

Report To: Planning Committee

Date of Meeting: 20th April 2016

**Lead Member / Officer: Cllr David Smith, Public Realm
Angela Loftus, Strategic Planning & Housing Manager**

Report Author: Catrin E Roberts, Planning Officer

Title: Renewable Energy Supplementary Planning Guidance – For adoption

1. What is the report about?

- 1.1. This report summarises responses from the 8 week consultation on the draft Supplementary Planning Guidance: Renewable Energy and proposes a number of changes to the Guidance Note in response to comments received. The report is accompanied by a number of appendices:

Appendix I – FINAL DRAFT Supplementary Planning Guidance: Renewable Energy (with changes shown); this document includes 5 Appendices.

Appendix II – Consultation Report – Council’s response to representations received;

Appendix III – Equality Impact Assessment.

2. What is the reason for making this report?

- 2.1 The purpose of this report is to inform Members of comments received in response to the public consultation on the draft Supplementary Planning Guidance on Renewable Energy and to seek Members’ approval of the Guidance Note with proposed changes. If approved, the Supplementary Planning Guidance will be used to assist in the submission and determination of any planning applications.

3. What are the recommendations?

- 3.1. That Members adopt the Supplementary Planning Guidance on Renewable Energy attached as Appendix 1, with recommended changes, to be used by applicants to for a planning submission and for officers and Members in the determination of planning applications.

4. Report details

- 4.1. If adopted, the Supplementary Planning Guide will join a series of Supplementary Planning Guidance notes (SPGs) amplifying Denbighshire Local Development Plan 2006 – 2021 (LDP) policies or principles of development for individual planning applications in a format which guide the process, design and quality of new development.

- 4.2. The Council's SPG notes are not part of the adopted development plan. The Welsh Government (WG) has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPGs can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals.
- 4.3. The SPG supplements the following LDP policies; RD1: promotes sustainable development, VOE 10: promotes the use of renewable energy technologies and VOE 9: a guide for on-shore wind energy technology.
- 4.4. The document outlines the national and local policy context for renewable energy technologies, landscape protection and agricultural land protection. It offers guidance if planning permission is required with regard to small renewable energy technology installations. When permission is required the SPG guides on key planning considerations in determining an application. The focus is on clarifying the requirements for considering onshore wind developments and solar arrays developments. Both technologies are of prevalence within the County and north Wales in general.
- 4.5. Members approved the draft document for public consultation at Planning Committee on the 16th September 2015 and it was subject to public consultation for 8 weeks up to the 30 November 2015. The consultation included press release, information on the Council's website and an email or letter to all people on the LDP database, including City, Town and Community Councils, County Councillors, renewable energy providers, adjacent local authorities, statutory consultees (NRW, WG), local, regional and national organisations with an interest in the LDP. The letter informed them of the consultation details, drop-in events at St Asaph and Corwen and how to respond.
- 4.6. Copies of the draft document and comment forms were made available on the Council's website, in Public Libraries and the Council's 'One Stop Shops'.
- 4.7. Two (2) drop-in events were held – one in St Asaph Youth Centre (Tuesday 20th October 2pm – 7pm) and one in Corwen library (Tuesday 27th October 2pm-7pm). Drop-ins were attended by officers from planning policy and development managers. Attendees had the opportunity to put comments to officers and discuss the content of the Guidance.
- 4.8. A total of 16 written responses were received and 4 people attended the events. Representations included comments from Denbigh Town Council, Clocaenog, Cyffylliog, Derwen, Henllan, Llanbedr Dyffryn Clwyd, Llanrhaeadr yng Nghinmerich, Llanynys Community Councils, Dwr Cymru Welsh Water, Natural Resources Wales, Cadw, Campaign for the Protection of Rural Wales Conwy Branch, Campaign for the Protection of Rural Wales Clwyd Branch, Clwydian Range and Dee Valley AONB Joint Advisory Committee, RWE Innology UK Ltd. All comments received have been logged, acknowledged and scanned. They are available to view from the Strategic Planning & Housing Team in Caledfryn. The key issues raised are summarised together with individual responses in the Consultation Report attached as Appendix II.

- 4.9. A number of amendments are proposed in response to the representations received. These are shown as **highlighted** or ~~strikethrough~~ text in the Supplementary Planning Guidance attached in Appendix I.
- 4.10. The main changes proposed include: control over the return to agricultural land or brownfield land and its status post construction, level of information required with regard to grid connection, consistency in asking for landscape sensitivity information, clarification in the term residential amenity and public amenity, operational life of a technology, cumulative noise assessment methodology, separation distance.
- 4.11. The proposed changes are intended to provide greater clarification regarding the Council's requirements for renewable energy development and reflect comments received following public consultation. Key issues arising from the consultation were reported back to the Local Development Plan Members Steering Group on 21st March 2016. Members discussed whether it was realistic for land to be returned to agricultural use after use for renewable energy development; requirements for information on grid connections; separation distances between turbines proposed and existing housing and potential noise implications. The Steering Group recommended the document to be submitted to Planning Committee for adoption.

5. How does the decision contribute to the Corporate Priorities?

- 5.1. The SPG does not directly contribute to the corporate priorities. Indirectly, supporting renewable energy installations could keep vulnerable people in rural areas in sustainable heat/energy and not in fuel poverty.

6. What will it cost and how will it affect other services?

- 6.1 This report seeks approval for adoption and at this stage it is not anticipated to create any additional costs.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

- 7.1 The conclusion of the EqIA-screening is that an Equality Impact Assessment is not required for the draft Supplementary Planning Guidance, including the proposed document amendments, see Appendix III.
- 7.2 Members received a first EqIA-screening opinion with the report to planning committee on 16th September 2015 when Officers sought approval for public consultation with key stakeholders and members of the public. It was concluded that a full EqIA was not required at that stage. The proposed document amendments, which are of editorial and factual character, do not warrant a full assessment.

8. What consultations have been carried out with Scrutiny and others?

8.1 Throughout the document preparation process, Planning Officers worked jointly on the content of the draft Site Development Brief with colleagues from Development Management Team, Public Protection Section and Highways & Environmental Services.

8.2 Members of the LDP Steering Group discussed the content of the draft document prior to public consultation in April and July 2015 meetings, and they discussed matters raised in representations received in February 2016.

9. Chief Finance Officer Statement

9.1 It is not anticipated that adopting the Supplementary Planning Guidance will create any additional costs but if any arise these must be contained within existing Departmental budgets.

10. What risks are there and is there anything we can do to reduce them?

10.1 In the absence of up-to-date guidance there is a risk the Council will be unable to effectively operate the LDP policies

11. Power to make the Decision

11.1 Planning & Compulsory Purchase Act (2004).