

**EAST RIDING OF YORKSHIRE COUNCIL**

**Report to:** The Cabinet  
14 April 2009

**Wards:**

All wards

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**Interim Planning Document on Renewable Energy Developments**

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Report of the Director of Policy, Partnerships and Improvement

**A. Executive Summary**

The Cabinet asked in June 2007 that an Interim Planning Document (IPD) on 'Renewable Energy' be prepared. This was to set out the various planning matters to be taken into account by potential applicants preparing renewable energy proposals for sites in the East Riding. Consultants were engaged to prepare a draft document, which has been the subject of wide consultation. Proposed alterations have now been incorporated for consideration.

The IPD sets out the various considerations to be taken into account by potential applicants preparing renewable energy proposals in the East Riding. It sets out the Council's proposed approach to planning for renewable energy in meeting its targets for the proportion of energy from renewable sources for 2010, 2021 and beyond. The document gives advice on different types of renewable energy such as wind energy, biomass and energy crop conversion and others. It advises on the preparation and submission of planning applications and highlights potential constraints and planning issues to be considered by developers. A copy of the revised document has been deposited in Group Offices and at public deposit points.

**B. Corporate Priorities 2008-2011**

Safer Communities  
Valuing our Environment  
Local Problem Solving  
Revitalising our Communities  
Retaining the East Riding Character  
A Well Managed Authority

**C. Portfolio**

Key Strategic Issues  
Policy, Performance and Strategic Partnerships  
Environment, Waste, Recycling, Strategic Highways and Planning  
Corporate Support Services  
Community Engagement/Local Economic Development  
Highway Maintenance, Streetscene and Emergency Planning  
Health and Voluntary Partnerships

## **D. Recommendation and Reason for Recommendation**

It is proposed that Cabinet consider recommending to full Council that the proposed changes to the Interim Planning Document on Renewable Energy be approved and permission be given to publish the document with delegation for approval of minor editing to the Director of Policy, Partnerships and Improvement and the relevant portfolio holders.

### **1. Background**

- 1.1 Targets are set out in the Regional Spatial Strategy (May 2008) on how much installed grid-connected renewable energy capacity should be delivered in the East Riding of Yorkshire for 2010 and 2021, as set out at *Appendix A*. The Council has had to deal with a number of planning applications for such renewable energy proposals, which have largely been for wind energy development. The position with renewable energy developments in the East Riding at the end of February 2008 is set out at *Appendix B*.
- 1.2 Although there are existing policies in the four Local Plans that provide some broad guidance, the Cabinet asked that draft guidance on Renewable Energy be prepared to set out a consistent and more comprehensive set of matters that potential applicants need to address when preparing renewable energy proposals in the East Riding.
- 1.3 A draft Interim Planning Document has therefore been prepared and was agreed for consultation by Cabinet on 2 September 2008. The consultation took place between 3 November and 17 December 2008 and the responses received have now been collated. Nearly 400 responses were received from over 60 bodies and individuals.
- 1.4 The document has been amended in the light of comments received and, if agreed, will be used to advise applicants, developers, local communities, officers and Members in the consideration of renewable energy developments.
- 1.5 There are no direct performance or financial implications for the Council from this matter. However, Members will be aware that renewable energy planning applications are invariably controversial and take time to deal with. This document has the potential to assist all parties in dealing with the timescales associated with such planning applications.

### **2. The Interim Planning Document**

- 2.1 The draft Interim Planning Document was circulated with the previous Cabinet report and the proposed final version has been placed in Group Offices and deposit points. It sets out the Council's approach to planning for renewable energy in meeting its targets for the production of energy from renewable sources for 2010, 2021 and beyond. It aims to set out the potential for various sources of renewable energy in the East Riding.
- 2.2 The draft Document deals only with grid-installed, on-shore renewable energy developments up to 50MW (such as wind farms and biomass energy plants). It does not deal with proposals for:
  - off-shore renewable energy developments (such as those proposed off the Holderness coast recently, or within the River Humber itself) which are determined by the Government's Department for Business, Enterprise and Regulatory Reform under separate legislative procedures. These count towards a separate target in the Regional Spatial Strategy (and in future these would be dealt with by the proposed Infrastructure Planning Commission),
  - developments of more than 50MW are also determined by the Government's Department for Business, Enterprise and Regulatory Reform under separate legislative procedures but do count towards the East Riding's target in the Regional Spatial Strategy, and

- individual renewable energy proposals that are not grid-connected (such as ‘domestic’ systems) – again, these do not count towards the East Riding’s target in the Regional Spatial Strategy.

