

Why is the Planning Process still failing to deliver the Governments targets for renewable energy generation? – An Ecotricity View

Overview

Wind turbines, both on and off shore, are expected by the Government to provide the majority of new renewables capacity by 2010.¹ Indeed the British Wind Energy Association predict that by 2010, there will be some 6,000MW of on-shore wind energy capacity, delivering nearly 5% of projected energy supply in the UK by 2010². The Sustainable Development Commission and the DTi, consider that wind energy is the only economically viable and scaleable technology and that it will be the dominant renewable energy technology out to at least 2020.

At Ecotricity we have been developing wind turbines for over a decade and currently we own and operate some eleven wind parks across the Country. Our success rate is second to none – we have submitted 21 planning applications for wind turbines, achieving an approval rating of nearly 90%. This compares to a national average of just 60%².

Since the House of Lords Select Committee on the European Communities first identified in 1999³ that the planning process is a “grave hindrance to achieving the necessary growth in renewables”, there has been a plethora of studies indicating that the planning process remains the most significant barrier to delivering renewable energy schemes⁴. Although the release of PPS22 Renewable Energy and the Companion Guide has embedded targets for renewable energy into the planning system and offered guidance to struggling local planning authorities, the planning system remains the most significant barrier to achieving the delivery of wind energy.

We are concerned that with unduly positive reports from the BWEA and the increased profile given to resolving other constraints to wind energy developments such as military radar, the fundamental need to reform the planning process has been sidelined.

The Problem

¹ DTI & the Carbon Trust (2004). *Conclusions of the Renewables Innovation Review*. http://www.dti.gov.uk/renewables/renew_2.1.4.htm; <http://www.number10.gov.uk/output/page6333.asp> and Sustainable Development Commission (2005). *Wind Power in the UK*. <http://www.sd-commission.org.uk/pages/media/list/wind.html>.

² British Wind Energy Association, March 2006, *Onshore Wind: Powering Ahead*.

³ House of Lords (1999) 12th Report of the Select Committee on the European Communities: *Electricity from Renewables*.

⁴ Tooke, D. (2005) Will the Government Catch the Wind?, The Political Quarterly Publishing Co.Ltd; British Wind Energy Association, 2004, *Wind Energy and Planning An Overview*; Toke, D., 2004, *Explaining Wind Power Planning Outcomes – Some Findings from a Study in England and Wales*, Science Direct; Beddoe, M.H., 2003, *Helping Hand for Wind Power Planning*, p.16, 28th March 2003; Beddoe, M.H. and Chamberlin, A., 2003, *Avoiding Confrontation: Securing planning permission for on-shore wind energy developments in England*, *Journal of Planning Practice and Research*, Volume 18, No. 1, pp.3-17 and UK Cabinet Office (2002) *The Energy Review*, Performance and Innovation Unit.

There is now international consensus that Climate Change is one of the most critical issues facing the world today and across the political spectrum politicians are emphasising their green credentials. The Government is funding a low carbon building programme, is about to release a Planning Policy Statement on Climate Change and is indicating that microgeneration will be, in most cases, permitted development. Local Authorities are moving towards requiring new developments to meet a proportion of their energy needs from on-site generation.

All of these measures are welcome. But now is not the time for complacency.

Existing policy measures and initiatives will not meet the Governments targets for renewable energy generation and will fail to produce the utopian view of zero carbon developments expounded in June this year by the Housing and Planning Minister Yvette Cooper⁵. Equally, the predictions by the BWEA that in a little over three years the planning system will deliver over 4,100 MW of new operating onshore wind energy capacity², are at best, unrealistic and out of touch with the experience of wind energy developers.

The problem is easily defined, but unspoken. Planning for on-shore wind energy is now predominantly planning by appeal and sites are routinely expected to take upto five years from inception to commissioning. In the past few months alone we have had three planning applications approved for 1, 2 and 16 turbines. Each application has taken between 4 – 5 years to issue a decision. In each case we have sought to engage with the local authority to get the best possible scheme, accepting the resulting delays. However, in each case the local authority has: abdicated from the decision making process, refusing the application on unjustified and spurious grounds; placed undue weight on objections from vociferous minorities; made little attempt to understand the issues and resolve conflicts and ultimately forced us to lodge planning appeals. The actions of the local authorities have resulted in years of unnecessary delays, cost council tax payers tens of thousands of pounds, prevented the generation of millions of kilowatt hours of renewable electricity and prevented ecotricity from deploying resources into the development of other sites for wind energy.

The reality is that the majority of rural planning authorities either procrastinate in the determination of applications or refuse planning permission on unjustified grounds, which are often proven to be indefensible at appeal. Our most recent appeal decision though, at Shipdham in Norfolk, has set a precedent in the wind industry, successfully bringing the local authority to account for unreasonable behaviour, through an award of costs.

