

APPENDIX A

SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN RENEWABLE ENERGY AND EFFICIENCY SUPPLEMENTARY PLANNING GUIDANCE

MEETING: INDIVIDUAL CABINET MEMBER

DATE: 28 JANUARY 2015

DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

- 1.1 The purpose of this report is to seek the Cabinet Member's endorsement of Draft Supplementary Planning Guidance (SPG) on Renewable Energy and Energy Efficiency (REEE) to support the policies of the Monmouthshire Local Development Plan (LDP) and a Draft Planning Advice Note on Wind Turbine Development: Landscape and Visual Impact Assessment (LVIA) Requirements, with a view to issuing both for consultation purposes.

2. RECOMMENDATIONS:

- 2.1 To endorse the Draft REEE SPG and a Draft Planning Advice Note on Wind Turbine Development: LVIA Requirements with a view to issuing both for consultation purposes.

3. KEY ISSUES:

3.1 Background

The Monmouthshire County Council LDP 2011-2021 was adopted on 27 February 2014, superseding the Monmouthshire Unitary Development Plan (UDP), to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). The LDP contains sufficient policies and proposals to provide the basis for deciding planning applications, and for determining conditions to be attached to planning permissions, but it was necessary to ensure that it avoided excessive detail. Selective use of SPG is a means of setting out more detailed thematic or site specific guidance on the way in which the policies of an LDP will be applied in particular circumstances or areas.

- 3.2 LDP Wales (2005) at paragraph 5.2 states that:

'SPG does not form a part of the development plan but must be consistent with it. It may take the form of site specific guidance such as master plans, design guides or area development briefs, or thematic such as shopfront guidance or detailed car parking standards. It should be clearly cross-referenced to the relevant adopted plan policy or proposal, which it supplements, and may be issued separately from the plan. It should be made publicly available and its status made clear.'

- 3.3 Paragraph 5.3 of LDP Wales further emphasises that SPG can be a material consideration in the determination of planning applications, provided that appropriate consultation has been undertaken and that it has been approved in accordance with the Council's decision making process:

'While only the policies in the development plan have special status under section 38(6) of the 2004 Act in deciding planning applications, SPG may be taken into account as a material consideration. SPG should be prepared in accordance with an authority's CIS [Community Involvement Scheme]; consultation should involve the general public, businesses, and other interested parties and their views should be

taken into account before the SPG is finalised. It should then be approved by a Council resolution. A statement of the consultation undertaken, the representations received and the authority's response to those representations should be made available with the approved SPG, either in an annex or in a separate document. In making decisions on matters that come before it, the Assembly Government and the Planning Inspectorate will give substantial weight to approved SPG which derives out of and is consistent with the development plan, and has been prepared consistent with the above advice.'

- 3.4 A programme for the preparation of SPG was endorsed by Planning Committee on 7 October 2014 and by Individual Cabinet Member decision on 22 October 2014. First priority was given to work that had significant policy and/or financial implications for the implementation of the LDP. The REEE SPG was given second priority as a document that would be beneficial to the planning application process but did not have the same urgency as the projects in Priority One. A completed consultants' draft of the REEE SPG is available, having been completed in May 2013 (using funding from the Welsh Government's Planning Improvement Fund) but the project was not progressed due to the need to prioritise work on the LDP Examination. The Draft SPG has now been updated, particularly in relation to new government guidance and the deletion of TAN22, Planning for Sustainable Buildings. The Draft SPG is attached as **Appendix A**. Energy Fact Sheets provided as supporting information in Appendix 9 of the SPG are attached as **Appendix B**.
- 3.4.1 In addition, Monmouthshire officers have recently been participating in work at a regional level to prepare guidance for wind turbine development and associated LVIA requirements. This has resulted in a Draft Planning Advice Note being prepared that sets out a methodology to determine whether or not Environmental Impact Assessment is required for wind turbine development and the minimum requirements and standards of information to be submitted with a LVIA. This is not strictly a SPG document as it provides generic advice and does not expand on any specific policy in the Monmouthshire LDP. It is cross-referenced within the Renewable Energy and Energy Efficiency SPG, however, and would carry additional weight by going through a local consultation and adoption process. A Wales wide consultation has also been carried out, led by Blaenau Gwent County Borough Council. The Draft Planning Advice Note is attached as **Appendix C**.
- 3.5 As set out in the Draft, SPG is needed in this field to help manage the process of moving to more renewable and low carbon energy generation as a means of mitigating the detrimental social, economic and environmental impacts of climate change. Renewable and low carbon energy generation often involves the construction of new generation devices in areas rich in renewable energy sources, which have the potential to be sensitive in nature. Achieving the balance between the need to decarbonise energy supply and maintaining the unique character of Monmouthshire is the challenge of the planning system, as emphasised by recent planning applications and appeals in the County that have involved renewable energy projects.
- 3.6 The SPG will assist in this process by:
- Helping to decide what type of renewable and low carbon technologies to use in a given application;
 - Helping to identify whether planning permission and Listed Building Consent will be required;
 - Highlighting the need for other consents; and
 - Advising on how to make an application and setting out the criteria which will be used to assess that application.

