

# Executive

## Planning Policy for Wind Energy Development

7 February 2011

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

#### PURPOSE OF REPORT

To seek approval of an informal (non statutory) planning guidance document on the subject of wind turbines and residential development.

This report is public

#### Recommendations

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The Executive is recommended:

- (1) To approve the document entitled 'Planning Guidance on the Residential Amenity Impacts of Wind Turbine Development' (attached as appendix 1 to this report) for use as informal planning guidance.

#### Executive Summary

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##### Introduction

- 1.1 Members will be aware that at the Council meeting on 19 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- 1.2 In response to this motion, officers produced a draft guidance document which was approved for consultation by the Executive on 1 November 2010.
- 1.3 The draft document was subsequently consulted on for a period of 6 weeks.
- 1.4 The draft document has now been amended to reflect the consultation responses and the amended document is being put before members for final approval as informal (non statutory) planning guidance. The document is attached as appendix 1 to this report.
- 1.5 This report briefly discusses the main issues arising from the consultation and the changes proposed to the document. A table is attached to this report as appendix 2, listing each of the consultation comments alongside a summary of the action proposed in response.

## **Proposals**

### The Purpose of the Document

- 1.6 The rationale behind the guidance in the document is explained in detail in the report to the Executive on 1 November 2010.
- 1.7 In brief, there is currently no minimum separation distance set out in English planning law or guidance relating to wind turbines and residential development.
- 1.8 The local guidance document that officers have produced is linked to policy SD3 of the Draft Core Strategy. This policy sets out the Council's strategic approach to assessing proposals for renewable energy, and 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.
- 1.9 The approach taken in the guidance document is to consider, holistically, the impact of turbines on dwellings and to draw on available guidance 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. The document considers firstly a minimum separation distance between turbines and dwellings based on amenity considerations, and then other factors including:
  - Impacts on the wider landscape
  - Noise levels
  - Impacts on heritage assets
  - Shadow flicker
  - Cumulative impacts of more than one wind farm proposal
- 1.10 The scope of the document is limited to considering 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.

### Consultation Process

- 1.11 The draft document was published for consultation in November 2010 for a period of 6 weeks. This was a targeted consultation with a range of bodies including:
  - Parish and Town Councils
  - Local amenity groups
  - Adjacent local authorities
  - Technical advice bodies
  - The Government Office
  - Renewable UK (formerly the British Wind Energy Association)
  - Any party submitting a wind farm application or with whom the Council is in discussions.

- 1.12 17 responses were received (excluding comments made at the Executive meeting on 1 November). In general there was strong support for the document and the approach set out within it, although some amendments were also proposed. Many of these have led to suggested changes to the document. A summary of the main issues raised is set out in paragraph 2.1, whilst a full list of the responses and subsequent actions proposed to amend the document is set out as appendix 2 to this report. Other minor changes have also been made to the draft document, for example, to update on matters of fact.
- Proposed additions to the document are shown in *italicised* text.
  - Proposed deletions to the document are shown in ~~strike through~~ text.

#### The Status of the Document

- 1.13 Members are being asked to approve the revised document for use as informal planning guidance. 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.
- 1.14 The document will also 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.

#### **Conclusion**

- 1.15 The document attached as appendix 1 is before Members today for approval as informal planning guidance. The document has been subject to consultation and has been amended to reflect issues raised in the consultation responses. The main amendments to the document are discussed briefly in the 'Background Information' section, below.

## **Background Information**

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- 2.1 Detailed background information relating to the national and local policy context informing the preparation of the guidance document is set out in the report to Executive on 1 November 2010. The following paragraphs focus on the main issues arising from the consultation and subsequent changes proposed to the document. A detailed list of comments received, and actions proposed in response, is presented as appendix 2.

