



PRCC.03 13/14
Prosperous Communities Committee
4 June 2013

Subject: Sustainable Communities Act

Report by:	Director of Regeneration and Planning
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Purpose / Summary:	The purpose of the report is to investigate the use of the Sustainable Communities Act to provide more appropriate guidance on the location of small scale wind turbines in rural areas.

RECOMMENDATION(S):
Members are asked to:

- Should members consider that further guidance is required on the location of turbines within the District that officers assess the potential for an amendment to the Core Strategy policy relating to renewable energy or the development of a Supplementary Planning Document (SPD) to follow the adoption of the Core Strategy.
- That members use their political party to lobby the government on the policies related to renewable energy and specifically wind turbines.

IMPLICATIONS

Legal: none

Financial : There may be a financial cost to the development of a supplementary planning document. The exact amount would not be known until the document had been scoped.

Staffing : none

Equality and Diversity including Human Rights :
none

Risk Assessment :
n/a

Climate Related Risks and Opportunities :n/a

Title and Location of any Background Papers used in the preparation of this report:
n/a

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1 Introduction

At a meeting of the Council on 29th April 2013 it was proposed, that along with neighbouring authorities, West Lindsey District Council make a request via the Sustainable Communities Act to request that the government provide more appropriate guidance on the location of small scale wind turbines in rural areas.

2 Sustainable Communities Act

The Sustainable Communities Act received Royal ascent in October 2007. Under the terms of the Act the Secretary of State must “invite local authorities to make proposals which they consider would contribute to promoting the sustainability of local communities”. Sustainability of local communities refers to “encouraging the improvement of the economic, social or environmental well-being of the authority’s area, or part of its area”.

A policy limiting the construction of wind turbines for businesses to within 50 metres of the building which the generated electricity would serve is a spatial policy which is directly related to planning and specifically planning policy. The formulation of planning policy and related supplementary planning guidance is part of a District Council’s statutory function.

The Core Strategy for Central Lincolnshire is still in a draft form which provides the opportunity for modifications to be made to the wording of specific policies. Alternatively the authority has the option to produce a Supplementary Planning Document (SPD) which would sit below the Core Strategy and could set out in greater detail how specific development types such as small scale wind turbines would be dealt with. Through an SPD it would be possible with suitable supporting evidence to set out guidelines on the suitability of certain location for turbines. This is an approach which other local planning authorities have taken.

3 Developing a Supplementary Planning Document

A supplementary planning document would not be required to go through a formal examination although a formal period of consultation with the public and statutory bodies is required. A consultation period of 6 to 8 weeks has been used by other authorities who have introduced similar SPD's. Removing the need for a formal examination reduces the time that an SPD takes to produce and depending on the amount of evidence required a document can be produced in as little as 6 months.

The SPD would need to be in conformity with the National Planning Policy Framework which means that it could not question the need for renewable energy generation. The content of the document would be dependant on the evidence base which would clearly support the reasons for producing the SPD.

The process would include:

- Assessment of existing evidence and the need for further evidence gathering.
- A sustainability appraisal may be required depending on the detail contained within the SPD.
- Workshop with members.
- Writing a draft SPD.
- Consultation on the draft document (suggested 6-8 weeks) with the public and relevant bodies.
- Assessment of the representations received and changes to the draft if required. Reasoning for why changes have or have not been made will need to be included.
- Adoption of the SPD.
- Publication of the SPD including an adoption statement and statement on how representations received were dealt with.

4 Conclusions

Having reviewed the wording of the Sustainable Communities Act it is unlikely that a proposal for government policy on the location of wind turbines would be forthcoming. This is based on several reasons:

1. The policy relates to wind energy which is seen as a key part of the development of renewable energy across the country. As renewable energy is closely related to sustainability it is unlikely that the government would introduce an overarching policy limiting its location.
2. The government has set out their commitment to reducing the amount of national planning guidance and to this end replaced the Planning Policy Statements and Planning Policy Guidance Notes with the National Planning Policy Framework.
3. Powers already exist for the Council to develop planning policy or a Supplementary Planning Document

It is also likely that any such policy would be challenged by the renewable energy industry as being overly restrictive when the planning system already has controls in place. Should a planning application be submitted to the Council then officers would assess the visual impact of a turbine on the surrounding landscape. This case by case basis is the most appropriate method for assessing the impact of turbines.