

Report To: Planning Committee

Date of Meeting: 20th March 2013.

Lead Member: Cllr David Smith, Public Realm

Lead Officer: Angela Loftus, Planning & Public Protection Policy Manager.

Report Author: Catrin Roberts, Planning Policy Officer.

Title: Report back on the draft Wind Energy Development Interim Planning Guidance document following public consultation

1. What is the report about?

- 1.1. This report intends to inform Members about the consultation responses received to the Wind Energy Development Interim Planning Guidance document, and note any subsequent changes proposed to the document. The consultation for the Wind Energy Development Interim Planning Guidance ran from November 7th 2012 – February 6th 2013.
- 1.2. As with the existing suite of Supplementary Planning Guidance documents, if adopted, Wind Energy Development Interim Planning Guidance will be a material planning consideration when assessing planning applications.

2. What is the reason for making this report?

- 2.1. To inform Members about the consultation responses received regarding the Wind Energy Development Interim Planning Guidance, and outline any subsequent changes proposed to the document. Final approval of the document will be sought at Full Council on April 9th 2013. Any comments made at this committee will be reported to Full Council.

3. What are the Recommendations

- 3.1. That Members note comments received during the consultation process and any subsequent changes proposed to the Wind Energy Development Interim Planning Guidance.

4. Report details.

Background.

- 4.1 Denbighshire has a significant expanse of rural upland areas which have an abundant wind resource. The Clocaenog Forest has been designated as one of seven Wales-wide Strategic Search Areas (SSAs) and the Welsh Government's approach is to limit the development of large scale wind farms to within Strategic Search Areas, which have been assessed to be the most

suitable areas for wind energy development. However, Welsh Government planning policy does not set out spatial limitations for wind energy development under 5 megawatts (MW); developments under 5MW are applicable to all parts of Wales subject to the assessment of localised impacts.

- 4.2 Denbighshire County Council have committed to produce a Renewable Energy Supplementary Planning Guidance Note (SPG) following the adoption of the Denbighshire Local Development Plan (LDP), which is in advanced stage of its production. The Council is in the process of compiling the evidence base to inform the production of the Renewable Energy SPG and Welsh Government funding was secured to enable the Council to undertake a wind energy landscape sensitivity assessment. This work is now underway.
- 4.4 However, in light of the increasing number of planning applications, Environmental Impact Assessment Screening Opinion requests and pre-application enquiries submitted to the Council for individual and clusters of wind turbine developments of varying scales across the county, it is necessary to introduce interim planning guidance in advance of the production and adoption of a Renewable Energy SPG to provide clarification and guidance to applicants, Officers and Members.
- 4.5 The purpose of the Interim Planning Guidance is to:
- Provide guidance on the planning requirements for wind turbine developments.
 - Clarify the guidelines the Council will apply when assessing planning applications for wind turbine developments which have been put forward as farm diversification or community driven energy schemes.
 - Clarify the Council's approach to Community Benefit Schemes.

Consultation.

- 4.6 The content of the draft Interim Planning Guidance, the scope and intention to undertake public consultation was agreed at Planning Committee on 17th October 2012.
- 4.7 The initial public consultation for the draft Wind Energy Development Interim Planning Guidance ran for 9 weeks from 7th November 2012 – 9th January 2013. This was subsequently extended to 6th February 2013. The consultation included a press release to local media, use of the Council's website and a letter to 160 people/organisations, including Members, Town and Community Councils relevant consultees such as representatives of the renewable energy industry, farming bodies, local environmental organisations, community groups and members of the public, informing them of the consultation and telling them how to respond. Copies of the documents were made available to view in the Council's Offices in Caledfryn, Denbigh and County Hall, Ruthin, all public libraries in Denbighshire and on the Denbighshire County Council website.
- 4.8 The Council received 35 responses to the consultation, which raised the following issues:

- Separation distances should be included between turbines and habitable dwellings.
 - If community benefits are not a material planning consideration, why have it as a section in the guidance.
 - Always secure a 'bond' for decommissioning in the legal agreement.
 - The landscape impact considerations should always outweigh community benefits and farm diversification.
 - Noise guidance ESTU is out of date and no longer fit for purpose.
 - Do we fully understand the economic implications for the area when determining applications.
 - A full Environmental Impact Assessment should be undertaken for all turbines over 11.1 metre.
 - Photomontages and wireframes often not reflective, nothing like viewing a 145 metre turbine in person (visit Scotland).
 - Seek minimum separation distances to avoid shadow and flicker impacts.
 - Protection of private water supplies post construction.
- 4.9 Detailed consultation responses have been summarised and are included in Appendix 1 which also contains reference of any proposed amendments to the Wind Energy Development Interim Planning Guidance. A revised version of the Wind Energy Development Interim Planning Guidance is available with marked changes as Appendix 2. Original comments are available to view on request from the Planning Policy team.
- 4.10 Proposed key changes to the document include:
- Removing Section 3: Community Benefits into the Appendix.
 - Including new Section A2.7 Recreation and Access.
 - Strategic Environmental Assessment Screening undertaken and consulted.
 - Revisions to the Landscape and Visual Impact section to incorporate current terminology.
- 4.11 Members training session on the topic of Farm Diversification was held on the 12th March 2013. Where the discussion was relevant the content of the IPG officers will report this to the Planning Committee meeting on the 20th March 2013.

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

- 5.1. *Corporate Priorities 2012-17.* The IPG will contribute positively to the following proposed corporate priorities:
- *Modernising the Council to deliver efficiencies and improve services for our customers:* The IPG will provide greater clarity to applicants and better inform planning decisions.

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

- 6.1. There are no additional resources required as information will be submitted and assessed as part of a planning application. Paper copies of the Wind Energy Development Interim Planning Guidance note can be produced within

the existing budget, whilst an electronic copy of the document will be made available on the website.

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 Wind Energy Development Interim Planning Guidance document has been screened and it is not considered a full equality impact assessment is required as the document would not lead to unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010. The completed screening template is attached as Appendix 3 to the report.

7. What consultations have been carried out?

7.1. As outlined in section 4.5 of the report, a full consultation process has been carried out.

8. Chief Finance Officer Statement

8.1. Any costs associated with the guidance should be contained within existing budgets and therefore there are no obvious financial implications contained in the report.

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

9.1 The aim of the Interim Planning Guidance is to clarify the planning requirements for wind turbine planning applications and to establish clear guidelines against which proposals for farm diversification and community driven energy schemes are assessed in advance of the production and adoption of a Renewable Energy Supplementary Planning Guidance note (SPG).

9.2 Without clear guidance in place, there is a risk that insufficient information is provided with planning applications, which may lead to delays in the determination of planning applications. There would also be no consistent basis against which the farm diversification merits and material community benefits of proposals can be assessed, which could impinge on the Council's ability to make consistent planning decisions.

10. Power to make the Decision

10.1 Planning and Compulsory Purchase Act 2004.