3.7 The SPG is not intended to be prescriptive. It cannot set out policies stating where a development may or may not be acceptable. Its role is to help those seeking to make planning applications involving renewable or low carbon energy by providing further details and explanation of the relevant policies in the Adopted Monmouthshire LDP. It relates in particular to policies S3, S12, SD1, SD2 and DES1(j). There are also links to other SPGs currently in preparation or in draft. In particular, Landscape SPG is being prepared that will provide a definitive up to date Landscape Character Area (LCA) assessment for Monmouthshire and practical guidance for applicants and planning officers on all landscape matters when considering development proposals, including how to address landscape issues in each of the LCAs. Data provided on each LCA will include an analysis of its landscape sensitivity and capacity, which will assist in establishing its suitability as a location for renewable energy projects. In addition, a SPG on Green Infrastructure (GI) is currently out for consultation. GI assets and functions have the potential to deliver a wide range of benefits, including mitigation and adaptation of the effects of climate change. The promotion of sustainable energy use is one of the many functions of GI and is obtained through measures such as: reduction in levels of CO₂, carbon storage, energy saving methods including living roofs and natural rather than engineered solutions.

3.8 Next steps

3.8.1 As referred to in paragraph 3.3 above, for SPG to be given weight in the consideration of planning applications, appropriate consultation needs to be undertaken and any comments received should be taken into account in the Council's decision making process. Following a resolution to consult, targeted notifications will be sent to those considered to have an interest in the SPG topic, although all town and community councils will be consulted and notices will be placed in the press. Individuals and organisations currently on the LDP consultation data base have been given the opportunity to request to be notified on some or all SPGs that they are interested in. All consultation replies will be analysed and responses/amendments reported for Members' consideration when seeking a resolution for the adoption of any SPG document.

4. **REASONS:**

4.1 Under the Planning Act (2004) and associated Regulations, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on 27 February 2014 and decisions on planning applications are now being taken in accordance with policies and proposals in the LDP. The REEE SPG provides further explanation and guidance on the way in which the relevant policies of the LDP will be implemented.

5. **RESOURCE IMPLICATIONS:**

5.1 Officer time and costs associated with the preparation of the SPG document and carrying out the required consultation exercises. These will be within the existing Development Plans budget and carried out by existing staff.

6. **SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:**

6.1 Sustainable Development

An integrated equality and sustainability impact assessment was carried out in connection with the Deposit LDP. Under the Planning Act (2004), the LDP was required, in any event, to be subject to a Sustainability Appraisal (SA). The role of the SA was to assess the extent to which the emerging planning policies would help to achieve the wider environmental, economic and social objectives of the LDP. The LPA also produced a Strategic Environmental Assessment (SEA) in accordance with the European Strategic Environment Assessment Directive 2001/42/EC; requiring the '*environmental assessment*' of certain plans and programmes prepared by local authorities, including LDP's. All stages of the LDP were subject to a SA/SEA,

therefore, and the findings of the SA/SEA were used to inform the development of the LDP policies and site allocations in order to ensure that the LDP would be promoting sustainable development. This SPG is expanding and providing guidance on existing LDP renewable energy and energy efficiency policies, which were prepared within a framework promoting sustainable development. The SPG has obvious benefits in sustainability terms in relation to the promotion of renewable and low carbon technologies, although these benefits need to be weighed against impacts on landscape, amenity etc.

6.2 Equality

6.2.1 The LDP was also subjected to an Equality Challenge process and due consideration given to the issues raised. As with the sustainable development implications considered above, the SPG is expanding and providing guidance on these existing LDP renewable energy policies, which were prepared within this framework. New SPG is also subject to an Equality Impact Assessment to ensure that informed decisions can be made. Where practicable and appropriate, consultation will include targeted involvement of those with the relevant protected characteristics.

6.2.2 Assessments of Equality Impact will be required throughout the Plan's implementation wherever there is likely to be significant impact. In this respect, the LDP will be subject to an Annual Monitoring Report that will include consideration of Equality Impacts.

7. **CONSULTEES**

- Head of Planning
- Planning Committee (6 January 2015)
- SLT
- Cabinet

8. **BACKGROUND PAPERS:**

- Monmouthshire Adopted LDP (February 2014)

9. **AUTHOR & 10. CONTACT DETAILS:**

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