

# Executive

## Planning Policy for Wind Energy Development

1 November 2010

### Report of Head of Planning Policy & Economic Development

#### PURPOSE OF REPORT

To seek approval for public consultation a draft “Planning Guidance on the Residential Amenity Impacts of Wind Turbine Development”.

This report is public
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#### Recommendations

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The Executive is recommended:

- (1) To approve the attached draft document entitled “Planning Guidance on the Residential Amenity Impacts of Wind Turbine Development” as a basis for public consultation.
- (2) To agree that a public consultation is undertaken with relevant key stakeholders and that after this, the outcome of that public consultation is reported to members alongside a revised draft of the policy for approval.

#### Executive Summary

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##### Introduction

- 1.1 Members will be aware that at the Council meeting on 19<sup>th</sup> July 2010 a motion was passed which stated:-

*“That this Council develops, as a matter of urgency, a policy setting minimum acceptable distances between proposed wind turbines and dwellings.”*

- 1.2 In response to this motion, officers have been working on a document which is now put before members in draft form for consideration. The document is attached as appendix 1 to this report.

##### Proposals

- 1.3 As a starting point for preparing this document, it is recognised that there is currently no minimum separation distance set out in English planning law or

guidance relating to wind turbines and residential development.

- 1.4 The Council's proposed strategic approach to assessing proposals for wind turbines is set out in policy SD3 of the Draft Core Strategy. This policy makes clear that the Council supports renewable and low carbon energy where appropriate. In assessing planning applications, it identifies a number of issues which are of local significance to Cherwell District which need to be considered. One of these is residential amenity.
- 1.5 The draft document before members today provides further guidance to support policy SD3 on the matter of residential amenity insofar as it is affected by proposals for wind turbines.
- 1.6 The approach taken by this document is to consider, holistically, the impact of wind turbines on dwellings, and to draw on guidance that is available to seek to draw robust conclusions on a practical and reasonable approach that could be taken by the Council in considering any future planning applications for wind turbines. In doing this, the document seeks to consider, firstly a general approach towards minimum separation distances between turbines and settlements based upon amenity considerations, and then to consider particular other factors that should reasonably be taken into account in considering proposals which may affect dwellings. These factors include:-
  - the impact on the wider landscape
  - noise levels
  - the impact upon heritage assets of all types
- 1.7 The document also considers issues such as safety factors relevant to wind turbines, the impact of "shadow flicker" (when the sun passes behind the rotors of the wind turbine casting a moving shadow over nearby properties) and the cumulative impact of more than one wind farm proposal.
- 1.8 It should be noted, and is made clear in the draft document, that its scope is limited to considering primarily issues surrounding the relationship between wind turbines and dwellings. The document does not seek to provide comprehensive guidance on all issues to be considered when considering proposals for wind turbines.
- 1.9 It should also be noted that the main purpose of the document is to give guidance on large wind turbine proposals. Table 2 in the draft document indicates how wind turbines can range vastly in size. Commercial scale wind turbines, however, are almost exclusively those classified as "large" – i.e. 90 metres or more high. The draft guidance therefore focuses on these. Nevertheless, the principles within it are broadly applicable to medium and small turbine proposals that may come before the Council.
- 1.10 The format of this draft document has been structured so that each chapter includes information on any national or local policy or guidance that exists to inform our proposed approach. It also includes sections giving guidance on relevant appeal decisions and on examples of other work that may have been carried out on the subject (such as planning guidance produced by other local authorities). Whilst all these sections are useful in helping explain the council's suggested approach, it is proposed that the sections on appeal decisions and other examples are not included within the final version of the

document in the interests of brevity.

#### The status of the document

- 1.11 It is proposed that the document is prepared as informal planning guidance by the Council. It will support emerging policy SD3 in the Draft Core Strategy. At an appropriate stage in the LDF process it will be possible to develop this informal guidance as a Supplementary Planning Document that elaborates on the criteria in policy SD3.
- 1.12 As a result of work on this document, and following public consultation, councillors will have the opportunity to consider amending policy SD3 in the Core Strategy to reflect the primary element of the draft guidance; namely that normally, a minimum separation distance of 800 metres between large scale wind turbines and dwellings will be expected.
- 1.13 It is proposed that if approved in draft form by the Executive, the draft document will be subject to a period of public consultation (see below). After this, members will be asked to approve the document as informal (non statutory) planning guidance from the Council on the subject of wind turbines and residential development. It will be shared with anyone considering a wind turbine proposal within the district, and will be a material consideration that the Planning Committee can take into account in considering proposals before them.

#### Public consultation

- 1.14 If members approve the draft document, it is proposed that it is then subjected to a period of public consultation. This would be a targeted consultation with a range of bodies including:-
- Parish and Town Councils
  - Local amenity groups
  - Adjacent local authorities and Oxfordshire County Council
  - Amenity groups, technical advice bodies and others that could have an interest in the scope and content of the document
  - The Government Office and relevant Government departments
  - Renewable UK (formerly the British Wind Energy Association) and other bodies that represent the wind energy industry.
  - Any party that is submitting a wind farm application or with whom the Council is in discussions at the time of the public consultation.

