

CONSULTATION PAPER ON A DRAFT NEW PLANNING POLICY STATEMENT 22 (PPS22) - RENEWABLE ENERGY

A BWEA Response for the Wind Industry (This submission needs to be read alongside PPS22)

Who is BWEA?

The British Wind Energy Association (BWEA) welcomes the opportunity to respond to PPS22 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 over 300 companies, representing 98.8% of all installed grid-connected wind energy and every company with a lease to develop offshore (see our online Company Directory at: www.bwea.com/members/CompanyDirectory.asp). BWEA also has a place in the broader construct of energy efficiency (EE) and other RE technologies which are covered by PPS22.

Wind energy is widely recognised as an abundant energy resource indigenous to the UK and has long been identified, most recently in Government's Energy White Paper published in February, as the largest contributor to the renewables generation mix in 2010 and therefore the target of 10% of electricity supply from renewables, and again for the aspiration that 20% of the UK's electricity supply be met by renewables by 2020.

In representing the wind industry, BWEA is therefore 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 in this submission and offer any further information which may be required.

BWEA warmly welcome the publication of PPS22: Renewable Energy (Consultation Draft) and broadly support its content.

The change in emphasis in Government commitment and policy towards renewable energy, culminating in the publication of the Energy White Paper last year, stipulates a growing need to bring associated planning policy up to date with renewable energy goals, across the entire spectrum of the planning system. BWEA envisage PPS22 as an important starting block in achieving this.

While the wind industry applauds the general thrust of the key principles and specific policies, BWEA have drafted a formal response to the document which sets out comments point by point to reflect the paragraph and policy order in PPS22.

We hope you will consider these points carefully in moving towards adopting a final draft of PPS22. The national policy statement is critical to the future of renewable energy development and deployment in England for the years ahead and will set the bedrock upon which regional, county and local plans will be formulated.

Introduction

More clarity is required to highlight that the status of PPS22 will outweigh those existing policies in Development Plans (DP's) based on PPG22 as realistically, it could be some years before PPS22 policies and principles find their way into all DP's. Unlike the case with e.g. retail or housing, PPS22 reflects a Government policy so different in emphasis from that of 1993 that considerable weight ought to be given to the draft PPS even though still in draft.

BWEA would like to take this opportunity to stress the urgency of adopting PPS22. The Government has set a target for 10% of our energy needs to be supplied by renewable energy sources by 2010. The achievement of this target will inevitably be taken as a real test of the Government's seriousness in tackling climate change. Government targets and objectives for renewable energy (RE) have been set out in the Energy White Paper and the Government has recently extended the Renewables Obligation to 15% by 2015. The RO and additional government policy objectives associated with RE should be highlighted in the introduction to the PPS to serve as context for planning authorities, and to stress the paramount importance of a supportive and consistent planning framework in achieving the overarching aim of meeting RE targets.

Part 2, Para 3: Onshore has a principle role to play in targets and the technologies. While PPS22 will have no direct application to offshore renewables below mean water level there is no equivalent document for the offshore environment. PPS22 will therefore become a reference point in the context of offshore applications, and it might be sensible if a paragraph within the document acknowledged this default position. A suitable insertion would be, *'Whilst not the primary policy tool for offshore decision making, PPS22 will be an important material consideration in assessing such development, particularly with regard to associated onshore infrastructure'*. Furthermore, planning authorities should be advised of the equal importance of offshore

projects and must be encouraged to display a positive policy approach to onshore related infrastructure to prevent the derailment of such schemes.

The Government Objectives

This section of the document, while accurate in itself, makes too much reference to the Energy White Paper (EWP). It is unrealistic to expect planning officers to read the EWP and therefore, the PPS22 introduction needs to be more explicit and expanded to provide more detailed context for the planning profession. Specific points from the EWP introduction should be included at the outset to illustrate progress or otherwise on the issue of climate change and the step change required in planning attitudes in order to make real inroads.

Planners need to be informed first hand of where the UK currently stands in relation to the RE targets (as in NPPG6) to emphasise the current 3% RE contribution to power generation and the significant void left to fill by 2010. References to targets should also account for the extension of the RO to 15% by 2015 announced in December 2003.

The wording of the first sentence of the second paragraph needs to be stronger to read '*Renewable Energy will need to make a significant contribution to...*' or '*It is necessary that renewable energy makes a significant contribution to...*'. There is little flexibility in this matter and the greater emphasis put on the need for RE the better.