2.3 Although some consultees felt that these issues should have been included within the document, the content of the IPD and the role prescribed for the planning system in respect of the above issues is largely determined nationally.

2.4 The draft document outlines the national, regional and local planning policy framework to renewable energy (*Chapter 2*), and then provides advice under three headings:

- Wind Energy (*Chapter 3*).
- Biomass and Energy Crop Conversion (*Chapter 4*).
- Other Renewable Energy sources - hydropower, photovoltaic, geothermal and energy efficiency technologies (*Chapter 5*).

*Chapter 6* then sets out advice on the preparation and submission of planning applications, including guidance on pre-application discussions and information requirements for submission with applications.

2.5 *Chapters 2, 3 and 4* highlight the potential constraints and the various detailed planning issues to be considered by developers proposing the different forms of renewable energy development. Notably, *Chapter 3* gives the various principal constraints to the development of wind energy proposals within the East Riding.

### **3. The Consultation**

3.1 Consultation on this document was conducted within guidelines set in the Town and Country Planning (England) Regulations (2004), part 5, and the Statement of Community Involvement. The consultation took place between 3 November and 17 December 2008.

3.2 The document, sustainability appraisal and response form were sent to statutory consultees along with other stakeholders and interested parties. The draft and the response form were available to view in all East Riding of Yorkshire Council Customer Service Centres, libraries and on the Forward Planning pages of the East Riding of Yorkshire Council website. The consultation was advertised through a press release, Statutory Notices in local newspapers (covering the whole of the Authority area) and in the East Riding News. Various interviews were undertaken with the local press including four newspapers and a radio station. The document was also taken to Planning Committee during the consultation period.

### **4. Responses received**

4.1 64 responses were made to the consultation draft document. These responses included just under 400 individual comments. A summary and full list of the comments and responses is available in Group Offices.

4.2 The comments received cover a broad range of issues many of which were extremely positive to the approach the Council is taking to renewable energy. However, a significant number felt the document either contained too much or not enough guidance, and many perceived it to be a document containing restrictive policies rather than guidance on how the Council would deal with applications or expect developers to prepare their evidence when submitting applications and their supporting documents.

- 4.3 The changes to the document seek to help to sharpen and clarify the Council's intentions, but they do not materially change its overall approach. The overall content of the document has remained similar with most of the changes relating to:
- the language used to classify areas, for example exclusion zones, consultation zones and buffers, being reclassified as consultation/notification zones;
  - the inclusion of an additional appendix which outlines the Council's position statement on Goodwill payments;
  - consultation on planning applications;
  - more explicit references to the Habitat Regulations (2004); and
  - ensuring the document does not create new policy.
- 4.4 The language used to classify areas of constraint has been noted as being negative and restrictive. The draft referred to some of these areas as exclusion zones. Following the consultation it was concluded that there should be no exclusion zones. It is believed that some of the zones should be deleted altogether, for example the proposed distances between wind turbines and residential uses; to allow the issue to be addressed on a site by site basis, which in many cases may lead to the separation necessary being larger than that stated in the draft guidance. Other exclusion zones should become areas for consultation, where it is likely that the effect on a particular area will be particularly sensitive they should be designed to alert developers of the need to consult with particular agencies (e.g. aerodrome operators or MoD radar installations). They must not be viewed as exclusion zones as in many cases the effects of a renewable energy development can be mitigated.
- 4.5 An additional *Appendix 10* has been added to the document. This highlights the position the Council takes on 'Goodwill Payments'. Goodwill payments are voluntary contributions from developers. They have no effect on the planning decision and are used to create environmental, social and economic benefits for communities affected by a development. The position statement will provide clarity to local communities, Council Officers and developers when discussing such contributions.
- 4.6 There are a number of cases where bodies such as Natural England, the Highways Authority and the Civil Aviation Authority (CAA), NATS En Route, Humberside and Robin Hood Airports have asked that applicants be encouraged to consult them as they have more explicit policies regarding their particular interest in renewable energy developments. Further references have been made to consultation and to relevant consultees, such as the local communities being contacted before an application is submitted to the Council.
- 4.7 A number of references to the Habitat Regulations [The Conservation (Natural Habitats, &c.) Regulations 1994] are also likely to be added to the document. The Habitat Regulations protect internationally designated sites. The regulations lay out the responsibilities of the Authority and the steps that must be taken to preserve these areas. The draft document did not have explicit reference to the regulations, although some of the steps of the regulations were included without reference. It is felt that the more explicit reference will ensure that applicants are aware of all the considerations that need to be taken into account by the Authority when making planning decisions that may affect a designated site.
- 4.8 One of the main responses to the consultation on the draft IPD has been the perception that the Council is introducing new policy. Many welcomed this. However, that is not the intention of the document. The 2004 Planning & Compulsory Purchase Act sets down the criteria for creating new policy documents. New policy can only be created explicitly and be subject to an Examination in Public. Local Planning Authorities can create new guidance (known as Supplementary Planning Documents) on the back of policy. This document has been created in the style of an SPD, but it will carry less weight as there is, as yet, no firm policy steer via the LDF. That is why it is proposed as Interim Guidance.