#### **Conclusion**

- 1.15 This draft document is before members today for consideration as to whether it provides a useful basis for informal planning guidance on the subject of distance separation standards between wind turbines and dwellings. If members approve the draft document, it will be subject to public consultation prior to being brought back to councillors for approval.

## Background Information

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- 2.1 The Government's general planning policy approach to renewable and low carbon energy production is set out most recently in a supplement to PPS1 titled "Planning & Climate Change" published in December 2007. This states:
- "In developing their core strategy and supporting local development documents, planning authorities should provide a framework that promotes and encourages renewable and low carbon energy generation. Policies should be designed to promote and not restrict renewable and low-carbon energy and supporting infrastructure."*  
(para 19)
- 2.2 It goes on to say that in particular, planning authorities should (amongst other matters) *"ensure any local approach to protecting landscape and townscape is consistent with PPS22 [Renewable Energy] and does not preclude the supply of any type of renewable energy other than in the most exceptional circumstances."* (para 20).
- 2.3 This national policy position must condition any local approach which this Council takes towards minimum separation distances between wind turbines and residential development.
- 2.4 Although, as mentioned above, there is no minimum separation distance set out in English planning law or guidance relating to this matter, there is a body of general guidance and other information that has supported the preparation of this draft document, in addition to PPS1 and PPS22. This includes:-
- National studies and guidance on various related matters, such as "The Assessment and Rating of Noise from Windfarms"
  - Local studies including the Review of Renewable and decentralised energy potential in South East England (June 2010) and the Renewable Energy and Sustainable Construction Study (produced in 2009 by the Council to inform its Draft Core Strategy)
  - Planning policy and guidance on wind turbines produced by other local authorities within England, as well as guidance and policy produced for Scotland and Wales.
  - The recent appeal decision at Fewcott within Cherwell District
- 2.5 Of these, the Renewable Energy and Sustainable Construction Study is particularly relevant to Cherwell District because it was commissioned by the Council (jointly with West Oxfordshire District Council) to provide an evidence base for policies within our Draft Core Strategy. The advice in this document informed the Sustainable Development (SD) policies within the Draft Core Strategy, in particular policies SD1 – 5.
- 2.6 As set out in the Executive summary, policy SD3 set out the Council's general position towards assessing renewable energy proposals. It makes clear that the Council supports renewable and low carbon energy where appropriate. In assessing planning applications, it identifies a number of issues which are of local significance to Cherwell District which need to be considered. These

include the impact of proposals on landscape and biodiversity designations, visual impact upon local landscapes and impacts upon the historic environment and residential amenity.

- 2.7 It is these issues that form the basis of the structure of the draft informal planning guidance.

### **Key Issues for Consideration/Reasons for Decision and Options**

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- 3.1 The key issue before members today is whether the draft document attached as appendix 1 provides a useful basis upon which to consider future proposals for wind turbines in the district.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- Option One** To approve the draft document and agree that it should be taken forward for public consultation.
- Option Two** To approve the draft document with amendments and agree that it should be taken forward for public consultation.
- Option Three** Not to approve the draft document in its current form, or to agree not to proceed with this planning guidance.

### **Consultations**

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**Portfolio holder** Informal briefing

### **Implications**

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**Financial:** There are no direct financial implications associated with the production of this guidance. Any costs can be met within existing budgets.

In terms of planning decisions that are made as a consequence of this guidance being in place, this may lead to an increased number of refusals of planning permission and an increase in appeals. In all cases, offices will advise the Planning committee as to the weight that should be given to this document (when considered against other factors relevant to a particular planning application) in considering individual planning applications.

Comments checked by Eric Meadows, Service Accountant, 01295 221552

**Legal:** It is recognised in the report that the guidance is non-

statutory and does not form part of the LDF. It will therefore have limited weight where the Council's decisions are contested. The guidance can be treated as a material consideration once it is produced in its final form (after public consultation). Councillors on the Planning Committee will, however, need to be advised as to the extent of this weight (when considered against other factors) in considering individual planning applications.

Comments checked by Nigel Bell, Solicitor, 01295 221687

**Risk Management:**

See legal and financial comments above.

Comments checked by Rosemary Watts, Risk Management & Insurance Officer, 01295 221566

**Wards Affected**

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All

**Corporate Plan Themes**

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A Cleaner, Greener Cherwell

**Executive Portfolio**

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**Councillor Michael Gibbard**  
**Portfolio Holder for Planning & Housing**

**Document Information**

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<b>Appendix No</b>	<b>Title</b>
Appendix 1	Draft Wind Turbine Policy
<b>Background Papers</b>	
Supplement to PPS1: Planning & Climate Change (Communities & Local Government) PPS22: Renewable Energy (ODPM) Renewable Energy and Sustainable Construction Study (CAG for Cherwell and West Oxfordshire District Councils) Draft Core Strategy (Cherwell District Council)	
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