

Draft Policy LP21 Renewable Energy Policy (previously DM20)

Link to draft policy and comments in full received from the draft consultation stage:

<https://west-norfolk.objective.co.uk/portal/lpr2019/lpr2019?pointId=s1542883547142#section-s1542883547142>

Consideration of issues:

The main issues raised by consultees were:

- Would like to see a more supportive approach to renewable energy.

The resulting changes recommended to the policy and supporting text are set out below.

Officer Recommendations to Task Group:

The Task Group is recommended to:

- 1) .

Policy Recommendation:

Strategic Policy

Policy LP21 - Renewable Energy

1. Proposals will be supported and considered in the context of contributing to the achievement of sustainable development and adapting to climate change. Proposals made by a local community and through neighbourhood plans for the development of renewable and low-carbon sources of energy, in scale with their community's requirements, including supporting infrastructure for renewable energy projects will be supported.
2. Proposals for renewable energy (other than proposals for wind energy development) and associated infrastructure, including the landward infrastructure for offshore renewable schemes, will be assessed to determine whether or not the benefits they bring in terms of the energy generated are outweighed by the impacts, either individually or cumulatively, upon:
 - a. sites of international, national or local nature or landscape conservation importance, whether directly or indirectly, such as the Norfolk Coast Area of Outstanding Natural Beauty (AONB),
 - b. sites of Special Scientific Interest (SSSIs) and Ramsar Sites;
 - c. the surrounding landscape and townscape;
 - d. designated and un-designated heritage assets, including the setting of assets;
 - e. ecological interests (species and habitats);
 - f. amenity (in terms of noise, overbearing relationship, air quality and light pollution);
 - g. contaminated land;
 - h. water courses (in terms of pollution);
 - i. public safety (including footpaths, bridleways and other non-vehicular rights of way in addition to vehicular highways as well as local, informal pathway networks); and
 - j. tourism and other economic activity.
3. In addition to the consideration of the above factors, the Borough Council will seek to resist proposals where:

- a. there is a significant loss of agricultural land; or
- b. where land in the best and most versatile grades of agricultural land⁽⁶⁾ are proposed to be used.

In addition to the above factors, the Borough Council will seek to protect productive agricultural land and best and most versatile land⁽⁶⁾. Applications for other uses which would adversely affect these are likely to be refused, unless the material benefits associated with its approval outweigh its loss.

4. Development may be permitted where any adverse impacts can be satisfactorily mitigated against and such mitigation can be secured either by planning condition or by legal agreement.

LP21 Renewable Energy Policy (previously DM20)

Introduction

6.8.1 The Climate Change Act (2008) introduced a target of reducing greenhouse gas emissions by 80% by the year 2050. In line with government targets there have been increasing applications for development that harness renewable energy in the Borough, particularly in the form of wind turbines and photovoltaic panels. The NPPF at Para 152 advises that "Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning."

6.8.2 Strategic Policy LP16 Sustainable Development outlines that the generation of energy from renewable sources will be supported and encouraged. Permission will be given unless there are unacceptable locational or other impacts that could not be outweighed by wider environmental, social, economic and other benefits. The National Planning Policy Framework also states that local planning authorities should approve applications for renewable energy development if its impacts are (or can be made) acceptable. This policy aims to balance the need for renewable energy developments and the impact on the local area and local people.

Relevant Local and National Policies

- Climate Change Act 2008
- National Planning Policy Framework: Meeting the Challenge of Climate Change, Flooding and Coastal Change

- Strategic Policy LP16: Design and Sustainable Development
- Borough Council of King's Lynn & West Norfolk: Small-scale wind turbine noise and shadow flicker guidance
- Planning Practice Guidance
- Marine Policy Statement/East Marine Plan Policies:
 - GOV1 Landward Infrastructure
 - WIND2 Offshore Windfarms
 - EC3 Offshore Wind
 - SOC3 Character
 - FISH1 Fishing Activity
 - FISH2 Spawning and Nursery Areas
 - CAB1 Subsea Cabling

Policy Approach

6.8.3 This policy defines the criteria against which applications for renewable energy will be considered to provide clarity for developers and the wider public. However it does not apply to wind energy proposals. Decisions regarding wind energy will rely on national policy and guidance in the renewable and low carbon energy section of the Planning Practice Guidance. The approach is to minimise any adverse impact from renewable energy development including that from the decommissioning of any renewable energy technology. The Council will provide a consistent cross boundary approach with neighbouring North Norfolk District Council by affording greater protection from development within the Norfolk Coast Area of Outstanding Natural Beauty (AONB). It details factors that need to be considered so that a judgement can be made on the potential acceptability of impacts.

Sustainability Appraisal:

LP21 Renewable Energy

This policy is very similar, to the equivalent policy considered in the SADMP process and the sustainability appraisal of that. The proposed policy was assessed as having a positive effect.