4.9 The IPD attempts to guide renewable energy developments away from the most sensitive areas by outlining the main constraints to development and the main issues developers will need to address to secure consents. Specific policies will need to be developed through the LDF. The document will ensure it is clear that policy is not being introduced and that the document is guidance, which summarises and clarifies national and regional policy to provide certainty to all those involved in the planning process. The document will become a material planning consideration and this will be made clear in the final published version.

## 5. Considerations including Options

5.1 The responses to the consultation have been considered and amendments have been made to the document to reflect these. A copy of the revised document has been deposited in Group Offices and at public deposit points. This document should now be considered for its suitability to be used to aid planning applications for renewable energy developments and for approval for publication.

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### Background Papers

Interim Planning Document on Planning For Renewable Energy Developments, Volume One, Scott Wilson, September 2008

Interim Planning Document on Planning For Renewable Energy Developments, Volume Two: Appendices, Scott Wilson, September 2008

Sustainability Appraisal / Strategic Environmental Assessment of the East Riding of Yorkshire Planning for Renewable Energy Developments Interim Planning Document, Scott Wilson, September 2008

PPS22: Renewable Energy, Office of the Deputy Prime Minister, 2004

Planning For Renewable Energy - A Companion Guide to PPS22, Office of the Deputy Prime Minister, 2004

## Renewable Energy targets as set out in Policy ENV5 of Regional Spatial Strategy

Council/Sub-region	2010 MWs	2021 MWs
Barnsley	15	34
Doncaster	11	37
Rotherham	11	36
Sheffield	11	52
South Yorkshire	<b>47</b>	<b>160</b>
Leeds	11	75
Wakefield	11	41
Calderdale	19	53
Kirklees	11	48
Bradford	11	56
Co-firing	25	23
West Yorkshire	<b>88</b>	<b>295</b>
York	11	31
Craven	18	48
Hambleton	40	97
Harrogate	17	70
Richmondshire	18	39
Ryedale	10	19
Scarborough	5	24
Selby	14	32
Co-firing	75	67
North Yorkshire	<b>209</b>	<b>428</b>
<b>East Riding</b>	<b>41</b>	<b>148</b>
Hull	6	39
North Lincolnshire	54	112
North East Lincolnshire	23	50
Humber	<b>124</b>	<b>350</b>
Offshore	<b>240</b>	<b>630</b>
<b>TOTAL</b>	<b>708</b>	<b>1,862</b>

**East Riding Renewable Energy developments (position at February 2009)**

<b>TOTAL OPERATIONAL</b>			<b>9.1MW</b>
Lissett Airfield	Wind	Approved	30MW
Twin Rivers	Wind	Approved	28MW
Burton Pidsea	Wind	Approved	9MW
Routh	Wind	Approved	24MW
Goole Fields	Wind	Approved (subject to resolution of issues)	32MW
Sandsfield Gravel	Biomass	Approved	3MW
Tesco Distribution Centre	CHP	Approved	5.7MW
Tomato nursery, Keyingham	CHP	Approved	15MW
<b>TOTAL OPERATIONAL AND WITH CONSENT</b>			<b>150.1MW</b>
Aire and Calder	Wind	Current	45MW
Sober Hill	Wind	Current	15MW
Roos (Resubmission)	Wind	Current	20.7MW
Sancton Hill	Wind	Current	10MW
Land East of Tansterne Grange, Tansterne Lane, Flinton	Biomass	Appeal Pending	10MW
Withernwick	Wind	Appeal	27MW
Tedder Hill (Roos)	Wind	Appeal	6MW
<b>CURRENT AND PENDING APPLICATIONS</b>			<b>177.2MW</b>

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