbon energy.

Renewable energy

The Council promotes and supports low carbon development, development that is well adapted to the impacts of climate change and where energy conservation is considered and designed at the earliest stages through the use of energy efficiency management systems.

Wherever feasible, development should include decentralised energy production or connection to an existing Combined Heat and Power or Community Heating System such as in Telford Town Centre. Development will be supported which can provide for and enable commercial, community and domestic scale renewable energy generating schemes.

Development will be encouraged to adapt to climate change and help reduce carbon emissions by including, wherever appropriate, the introduction of green roofs, micro-renewable energy, recycling facilities, building efficiency measures and measures to encourage greater levels of sustainable travel, such as cycle parking.

The Council supports renewable energy development (excluding wind turbines) where it has been demonstrated that all the following criteria have been met:

- i. There is no significant adverse effect on highway safety, landscape or townscape, ecology and wildlife, heritage assets, areas or features of historical significance or amenity value;
- ii. There is no significant adverse impact on local amenity, health and quality of life as a result of noise, emissions to atmosphere, electronic interference or outlook through unacceptable visual intrusion;
- iii. Where development is granted, mitigation measures will be required as appropriate to minimise any environmental impacts;
- iv. All development proposals for renewable energy generation schemes should provide for the site to be reinstated to its former condition should the development cease to be operational; and
- v. When considering the social and economic benefits, account will be taken of the degree of community participation/ownership of a scheme.

This policy contributes towards achieving objectives 25, 28 and 31.

The supporting text to the policy makes clear the Council's support for renewable and low carbon sources including community-led initiatives and identifies sensitive areas of the borough such as the Shropshire Hills Area of Outstanding National Beauty, the Ironbridge Gorge World Heritage Site and the borough's three Strategic Landscapes where visual impacts will need to be carefully revised.

On the subject of wind energy, the policy acknowledges that the ability to plan for such a renewable resource needs to be interpreted in the light of the *Ministerial Written Statement: HCWS42* of 18 June 2015. Thus the policy does not rule out wind energy altogether.

Comments on the Regulation 19 (Publication Version) policy

One respondent wanted the borough to be identified as suitable for wind energy development. Another wanted the policy to refer to viability.

In regards to the borough being identified as suitable for wind energy development – the policy still retains a commitment to promote renewable energy, but it is now more restrictive with regard to large scale wind energy schemes due to latest policy and guidance. The guidance in the written ministerial statement states that 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 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. The Council has not carried out detailed research to identify which parts of the borough would be suitable for wind energy. Indeed, many rural areas are not appropriate for landscape reasons. Therefore, it is not appropriate to designate the whole of the borough as suitable for wind energy.

The Council does not consider it is appropriate for reasons of soundness to amend the policy. Foregoing sections of this paper have explained why the policy on wind energy has been drafted in the way that it has. The Council disputes that the policy adversely affects viability. The policy does not "require" development to deliver renewable energy. Rather it encourages and supports such initiatives where feasible.

Implications

Policy ER1 has undergone some changes since its first (Regulation 18) iteration, due principally to changes in national policy and legislation. The Council is nonetheless confident the policy will help address climate change challenges and considers the policy's robustness against a number of climate change outcomes. These are considered below.

An overarching Renewable Energy policy will provide support for a wide range of carbon reduction measures / schemes. With the introduction of changes to Part L of the Building Regulations, improvements in the energy efficiency of new homes are expected to be achieved in the near future. The responsibility for monitoring the new standards for dwellings will fall within the building control system.

There is a requirement for the Local Plan to have a proactive and positive policy approach to enabling renewable energy development. The Local Plan renewable energy policy also needs to be compatible with the Council's duty to conserve and enhance the natural beauty of our landscapes and our historic built environment.

The LPA also has a duty to grant planning permission for new schemes if the impacts of new development are, or can be made, acceptable. In order to fully assess the impacts of new development on dwellings, the renewable energy policy asks applicants to demonstrate that the impacts on such development on nearby residents have been considered.

In accordance with the Government's commitment to localism, the Government would like to see communities have a greater degree of involvement and ownership in bringing renewable energy schemes forward, either by working collectively to establish community owned schemes, or working proactively with developers of commercial schemes. The primary principle is that if the community are involved in identifying the location and type of renewable technology, then the impacts can be considered to be more acceptable. The policy still retains this desire for community support for such facilities.

The policy included within the Local Plan is appropriate and sustainable, as shown in the Sustainability Appraisal.

4 Conclusion

4.1 The Council has shown that there are a suite of policies that seek to address climate change. Policy ER1 must not therefore be seen in isolation from other parts of the plan.

4.2 Policy ER1 has been drafted to take full account of relevant national policy, guidance and recent legislation. This has been a substantial redraft to the Regulation 18 (Consultation Version) of the policy. The Council considers that the Regulation 19 draft policy conforms with the NPPF, PPG and relevant ministerial statements. A sustainability appraisal accompanying the whole of the Local Plan finds Policy ER1 and, indeed, the whole of the Local Plan to be acceptable.