LP21: Renewable Energy																							
Policy	SA Objective:																				Overall Effect		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		+	-
LP21	0	0	0	+	+	+	++	+	+	+	0	0	0	0	0	0	0	0	0	0	+8	0	Likely Positive Effect +8
Draft LP21	0	0	0	+	+	+	++	+	+	+	0	0	0	0	0	0	0	0	0	0	+8	0	Likely Positive Effect +8
No Policy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Likely Neutral Effect

Appendix 1: Summary of Comments & Suggested Response:

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Town Clerk Hunstanton Town Council	Object	LP 21 does not deal with wind energy developments, so another policy should apply.		The supporting text 6.8.3 states that “Decisions regarding wind energy will rely on national policy and guidance in the renewable and low carbon energy section of the Planning Practice Guidance.”
Conservation Officer Norfolk Wildlife Trust	Object	The Planning Act 2008, Section 182 states that ‘development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change’. Whilst policy LP16 gives broad support to renewable energy development, it is not clear how this broad support will translate into securing a contribution to mitigation of, and adaptation to climate change. Policy LP21 appears to mostly focus on the circumstances where the Council would not permit renewable energy development. Whilst we agree that renewable energy proposals should be assessed against impacts on sensitive receptors such as those set out in section 1 of policy LP21, we recommend that the policy wording is revised to reflect the high level support for renewable energy provision through the local plan. The policy should also include targets for emissions reductions and requirements for renewable energy provision. Examples from other local authorities of potential policy wording include - Policy EN1: Carbon Dioxide Emissions of Leeds City Council Core Strategy sets targets for emissions and low carbon energy provision on new development, policy GM15: Carbon Emissions of the draft Greater Manchester Spatial Framework sets		The new first criterion sets out a more supportive approach to renewable energy developments.

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		<p>out a carbon emissions reduction target, whilst policy SI2 of the draft London Plan states that major development should be net zero-carbon. (Source: Rising to the Climate Crisis – A Guide for Local Authorities on Planning for Climate Change, TCPA/ RTPI, December 2018).</p>		
<p>Planning Engineer Middle Level Commissioners</p>	<p>Object</p>	<p>B Flood Risk Design Your Council’s approach appears to be consistent with current national policy as detailed in the NPPF but, as discussed previously, this guidance is generic and “broad brush”. As a result it is considered that the proper and detailed consideration of local flood risk and water level management issues considering all sources of risk must be considered at all stages of the decision making process including the allocation of development sites and generally within the planning making process is most important. This is considered to be extremely relevant given the special circumstances within the Fens and its reliance on man-made systems and intervention. As you are aware considerable concern has previously been raised by the content of both the data within the SFRA and the EA’s extents which pre-dated the Commissioners’ new pumping station at St Germans. It is understood that the SFRA has recently been revised but given that neither the Commissioners or its associated Boards were involved in the documents detailed production it is not known whether it is appropriate in respect of our interests. It is considered that without the Commissioners’ and associated relevant Boards’ input a misleading representation of flood risk may be maintained. Flooding from any source is not sustainable and does not provide wider community benefits. Surface water flooding, the most probable source of flooding, appears to have been ignored. It must</p>		<p>This comment appears to relate to Appendix B Flood Risk Design linked to Policy DM21 – Sites in Areas of Flood Risk (now LP22) not LP21 Renewable Energy.</p>

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		<p>be considered as part of the site suitability test for the allocation. The events of the 8th August 2014 where areas of West Norfolk experienced an extreme rainfall event confirm this. Nine instances of flooding in Outwell/Upwell were reported to the LLFA as a result of this event.</p> <p>In respect of surface water disposal our position is as follows: “National guidance promotes the management of water in a sustainable way to mimic the surface water flows from development, thus discouraging the discharge of unregulated flows of surface water to sewers and watercourses. This, however, primarily refers to gravity systems which serve most of the country.</p> <p>Whilst the Commissioners and associated Boards generally support adherence to national guidance where appropriate this can, to a certain extent, depend on the individual circumstances of the site or receiving watercourse system. Unlike most of the country, the majority of Fenland is served by pumped drainage systems with low hydraulic gradients with any run-off generally being stored within them, often at great length of time, before being discharged into the River system and thus reducing any impact on the peak flow within the river system. A major concern regarding the use of grey water recycling, infiltration devices, attenuation storage systems and other SuDS, although not necessarily our problem at this time, is the future maintenance of such devices which, if unmaintained, can become a liability resulting in drainage/flooding problems which have to be resolved at a cost to the owner and possibly the public purse. The resolution of this issue, which was considered as part of the Pitt Review, is still awaited. It is considered that, in some circumstances, an unregulated flow into the Board's managed system is the most appropriate long term</p>		

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		<p>solution. The associated contribution which will be received for making an unregulated direct discharge to the Board's system will ensure that it is maintained and continues to perform its function and provides the appropriate Standard of Protection (SoP) at relatively small cost and with minimal environmental impact reducing the need to utilise natural resources and the impacts of climate change by reducing greenhouse gas emissions.”</p>		
Norfolk Coast Partnership (AONB)		<ul style="list-style-type: none"> • We support LP21 		Support is noted.
Climate Emergency Planning and Policy (CEEP)		<p>6.5 LPR – LP21 - Legal and Policy Framework: Renewable Energy The government’s Clean Growth Strategy encourages the Low Carbon Economy and promoting renewable energy. NPPF2 148 states: “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.” NPPF2 151 states: “To help increase the use and supply of renewable and low carbon energy and heat, plans should: a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; ...” 6.6 LPR - LP21 - Renewable Energy Policy</p>		A separate Climate Change policy is included in the Plan incorporating a Merton style policy. The new first criterion of LP21 sets out a more supportive approach to renewable energy developments in line with the NPPF.

