


Agenda Item No:	17	
Committee:	Full Council	
Date:	24 July 2014	
Report Title:	Resource Use and Renewable Energy Supplementary Planning Document (SPD)	

Cover sheet:

1 Purpose / Summary

To request that Full Council consider and adopt the attached Resource Use and Renewable Energy Supplementary Planning Document (SPD) at this meeting. Any recommendations or changes made by the Cabinet earlier at its meeting will be verbally reported to the Full Council.

2 Key issues

The SPD has been prepared for the following purposes:

- To support the Local Plan, specifically policy LP14, by setting out in detail Fenland District Council's policies in respect of resource use and renewable energy;
- To provide detailed policy guidance for developers, in order to assist them in preparing planning applications for submission to Fenland District Council;
- To assist the Council in reaching consistent decisions on planning applications.

3 Recommendations

That Full Council:

- Considers and adopts the attached Resource Use and Renewable Energy SPD, as recommended by Cabinet.

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	Cllr Will Sutton - Neighbourhood Planning
Report Originator(s)	Emma Naylor- Neighbourhood Strategy Officer Richard Kay- Neighbourhood Strategy Manager Gary Garford- Corporate Director
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Background Paper(s)	Fenland Local Plan (May 2014)

Report:

1 Background / introduction

- 1.1 The attached Resource Use and Renewable Energy Supplementary Planning Document (SPD) (Appendix A) has been prepared to provide further guidance in relation to policy LP14, 'Responding to climate change and managing the risk of flooding in Fenland', of the Fenland Local Plan.
- 1.2 It is intended that this SPD will help both developers in preparing planning applications for submission to Fenland District Council and also the Council in determining applications, with the overarching aim of achieving more sustainable development within the Fenland district.
- 1.3 An initial six week consultation on the January 2014 draft of the SPD took place between 14 January 2014 and 24 February 2014. During this consultation period members of the public, developers and stakeholders were invited to comment on the SPD.
- 1.4 Numerous comments were received during this consultation period: consequently some notable revisions were made to the SPD in light of some of the issues raised. At the April Cabinet meeting it was agreed that the revised draft of the Resource Use and Renewable Energy SPD be subject to a further public consultation, with approval of the revised draft SPD for consultation delegated to the relevant portfolio holder and the corporate director for Growth and Infrastructure.
- 1.5 The consultation on the revised June 2014 draft of the SPD took place between 3 June and 30 June 2014. During this four week consultation, the SPD, full details of the consultation, and details of the changes made to the initial draft as a result of the first consultation, were made available on the Council's website and hard copies were placed at appropriate locations, notably each of the '@ Your Service' outlets across the district, libraries (including the mobile library), and at Fenland Hall business reception. During the consultation period people were able to submit written comments via email and post.
- 1.6 Following the consultation period, all the comments received were carefully considered. A total of 12 representations were received during the consultation, including comments from bodies such as RSPB, English Heritage, Natural England, Cambridgeshire County Council, agents/companies involved in the renewables sector and members of the public. The representors were broadly supportive of the amendments made to the SPD following the initial January 2014 consultation. However, some of the representations suggested further amendments to the SPD, albeit these represented 'tweaks' to the detailed wording, rather than fundamental objection/changes. Where necessary and appropriate to do so, these helpful suggestions have been taken on board and have been accommodated by making minor revisions to the text.

2 Considerations

Fenland Local Plan

- 2.1 Part A of Policy LP14 'Responding to climate change and managing the risk of flooding in Fenland', is used as the starting point for this SPD. At a local level, the Local Plan has the greatest 'weight' in legal terms when the Council determines planning applications. However, the Local Plan only sets the overarching policy and approach to planning in Fenland and the intention is that the Local Plan will be supported by a series of supporting documents, such as SPDs, master plans and other guidance: this SPD will be one of these supporting documents.
- 2.2 Provided SPDs are prepared in accordance with relevant national regulations and acts, and that they generally conform with the Local Plan and National Planning Policy

Framework, then considerable weight can be attached to SPDs at the decision making stage.

Proposals for Renewable Energy in Fenland

- 2.3 In addition to the need to expand on policy LP14 for the reasons outlined above, another factor which contributed to the need for this SPD included the number of applications for renewable energy generation developments received by the Council. The recent appeal decision in respect of six turbines known as Treading Wind Farm highlighted the current lack of local Fenland policy to determine such proposals and, as such, proposals have been determined predominantly on national policy and guidance. This case demonstrated that a lack of local policy could place significant a risk on the Council in the future.

Consultations

- 2.4 See the 'background' section for details of the two rounds of public consultation that have taken place. A summary of the comments and issues raised during the consultation on the June 2014 draft of the SPD is attached at Appendix B.

Adoption

- 2.5 The process for adopting a SPD is much simpler than the adoption process for development plan documents (DPDs) such as the Local Plan. For example, the adoption process for a SPD does not involve a public examination by an independent Inspector. Following the consultation period(s), a SPD can simply be amended and then adopted by the Council as formal Council policy.

3 Effect on corporate objectives

- 3.1 The Resource Use and Renewable Energy SPD will help to deliver the Council's corporate objectives, particularly those in relation to the growth and future shape of Fenland and the built environment.

4 Community impact

- 4.1 The potential community impacts of the Resource Use and Renewable Energy SPD include: lower fuel bills, energy security, job creation, and more sustainable development which may encourage more sustainable lifestyles.

5 Conclusions

- 5.1 Full Council is recommended to adopt the attached Resource Use and Renewable Energy SPD.



Appendix A: Resource Use and Renewable Energy SPD

Appendix B: Summary of issues raised during the June 2014 consultation

The table below outlines the key issues raised during the consultation on the June 2014 consultation draft version of the Resource Use and Renewable Energy SPD and outlines how these issues have been addressed in the revised July 2014 version of the SPD.

