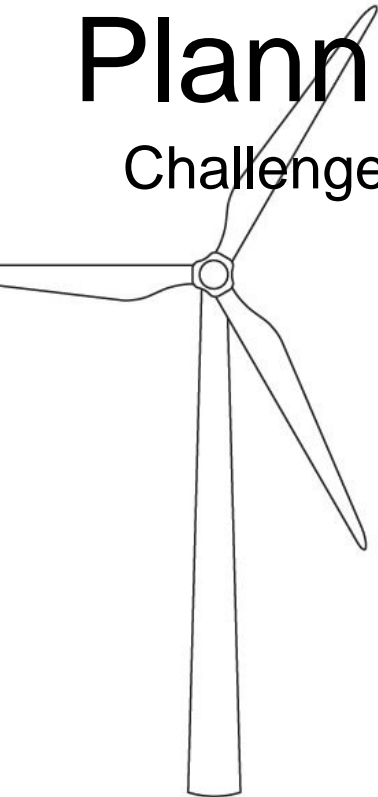


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# Planning and Wind Farms

Challenges and opportunities of planning reform  
and transfer



Angus Kerr, Director  
Planning Policy Division

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# Structure:

The wider context to Renewables deployment

PPS 18 and the role of the planning system in assessing  
wind energy development

Wind energy – current issues

The impact of Reform and Transfer

New role for councils and councillors



# Wider Context

factors driving deployment:

The Climate Change Act requires greenhouse gas emissions reductions of 80% by 2025 and CO<sub>2</sub> reductions of at least 26% by 2020

EU Renewables Directive (EC/2009/28) mandates levels of renewable energy across Europe (at least 15% in UK)

DETI Energy Policy – Strategic Energy Framework target of 40% electricity consumption derived from renewable sources by 2020

Northern Ireland Renewables Obligation (NIRO) support mechanism

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# PPS 18 'Renewable Energy'

Published August 2009.

Intended to facilitate renewable energy development in appropriate locations in built and natural environment.

Developed through close working with key stakeholders and other Government Departments, including DETI.

Material consideration in assessment of planning applications for all renewable energy proposals, not just wind energy.

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# PPS 18 'Renewable Energy'

Contains specific provisions in relation to wind energy including requirement that:

- development should not have an unacceptable impact on visual amenity or landscape character through the number, scale, size and siting of turbines;
- the cumulative impact of existing turbines is taken into account;
- the development will not harm the safety or amenity or nearby occupants through noise, shadow flicker etc

# PPS 18 'Renewable Energy'

For wind farm development the policy also stipulates that a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply.

This applies for general amenity purposes and is not imposed for noise or health and safety reasons.



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# Progress:

To date more than 500MW of potential generating capacity has been approved from wind farms alone.

This equates to more than 5% of the DETI Strategic Energy Framework (SEF) target for 2020.

This figure does not take account of any contributions from single turbines.



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# Where do we go from here?

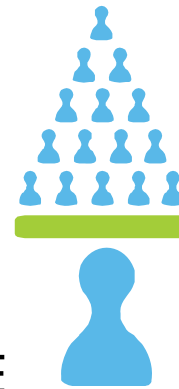
Increasing numbers of objections to onshore wind energy  
issues increasingly coming to the fore:

- cumulative landscape and visual impact: capacity of landscape to accept more development is increasingly limited
- protection to AONB's: currently no specific exclusion on wind energy development in these designated areas
- use of ETSU-R-97 noise methodology and issue of cumulative noise impacts
- separation distance to occupied property
- grid capacity: limited capacity to accept connection to further generation in certain areas (especially in the west)



# Transfer of Planning – What to Expect

**Structures** – now well established



## **Project Board**

- Accountable for the success of the project (includes DOE and local government representation).