There is a range of RE technologies and each should do the maximum they can. However, it is not for Regional, County or Local Planning Authorities (PA's) to decide as the market will dictate those technologies that can deliver. PA's should have in mind the level of commercialisation of these technologies in order to provide realistic targets.

This section should therefore highlight the Government expectation that the vast majority of the RE target is expected to come from wind and that 50% of this (approximately 4GW) is likely to be sourced from onshore wind developments. Only such a specific explanation will allow planning authorities to understand why the bulk of RE projects received are for wind farm developments and therefore ensure their policies and targets are suitably prepared.

In bullet point 4, the last sentence should not only take account of diversification of rural economies, but also recognise that RE related economies already exist, and that RE projects have the potential to preserve and enhance these economies by protecting and maintaining the viability of them.

1) Key Principles:

- i) RE developments *are* capable of being accommodated and therefore the sentence should read, '*RE developments should be accommodated...*'.
- ii) BWEA support this as it stands because it places the responsibility on developers and other RE experts to assess which technologies are appropriate for what locations. It actively encourages LPA's to provide the policy framework required

to meet Government targets and sends a proactive message for LPA's to work with developers in achieving this.

- iii) 2nd sentence: '*Planning policies that rule out or place constraints [on renewable energy developments] should not be included in RPG or development plans except in exceptional circumstances*'. Retaining the term 'without reasoned justification' gives PA's the opportunity to include a whole range of clauses where RE development would be ruled out, such as in National Parks or AONB's, whereas that is not in the spirit of the PPS objectives. To enforce this point the 3rd sentence should read '*The Government will intervene in the plan making process...'*
- iv) BWEA welcome and applaud this key principle. Taking into account *wider environmental and economic benefits* is consistent with at least two elements of the Government's Sustainable Development Strategy.
- v) BWEA would like to see a more explicit statement to read, '*Regional PA's and LPA's should not make assumptions or form judgements about the technical or commercial feasibility of RE projects*. There are many complexities with siting renewable energy projects and only the experts/developers are in a position to assess these sites.
In reference to the '*generalised locations*' quoted, communities will not 'buy in' to a zoning strategy, whereas local communities do get actively involved in the development process for individual proposals. The role of PA's is therefore to provide suitable criteria upon which individual RE projects can be weighed, and not to attempt to carry out assessments which can only be accurately undertaken by wind energy experts.
- vi) BWEA firmly agree that there needs to be greater public awareness of the need for RE, and the industry recognises its role in promoting this awareness and involving local communities in wind farm proposals.
- vii) Paragraph 1(vii) suggests that where proposals require an EIA, Local Authorities and developers should discuss whether the consideration of alternative sites is necessary. Paragraph 2 of Schedule 4 to the Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 require an Environmental Statement to include an outline of the main alternatives studied by the applicant and an indication of the main reasons for his choice, taking into account the environmental effects. The Regulations do not therefore require an applicant to consider alternative sites. However, if an applicant does so, it must provide the information set out in Paragraph 2.

There is no requirement in planning law or practice that requires alternative sites to be considered. Clearly, the existence of an alternative site may be material in certain specified cases. However, there is no obligation on the applicant to demonstrate that the site that they have chosen is the best of a range of alternatives. Furthermore, an applicant may have considered a number of sites and intend to bring forward more than one site as an application for planning

permission. In the circumstances, we believe that the final sentence in Paragraph 1(vii) of the draft Statement should be deleted.

Regional Targets:

