

BWEA Representation: Reforming Planning in Northern Ireland, Nov 2004

The British Wind Energy Association (BWEA) welcomes the opportunity to respond to the 'Reforming Planning' consultation and provides this submission on behalf of the UK wind energy industry.

BWEA was established in 1978 and is the representative body for companies active in the UK wind energy market. Its membership has grown rapidly over recent years and now stands at 345 companies, including 98.8% of all grid-connected wind energy now installed and every company with a lease to develop offshore (see our online Company Directory at www.bwea.com/members/GenericList.asp).

In representing the wind industry, BWEA is in a unique position to comment on the circumstances which affect the future growth and development of the sector. BWEA would be pleased to clarify any issues raised and offer any further information which may be required.

Should you wish to discuss the issues contained in this submission, please do not hesitate to contact Chris Tomlinson, Head of Onshore Wind on 020 76891963 or chris@bwea.com

BWEA welcomes the draft of 'Reforming Planning' and supports the emphasis on speeding up the planning process for both development plan making and development control assessment.

The UK Government has a target of 10% of all electricity generation to come from renewable energy sources by 2010. It is widely accepted that wind energy will make the most significant contribution to this target (75%), being the most technologically advanced and economically viable of renewable technologies. Wind energy development will pave the way for other technologies to play a greater role in meeting the 2015 and 2020 targets for renewable energy. However, in the meantime a robust and efficient planning system is required to guide and assess wind farm applications. Good quality decisions in good time are essential if the renewable targets for 2010 are to be met.

In addition, BWEA would make the following specific comments:

1) Reduce time from consent to build from 5 years to 3 years

BWEA will support this inclusion, with the caveat that the Department allows for longer timeframes to allow larger developments to overcome technical, planning and land ownership obstacles.

Wind farm development is a complex and quite unique form of development and brings with it a unique set of considerations. Following the granting of consent, particular note needs to be drawn to the following issues which are, to a large extent, out of the hands of the developer:

- a) Grid connection – A wind farm cannot be built prior to grid connection being agreed with a Distribution Network Operator (DNO). This is a 'chicken and egg' dilemma where the DNO will not sign a contract to connect until a planning consent is awarded, which leads to delays that the developer holds little control over;
- b) Planning conditions & obligations – Due to the unique nature of wind farm development, many authorities are not aware of the wide range of associated conditions. These may range from a need to prevent shadow flicker on nearby dwellings at certain times of the year, to details over decommissioning when the project has concluded its lifespan. Furthermore, planning obligations are sometimes introduced which can be quite complex. A habitat management plan is a good case example which may be imposed as part of a consent but take over a year to implement. Therefore planning authorities themselves can significantly delay the process from consent to build;
- c) Securing agreements with landowners can be a long legal process involving a number of parties and can significantly alter the projected timeframe of project delivery.

BWEA would be happy to discuss this further with the Department, but stress the need for flexibility on this issue to prevent risk to achieving renewable energy targets.

2) Duty to respond to consultation

BWEA support the proposals put forward in 2.7 – 2.11 of the draft. Consultation is a key part of the planning process to ensure all considerations are taken into account in assessing applications. However, the delays incurred result in additional developer costs and indeed Council costs as more schemes are taken to inquiry.

In addition to your proposals BWEA would recommend reducing the number of consultees and introducing the enforcement of a time window for responses, beyond which a non-response is considered as an assumption of consent. In the case of wind farm applications, there is a standard consultation list of 30+ consultees to every application. Logic dictates that this increases the chance of delays and unfortunately this is what often happens. A serious assessment as to the necessity of the consultation should be carried out to prevent unnecessary and wasteful engaging of planning staff resources.

BWEA accept that the quality and completeness of applications is a key factor in speeding up consultations. BWEA members follow Best Practice Guidelines (1994) and these are imminently being updated, due for release in the summer of 2005. BWEA firmly believe that this will further improve the quality of wind farm applications.

While supporting the remainder of your proposals regarding consultation duration, BWEA recommend a period of monitoring and review to assess whether your initiatives have the desired effect.

3) Third Party rights of appeal

BWEA fully support the position taken by the Minister regarding the non-introduction of Third Party Appeals and agree with all of the reasons stated in your consultation paper.

4) Encouraging greater community involvement

Through our Best Practice Guidelines, BWEA support community consultation and involvement in the development process. BWEA have recently signed up to the South West (England) Community Protocol which sets out ways in which both developers and local planning authorities should engage with local communities in their development proposals. This is available on request.

5) A statutory purpose for planning – sustainable development

It is essential that a statutory duty be enshrined within planning legislation, which establishes that the purpose of land use planning is to achieve sustainable development.

In the Republic of Ireland "The Planning and Development Act 2000" illustrates that planning embraces development and that it is for the purpose of facilitating and controlling development whereas the Planning (NI) Order only infers that development is the logical outcome of planning.

The RoI The Planning and Development Act 2000 in its citation states that it is an "Act to provide, in the interests of the common good, for proper planning and sustainable development...". Such a statutory purpose would be a very welcome addition to our primary planning legislation.

6) The need for Planning Policy Guidance for Renewable Energy

At a time when renewable energy forms a key role in UK Government energy policy (Energy White Paper 2002) wind power is the key to delivery for 2010. In order to meet the 10% target, 4,000 megawatts of onshore wind energy is required to be built by 2010 in the UK. This equates to around 2,000 additional turbines which need to be consented by the end of 2007 if they are to be built in time to meet the target.

Wind farm development is still relatively new in the UK and therefore new for planning authorities and decision makers. It is therefore paramount that a national planning policy framework is in place to achieve good quality, consistent and speedy decision making.

To this end NPPG6 was adopted in Scotland in 2000, PPS22 in England in July 2004 and Wales currently have their equivalent national planning policy in consultation draft, PPW and associated TAN8 on renewable energy.

BWEA recommend that Northern Ireland produce a national planning policy statement for renewable energy.

Incorporating guidance for all renewable technologies, Northern Ireland needs to introduce a robust set of principles and objectives for accommodating renewable energy development to contribute to UK targets. This need must be balanced alongside local environmental, social and economic considerations.

BWEA would welcome the opportunity to discuss this further with the Department.

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