Comments/ issues raised	Action taken
Pleased to note that the Council has made substantive changes to the SPD which largely address the main concerns previously raised.	Noted
RE policy WT1 b) i) – With regard to the falling distance plus 10% criteria for buildings, well used public open space or bridleways, the national policy guidance only refers to separation from buildings.	Policy amended so that falling distance plus 10% criteria applies to buildings, but is desirable for well used public open space and bridleways.
RE policy WT1 b) ii) – No justification for criteria for separation distance between wind turbines and overhead power lines.	This criteria is based on advice from National Grid. Criteria retained.
RE policy WT1 c) and d) (also applicable to S1 and B1 policies) – Current wording of policy in relation to heritage assets does not reflect the NPPF.	Policy amended to refer specifically to the criteria set out in the NPPF that development that may affect the significance of a heritage asset or its setting must meet.
RE policy WT2 j) – It would be helpful if the policy also reflected the advice that shadow flicker may occur within 10 times the rotor diameter of the turbine.	Policy amended to include additional text. Figure 2 updated to reflect amended policy wording.
RE policy WT3 a) – The guidance within ETSU-R-97 applies to noise sensitive properties only. This criterion should be clarified or amended.	Policy criterion amended to apply 'residential buildings and other noise sensitive properties'.
RE WT4 a) – The set back distance referred to within the Department for Transport Circular applies to the networks which are managed by the Highways Agency rather than the public highway. This criterion therefore requires amendment. Set back distances should be determined on the merits of the specific proposal- a smaller set back distance may be acceptable in specific circumstances.	Policy amended to clarify that criteria have been 'informed' by the DfT circular. The current policy wording includes a caveat that a lesser distance may be permitted if the applicant demonstrates that this would not result in unacceptable risk. Policy wording to

	remain.
RE policy S1 a) – The requirement to demonstrate that impacts have been minimised is required under Environmental Impact Assessment regulations rather than planning law.	Policy wording removed.
Uncertain why there are three nature, conservation and biodiversity consideration sections.	The three sections are included under each of the 'wind', 'solar' and 'biomass/ anaerobic digestion' sections for user friendliness: it is the intention that someone proposing a solar development can refer simply to that section of the SPD.
The previous policy on Water and Flood Risk and reference to sustainable urban drainage systems (SuDs) have been removed. There should be clear reference made to the proposed countywide Flood and Water SPD.	The water and flood policy and reference to SuDs were removed in light of the recent intention of Cambridgeshire County Council (in collaboration with constituent authorities) to prepare a Flood and Water SPD. Paragraph 3.3.11 refers users of the Resource Use and Renewable Energy SPD to the anticipated Flood and Water SPD.
Support for policy WT5 which makes specific reference to air traffic movement and safety and parachute activity, and for policy S5 which refers to potential effects of glint and glare.	Noted.
RE policy WT6 a) (also applicable to S6 and B5) – The NPPF does not require proposals that include the development of the best and most versatile land to demonstrate that the benefits of the proposal would significantly outweigh any harm.	Policy wording amended.
RE policy WT6 b) (also applicable to S6 and B5) – Criteria i) and ii) are overly restrictive and unnecessary and should therefore be deleted. Even without these criteria policy WT6b) will encourage the siting of new turbines so as to minimise the impact on agricultural operations.	The criteria expand on part b) of the policy by explaining how proposals will be expected to minimise the impact on agricultural operations. Criteria retained.
Disappointed that reference to the potential impacts on birds through wind turbine development has been removed.	Noted. Policy WT4 h) has been expanded to incorporate wording from the Planning Practice Guidance.
Relevant policies should include a requirement for planning applications to	Applicants will have to provide suitable and proportionate evidence as part of

<p>be supported by a Landscape and Visual Impact Assessment (LIVA).</p>	<p>their application: they may choose to submit a LIVA as part of their submission. Requirement for a LIVA to be submitted has not been included within the policy.</p>
<p>RE Nature conservation and biodiversity considerations –</p> <p>Welcome the clarification provided regarding assessment and avoidance/ mitigation of effects on designated sites as being applicable to all proposals regardless of scale and that the Council will apply precaution where there is uncertainty regarding potential for effects to occur. Also welcome the direction to developers to seek to deliver net gains for biodiversity.</p>	<p>Noted.</p>
<p>RE policy WT4 g) (also applicable to S4 and B4) –</p> <p>Minor amendments to wording of criteria g) suggested for clarity</p>	<p>Suggestions noted and wording amended.</p>
<p>RE WT4 g) (also applicable to S4 and B4)-</p> <p>The Cambridgeshire and Peterborough Minerals and Waste Core Strategy is referred to as ‘Development Plan’ rather than ‘Core Strategy’. Need to clarify that the Block Fen/ Langwood Fen Master Plan is a Supplementary Planning Document. (Revised wording suggested)</p>	<p>Titles of Core Strategy and SPD amended as suggested.</p>
<p>Welcome insertion of paragraph 3.7.4 which clarifies that anaerobic digestion proposals where the feed waste is waste are county matter proposals and will be determined by the County Council, and subject to the County Council’s Location and Design on Waste Management SPD.</p>	<p>Noted.</p>
<p>References to reducing ‘carbon emissions’ should be changed to include all ‘greenhouse gases’. In particular, emissions of methane and nitrous oxides and black carbon are also highly significant in driving global warming and are also common by-products of agriculture and business activities in the area. Therefore these should be taken into account.</p>	<p>Noted. References to ‘carbon emissions’ amended to be ‘greenhouse gases’.</p>
<p>It is noted that the Applicant Checklist (Appendix A) has been removed.</p>	<p>The checklist was removed as this information is already largely available from the Council (available from the</p>