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		<p>This is covered on pages 111 and 112. This policy appears to be designed to restrict renewable energy development, particularly on-shore wind, and is counter to the NPPF2 above.</p> <p>6.7 LPR – No on-site/development Renewable Energy policy There is no ‘Merton Rule’ type requirement for a minimum percentage of energy in new developments to be from on-site renewable or decentralised sources. The renewable energy industry is one of the great success stories of the last decade and a high percentage of on-site renewable energy can now be provided: for example, the London Plan, requires new developments’ carbon emissions to be 35 per cent lower than the baseline of Building Regulations, which in practice means roughly 35 per cent of energy must come from on-site renewables.</p> <p>It is a glaring omission that no stand-alone policy exists for this in the LPR, with a required threshold for percentage of on-site generation, although on-site renewable energy is mentioned LP16, paragraph 7.</p> <p>6.8 LPR – No energy efficiency policy LP16, “Design and Sustainable Development” paragraph 3, does refer to high standards of sustainability and energy efficiency. However, the Borough should be setting its own high standard and encouraging innovation beyond it.</p> <p>The EU Energy Performance of Buildings Directive requires all new buildings to be nearly zero-energy by the end of 2020. As this is already law, the default position is that it will continue to apply to the UK if Brexit happens. The plan should do its utmost to make high energy efficiency standards in new homes the normal in the Borough, if it cannot make them mandatory. At the absolute minimum, a design code should be drawn up encouraging zero-carbon buildings and setting out possible approaches to this.</p>		

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		<p>Innovative, but tried and tested, building methods like passivhaus should be actively encouraged. Above, CEPP note that BCKL&WN per-capita domestic emissions are second highest in Norfolk. The modification recommended above to LP21 and LP16 would help improve BCKL&WN performance.</p>		
<p>Consultations Team Natural England</p>	<p>Object</p>	<p>We generally support policy wording and the requisite for detailed assessment alone and in combination. However, we advise that there is a requirement to demonstrate that projects will not have any adverse impact on internationally and nationally designated sites and landscapes to ensure their protection in line with the NPPF. As currently worded, the policy does not offer sufficient protection to these sites in accordance with the NPPF and is therefore not considered to be sound.</p> <p>We welcome that the policy seeks to protect best and most versatile land in accordance with paragraph 170 of the NPPF.</p>	<p>We recommend that renewable energy projects are considered strategically in terms of timing of works, in particular cable lines and grid connections to minimise disturbance.</p> <p>Air quality impacts should be considered both during construction and decommission, specifically the effects on local roads within vicinity of the proposal on nearby designated nature conservation sites.</p> <p>We consider that the designated sites at risk from local impacts are those within 200m of a road with increased traffic, which feature</p>	<p>Noted.</p>

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			<p>habitats that are vulnerable to nitrogen deposition/acidification. APIS provides a searchable database and information on pollutants and their impacts on habitats and species.</p> <p>Net gain is embedded in the Governments 25 Year Environment Plan (25YEP) as a key action for ensuring that land is used and managed sustainably.</p> <p>National Infrastructure Projects can make a significant contribution to delivering the environmental ambition in the Government's 25 YEP through net gain.</p>	
Mr Craig Barnes	Object	Gladman is concerned that the application of part 2 of the policy would lead to significant restrictions on new development and establishes an approach to new development which goes beyond National Policy. The policy outlines that the Council will resist proposals which result in a significant loss of agricultural land or where best and most versatile land is to be used. This means that any development of best and most versatile development is likely	To better reflect the NPPF, Gladman consider that the wording of Policy LP21 should be amended to: "In addition to the above factors, the	Agree include the suggested wording to replace LP21 2 in line with national guidance.

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		<p>to be refused.</p> <p>Gladman consider that this departs somewhat from the consideration of value which is set out in Paragraph 170 of the NPPF.</p> <p>Gladman believe that the approach of National Planning Policy seeks to ensure that the retention and protection of best and most versatile land is to attract weight in the decision-making process, and to be considered in the overall planning balance rather than attracting an outright refusal as advocated in Policy LP21.</p>	<p>Borough Council will seek to protect productive agricultural land, and best and most versatile land.</p> <p>Applications for other uses which would adversely affect these are likely to be refused, unless the material benefits associated with its approval outweigh its loss.”</p>	