2. BWEA support and applaud this paragraph. Regional targets are fundamental in meeting wider RE targets. A timetable to see this happen would be useful.
3. BWEA support the review and revision of minimum targets set against the context of a moving UK-wide RE target (i.e. 2010, 2015 and 2020). The industry would encourage Government towards a fairer system to determine regional targets - moving to targets by consumption rather than generation. This would enable a more informed public perception of energy make up. Targets should be expressed in MW in addition to a percentage. The target is an interim target and should move forward, while developments remain subject to the criteria set out in local planning policy. Progress towards achieving targets should be monitored by the Regional Government Office and where appropriate they should make recommendations to facilitate the targets being met.
Once targets are agreed, PPS22 needs to spell out to LPA's that they become a material planning consideration in decision making. If performance lags behind the target then the urgency of reaching the target should be emphasised in a planning context through more weight being given to the target as a material consideration.
4. BWEA support this line providing targets are not disaggregated to local level, and this should be spelt out. The reason being is threefold: there will be significant resource implications for LPA's to research and produce accurate targets; LPA's are not sufficiently experienced in RE to assess the available RE resources, or the numerous and complex practical and feasibility issues for each technology; cumulatively, there becomes more chance of failing RE targets throughout the UK. *'Broad indications of how different technologies can contribute towards regional targets'* are acceptable in plans, so long as any difference between actual developer interest and these broad indications does not lead to a reason for refusal.
5. Onshore development has a big role to play and it is unrealistic to expect relatively untried and untested offshore technologies to take the burden of RE needs. Offshore projects will make a significant contribution to RE targets but they are not covered by the land use planning system. Therefore, offshore targets should be determined by national Government and treated completely separately from regional targets.

Policies in Regional Planning Guidance and Development Plans

6. Allocating specific sites in local plans is not considered appropriate for wind farms as there are too many variables subject to change during the scoping and EIA processes. MoD constraints, bird data results and negotiations with landowners and Distribution Network Operators (DNO's) may all lead to changes

in the viability of a project. BWEA therefore consider it unnecessary to allocate sites in development plans, a policy which has the potential to sterilise sites elsewhere in the local area due to close proximity to plan identified sites and issues relating to cumulative effect. From the vast experience of BWEA member developers, there is no need for site identification or zoning in plans when there are clear and positive criteria based policies in place. BWEA recommend deletion of the first two sentences of paragraph 6.

7. There is no need for this additional paragraph and BWEA recommend transferring this to paragraph 6 (P6), using the third sentence of existing P6 as the introduction to a new P6.

The second sentence of existing P7 should be deleted. Once again, national policy is confusing the issues of criteria based policies (CBP) and areas of search. There is no need for lines on maps and broad areas of search as they simply slow the plan making process. Clear, positive CBP is all that is required to guide developments and selecting areas simply takes forward the CBP for inclusion on a map. Developers are perfectly able to interpret CBP in order to identify suitable sites for development.

There is no need for the last line to allow for more detail to be contained in Supplementary Planning Guidance (SPG). This confuses the responsibilities of LPA's and the right place for policy, besides SPG is just another way of saying the same thing. SPG tends to be based on a single issue, which in turn will confuse the weight which should be attributed to the full range of issues. If SPG is produced, it should be in partnership with developers working in the local area and BWEA suggest the most useful topic for content should be small systems. The document could provide a big help in guiding householders and small industrial users to consider planning issues for their own wind turbines. The last line of P7 on SPG would provide more clarity if it read, '*Supplementary advice should be of a positive nature rather than being designed to curtail or constrain developments*'.

Locational Considerations

International Designated Sites

8. BWEA recommend a change of wording to read, '*Developments within, or which may effect, the interests of a European Site¹, will (separately from EIA) require assessment (appropriate assessment) under the Habitat Regulations 1994² if what is proposed is likely to have significant effects on the interests of the European Site. PPG9 advises on the circumstances in which planning permission may be granted for developments which may have such effects*'. This is to address the balance of the *benefits* to species diversity and numbers given by reducing greenhouse gases, against the potential for *minor* effects on local wildlife.

¹ European Sites are defined in Regulation 10 of the Habitat Regulations 1994 and include Special Protection Areas (SPA's), Special Areas of Conservation (SAC's) and candidate SAC's. Areas qualified for SPA status should, as a matter

of law, be treated as European Sites. Ramsar Sites (designated under the Ramsar Convention 1971) are treated by the Government as a matter of policy as European Sites in applying the Habitat Regulations 1994.

² The Habitat Regulations 1994 (SIXX/94) as amended by SIXX/00 and SIXX/03.

National Designations

9. BWEA recommend deletion of the word '*clearly*' before '*outweighed by the environmental, social and economic benefits*'. The policy objective is designed to balance two completely different things, and it will be difficult at best to assess whether the benefits of a wind farm outweigh any potential adverse effects on a landscape designation as the effect is subjective and the benefit is real. More advice will need to be contained in the Companion Guide to give planners some basis for making a judgement.