## **Project Office**

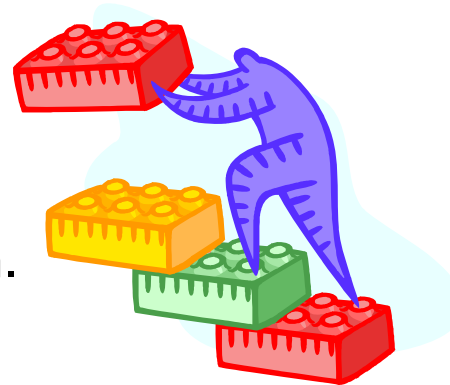
- Runs the Project on behalf of the Project Board.
- Provides support & guidance and monitors progress.
- Ensures internal & external stakeholders are kept informed.

## **Work Strands**

- 14 Work Strands in place with Central and local government representatives taking forward significant amount of work.

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# Key Work Strands



## **Planning Reform Legislation**

- Significant programme of subordinate legislation.

## **Finance**

- Ensure a fit for purpose planning function is ready for transfer in 2015.

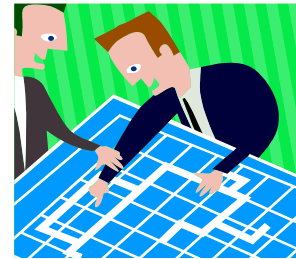
## **Code of Conduct & Decision Making**

- To ensure that conflicts of interest are properly managed.

## **Capacity Building and Training**

- To ensure councillors, planners etc. understand their new roles and responsibilities.

# Essential changes



**Councils will be the planning authorities and responsible for –**

- Development Plan.
- Development Management.
- Enforcement.

**Councillors' role will change**

- Move from being advocacy/lobbyist and consultee to being decision maker.

# Development Plans



Councils, working with local people, will create a clear vision of how the council area should look in the future.

Councils will use their development plans to show how that vision will be realised and what types of development will go where.

Councils will have professional planners to advise them but it will be the councillors themselves who will be responsible for the decisions.

Central Government will retain responsibility for the regional development strategy and strategic planning policies.

# Development Management



Major applications e.g. large housing schemes or office developments, along with waste, energy and transport infrastructure.

Minor/local applications e.g. small offices, small residential and minor commercial or industrial developments.

Professional planners will make recommendations but councils will decide on major and minor/local applications.

Delegation schemes setting out the types of application that will normally be determined by councillors and those that would normally be delegated to planning officers for decision.

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# Enforcement



Councils will be responsible for investigating alleged breaches of planning control, for example-

- Where development may have been carried out without the planning permission required.
- Failure to comply with any condition or limitation subject to which planning permission has been granted.

Councils will determine what action, if any, to take.

The Department retains reserve powers to take action where it believes a council has failed to issue an enforcement or stop notice.

# Councillor Responsibilities



**Councillors will –**

be the decision makers -

- If councillors seek to pass a decision contrary to a planning officer's recommendation they will need to clearly identify and understand the planning reasons for doing so.
- All planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

place shape their local areas to proactively influence investment, tourism, development and regeneration.

work with planners to understand community needs, wants and aspirations.

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# Councillor Responsibilities



## **Mandatory Code of Conduct for Councillors**

Councillors will be required to adhere to a mandatory code of conduct which will set out parameters for the expected behaviour of public servants while carrying out their functions.

## **Planning Section**

The code will contain a section referring specifically to how councillors should behave when it comes to planning matters. The code will:

- make it clear to elected members what they can and cannot do in relation to planning; and
- address councillors' roles in respect of lobbying and giving access to interested parties etc.



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# Functions Remaining with Central Government



Regional Planning Policy

Determination of Regionally Significant/Called In Applications

Planning Legislation

Oversight and Guidance for Councils

Audit

Governance and Performance Management



# Strategic Planning Policy Statement

- Required in time for transfer of functions and move to two tier system in April 2015
- Consolidate existing policies into one document
- Shorter, clearer and more accessible
- Draft published for public consultation in the New Year
- Existing PPSs remain as part of transitional arrangements, until councils prepare up-to-date development plans

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# Council role post transfer

- Positive role in developing local development plans to shape how areas, including in respect of wind energy development.
- Responsible for deciding majority of applications
- Councillors responsible for making decisions on applications
- Reform is good - bringing the family of planning functions and Community Planning back together where they belong – local government