### Clarity regarding the purpose of the document and the guidance it contains

- 2.2 A number of consultation responses asked for clarity on the role of the document (for example, why the document only focuses on wind energy, on large scale turbines, and only residential amenity issues), or for additional justification/explanation of the guidance contained in the document. Clarification has been added, and the detailed review of appeal decisions and guidance produced by other local authorities, originally intended to be removed from the final version of the document, has been retained.

### Consider whether the guidance throughout the document should refer to single dwellings or settlements

- 2.3 The document tended to refer to both dwellings and settlements sometimes interchangeably, whilst at other times the document was specific on different guidance for 'settlements' or 'dwellings'. This was noted in the consultation responses. The document has been amended to more consistently refer to the impact of proposals on single dwellings unless where otherwise stated (such as in the 'field of view' criteria in Chapters 3, 4 and 9). However, it is highlighted that the Council should be seen to take a reasonable approach. Rural parts of the district can be sparsely populated, and were the Council to insist on a minimum separation distance between turbines and single dwellings, this would effectively rule out all wind energy in the district. This is not considered to be in accordance with the national (and emerging local) policy approach which is to support renewable and low carbon energy wherever appropriate.

### Consider increasing the minimum separation distance recommended for residential amenity reasons from 800m to 2km (1.24 miles)

- 2.4 Two consultees suggested that the Council should adopt a 2km minimum separation distance as referred to in the Scottish planning guidance and planning guidance adopted in South Northamptonshire. It is recognised that the Scottish Planning Advice Note 45 refers to wind turbines being 'prominent' within a distance of 2km. But it is not considered that this informal guidance document can be used to equate 'prominent' with 'unacceptable'. South Northamptonshire's Supplementary Planning Document refers to wind turbines within 2km of dwellings or settlements needing to be 'carefully considered'. This is a different approach to the guidance document attached as appendix 1, which refers more explicitly to a minimum separation distance. Scottish Planning Policy does suggest a separation distance of up to 2km between areas of search [for wind farms] and the edge of cities, towns and villages to guide developments to the most appropriate sites and to reduce visual impact, whilst stating that decisions on individual developments should take into account specific local circumstances and geography. However, a 2km minimum separation between turbines and dwellings within Cherwell would effectively rule out the entire district. As set out in paragraph 2.3, the

Council needs to be seen to take a reasonable approach, whilst minimising avoidable harmful impacts on residential amenity.

Reconsider the reference to a need for a detailed assessment of significant impacts on heritage assets up to a distance of 5km (3.1 miles)

- 2.5 The guidance relating to impacts on heritage assets (page 25 of the draft document) appears to have been interpreted as suggesting that there are likely to be no impacts on heritage assets over a distance of 5km from the turbine. The document states that *significant* impacts are likely up to 5km. There may be instances where significant impacts are present and are unacceptable over 5km, but this is more likely to be in exceptional circumstances. This section has been reworded for clarity but the thrust of the approach remains unchanged.

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

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- 3.1 The key issue before Members today is whether to approve the document attached as appendix 1 for use as informal planning guidance.

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

<b>Option One</b>	To approve the document set out as appendix 1 for use as informal planning guidance in determining planning applications
<b>Option Two</b>	To approve the document for use as informal planning guidance, with amendments
<b>Option Three</b>	Not to approve the document for use as informal planning guidance.

### **Consultations**

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<b>Consultation with national and local organisations, interest groups, and parish councils</b>	Consultation outcomes are discussed in paragraphs 2.1 – 2.5 and set out in appendix 2.
<b>Portfolio holder</b>	Informal briefing

### **Implications**

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<b>Financial:</b>	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, officers will advise the Planning Committee as to
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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. Now that a public consultation has been undertaken on the draft document, the revised document attached as appendix 1, if approved by the Executive, can be treated as a material consideration. 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, Team Leader – Planning & Litigation, 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	Planning Guidance on the Residential Amenity Impacts of Wind Turbine Development
Appendix 2	Consultation Responses
<b>Background Papers</b>	
Report of Head of Planning Policy & Economic Development: Planning Policy for Wind Energy Development, Executive Committee, 1 November 2010	
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