10. BWEA very much welcome the specific address of small systems. Vital for community awareness and significant in helping towards meeting Government RE targets, small systems have a key role to play. The only reservation BWEA have on policy matters relating to small systems is that they should not unreasonably restrict this form of development by requiring an EIA below a certain threshold. Demands for EIA in connection with small system installations, even up to 100kW, may render a project uneconomical. A turbine costing up to £20,000 could not bear even the most basic professionally produced EIA costing between £2,000 and 5,000. BWEA suggest the following insertion, '*LPA's should be selective in requiring EIA for small scale projects outside sensitive areas (as defined in the EIA Regulations). Where EIA is required, a scoping exercise between the LPA and the developer should enable the potentially heavy cost of providing environmental information to be limited to a few key areas*'.

Green Belts

11. 12% of land in England is Green Belt. This land also coincides as being nearest to the demand for electricity, therefore proving very sustainable and efficient in terms of transmission losses and infrastructure needs. BWEA's key question to ODPM on this matter is simply, how can it be considered that wind turbines are detrimental to the purpose of greenbelts? There is no landscape issue involved and wind turbines could only serve to strengthen the primary purpose of GB policy, namely to prevent coalescence of towns and urban sprawl. Wind energy developments are capable of assisting in the 5 purposes of GB policy and can also be consistent with the 6 objectives. Furthermore, and consistent with PPS7 (consultation draft) wind farm developments provide a prime opportunity for agricultural diversification in these areas and could potentially take development pressure away from more sensitive rural landscapes. BWEA suggest the following wording be considered:

'Planning Authorities should give favourable consideration to proposals for renewable energy in green belts where the development preserves the openness of the green belt and does not conflict with the purposes of including land within it. Where renewable energy development in a green belt would constitute inappropriate development (in terms of PPG2) developers will need to

demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed. Such very special circumstances will normally include the wider environmental benefits associated with the increased production of energy from renewable sources'.

Buffer zones & locational designations

12. BWEA are in full support of this paragraph in that there is no justification for buffer zones around nationally designated areas. Boundaries have already been drawn to reflect the protection of the most sensitive areas *and* their setting. PPS7 already addresses the issue of buffer zones highlighting the need to balance the benefits of the development against the setting of the national designation and this is already considered as a material consideration. It is worth pointing out to sceptics that all other assessment criteria still has to be considered for a development, and the omission of buffer zones does not amount to a *carte blanche* for development around National Parks and AONB's. Development around NP's will be recognised within this context, and scaremongering examples such as the 'ring of wind farms around the Lake District' will be considered against cumulative assessment criteria. LPA's on the other hand will need to take into account the context of modernisation and landscape change.

BWEA endorse the statement on local landscape and local nature conservation designations in that they alone, are not reason enough to refuse a planning application. Such designations are designed by LPA's with their own individual discretion, and are not necessarily in accordance with wider policy objectives.

Other locations considerations

13. BWEA support the PPS22 opposition to a sequential approach to RE development, especially in relation to the specific economic considerations related to wind farm development, as compared with other forms of development such as residential, retail and office which can afford much higher land values. It is our experience that owners are seeking higher value investment on brownfield land than wind farms can provide, and that there is a preference, for sustainability reasons, for other forms of development to be located there. There is of course a key issue for wind farm sites which is the protection of residential amenity. This means that few brownfield sites are suitable for wind energy development. While BWEA agree with the last sentence we remain cautious that this may lead to LPA's citing these previously developed sites as priority areas for RE development while they may still not meet the technological and feasibility tests required for wind farm development.
14. BWEA fully endorse this statement and would like to see more emphasis on LPA's providing detailed policies for both urban and rural wind farm development. There needs to be an entirely different set of policies required to cater for the assessment of small scale urban wind developments as compared to commercial wind farm developments more akin to rural areas.

Other considerations

Visual Effects

It must be accepted at the outset, that wind turbines intrinsically introduce visual change into the local landscape, and that Government RE policy has been formulated with this fact in mind.

BWEA once again stress the reversibility of wind turbine development. Removing redundant machines and making good the land is a standard condition applied to planning consents for wind farm development. BWEA would suggest the specific inclusion of the following paragraph: *'In determining planning applications for wind farm developments, LPA's should take into account the fact that wind turbines intrinsically introduce visual change into the landscape, and Government RE policy has been formulated with this in mind. It would not normally be appropriate for LPA's to refuse consent for such a development in a location outside national landscape designations simply because of the visual change introduced into the local landscape.'*

The industry would also like to introduce the issue of a changing landscape upon which new development is sought. A changing landscape makes for a vibrant working landscape. The question therefore remains, do we aim to preserve landscape in aspic or let it evolve appropriately. Landscape/visual impact forms the most common reason for wind farm refusals but whether wind farms cause a negative visual effect is a purely a subjective view and one shared by only a minority. Studies bear out the fact that the vast majority support wind energy and find turbines elegant structures, furthermore one of the only forms of moving architecture you are likely to see anywhere in the UK.

15. The term *'impact'* suggests a negative which as discussed above is not consistent with majority thought. BWEA strongly recommend replacing the term *'visual impact'* with *'appearance'* throughout the PPS, as this is a more accurate reflection of what is a subjective issue. The first sentence should be changed to reflect the fact that wind turbines cannot disappear and by their very nature, are visible structures. BWEA suggest *'Visual appearance will vary on a case by case basis according to the location or landscape setting, but the proposed development should ensure the most sensitive appearance in the context of the surrounding area through appropriate siting, scale and design.'*
16. The first sentence must be changed again to reflect the subjective nature of an impact on the landscape. The following replacement would be more accurate: *'Unlike some of the other renewable technologies, wind turbines will always result in a visual change to the landscape. Therefore, in assessing planning applications, LPA's should recognise that the issue to be considered is not whether there will be an effect on the landscape, but whether that effect will be acceptable. This will vary according to the scale of the development and the type of landscape involved'*. The second sentence continues to debate assessing schemes in relation to the impact of the turbines. Once again this is a subjective claim and planning decisions should not be made in view of the development looking like a wind farm! It should also be stressed that the size of turbine does not alter the visual change to the landscape or the appearance of the structure. The entire paragraph needs to be more balanced on the appearance of wind turbines taking evidence from the numerous studies that have been undertaken on this issue. Therefore, *'...LPA's should recognise that the appearance of turbines...'*
17. The second sentence needs to reflect up and coming research being conducted in relation to cumulative effect modelling and assessment to read, *'Planning*

authorities should also take into account the cumulative effect of wind generation projects in particular areas. This effect should be assessed at the planning application stage using the best available endorsed guidelines on the issue, and LPA's should not set arbitrary limits in development plans on the numbers of turbines that will be acceptable in particular locations and areas.

Noise

18. There are rarely cases when the turbine machinery causes noise. It may be more appropriate to include *aerodynamic noise from turbine blades* as the example within brackets. The second sentence should replace 'minimise' with 'a requirement to achieve safe and acceptable noise levels'. The wind industry feel very strongly that PPS22 should not invite distance requirements between wind turbines and existing developments as the noise level varies according to a number of elements such as the number of turbines, topography, vegetation, wind speed and direction. It should simply reference the ETSU report and for each case the need for developers to demonstrate to LPA's that noise levels at the location of the nearest dwelling(s) are within the acceptable limits set by the guidelines.

Wind turbines

21. This paragraph should be extended to include *settlements* in the exclusion list for policies on separation distances. This is due to each case being assessed on its merits and individual characteristics such as the number of turbines, topography, vegetation, wind speed and direction.

Omissions

Land based elements of offshore projects

BWEA recommend insertion of a new paragraph 22 highlighting the importance of offshore schemes to the overall RE target, and to advise LPA's to look positively at applications for land based elements in connection to offshore schemes.

LPA Policies encouraging incorporation of RE into buildings

BWEA congratulates the Government on its EWP commitment of "how to bring consideration of the use of renewables and energy efficiency in developments more within the scope of the planning system..." The London Borough of Merton precedent demonstrates that the issue of the legality of LPA pro renewables policies is now not in doubt. But many LPA's still remain uncertain of the Government's position. Enabling other LPA's to follow Merton's lead requires no more than wording along the following lines in PPS22:

'LPAs can develop local pro renewables policies specifying the percentage of the predicted energy use in new buildings expected to come from onsite renewable energy sources, subject to local consultation and consideration of the appropriateness of such policies taking into account local economic, social and environmental factors, and the viability of new developments'. This wording recognises that in some parts of the country or in individual LPA's, pro renewables planning policies may be harder to justify locally, but it would give the "green light" to the many LPA's currently considering whether to adopt such policies.