The presumption in the wind industry is that a planning application will ultimately go to appeal either through non-determination or refusal. Increasingly local authorities are also adopting this presumption, as it either avoids the requirement to take a contentious decision or enables a determination to be taken within the statutory 16 week timeframe, thereby ensuring that the authority meets its performance targets.

⁵ Department for Communities and Local Government, 2006, *Planning System must support renewables says minister*, DCLG News Release 2006/0021

Yet despite the presumption that the site will go to appeal, at ecotricity we continue to try and get the local authority, as the democratically elected body, to take responsibility for the decision. Our programmes of community engagement reach out to all sectors through, advertising, public exhibitions and interactive services, and exceed the requirements of Statements of Community Involvement.

It is worth mentioning that further delays in the planning system are caused by appeals for wind energy developments routinely taking more than eighteen months to be determined. In addition, a report to the Renewables Advisory Board and the DTi in 2005⁶, found that problems negotiating with local authorities over Section 106 agreements and the discharging of planning conditions delayed construction by an average of 20 months.

Technical and other restrictions on the suitability of sites for wind energy aside; it is the determination of applications by local authorities which remains the most significant barrier to the delivery of on-shore wind and the subsequent reduction in CO₂ emissions.

The Solutions

All stakeholders, be they communities, local authorities or developers, require certainty and speed from the planning system and there are a number of themes, which if implemented quickly would have a significant impact and maximise the possibility that the 6,000 MW on-shore capacity identified by the BWEA could be delivered by 2010:

1. Decision Making

Local Councillors are unable to balance the local environmental impact of wind turbines against Government policy and targets for increasing the supply of energy from renewable sources. Faced with often vociferous opposition from a minority of the electorate Councillors fail to take account of opinion polls conducted over the past fifteen years, which consistently show that over 75% of the public support wind energy developments.

Therefore:

- Section 36 of the 1989 Electricity Act, should be reduced from the current threshold of 50MW to 30MW.
- County Councils having lost strategic planning powers to Regional Assemblies, still have statutory responsibility for transport planning and minerals and waste. County Councillors are better placed to balance local effects against need. Schemes between 5 -30MW should be determined by the County Council or, in the case of unitary authorities, by the Regional Planning Assembly. The decision makers would thus retain accountability to the local electorate.
- Local Planning Authorities should retain powers to determine schemes, which do not require an Environmental Impact Assessment (EIA) and are less than 5MW.

⁶ Land Use Consultants, 2005, *Barriers to Commissioning Renewable Energy Projects*, Prepared for Future Energy Solutions, on behalf of the Renewables Advisory Board and the DTi.

2. Stream lining

The Health and Safety Executive at the request of the Government is currently assessing the potential for 'pre-licensing' nuclear power stations, as way of speeding up the planning decision making process by removing key issues such as waste, safety and need from debate within the planning system. If successful, planning applications for nuclear power stations would only consider local issues such as, visual impact, traffic, construction, noise and access. Given the safety risks and unresolved issues surrounding waste reprocessing/disposal, ecotricity does not endorse this approach in any respect for nuclear energy.

Currently all wind energy developments over 5MW require an EIA which is often disproportionate to the effects of the development. Unlike nuclear energy wind turbines are a completely benign technology, producing no emissions or waste or decontamination issues upon decommissioning. It is therefore considered that such a 'pre-licensing' approach does have merits for energy technologies which pose no health risks.

Each EIA for wind turbines contains repetitive and generic assessments which are often debated at the local authority level and at appeal. In practice all these issues are dealt with consistently at appeal or through condition. If the following approach was adopted, the EIA process for wind turbines could be dramatically streamlined, saving both developers and local planning authorities' time and resources reassessing the same issues. Although the companion guide to PPS22 may have been intended to address these issues, it has had no effect on the scope and content of EIA's. Indeed, the reverse has occurred, in that Local Authorities equipped with more knowledge, are requiring evermore detailed information to assess issues which are already understood and can be adequately controlled through standard conditions.

Proposes streamlining measures include:

- No requirement to address the 'need' for the development, either in terms of the electricity generated, pollution savings or the specific location. PPS22 already makes it clear that it is the developers responsibility not local authorities, to ensure that sites are technically viable and that wind turbines are an accepted technology. Similarly debates over efficiency are not material planning matters.
- Sites outside and not within 5km of nationally designated landscapes such as AONB's, Heritage Coastline and National Parks, should not be required to undertake full Landscape and Visual Impact Assessments, due to the inherently subjective nature of such studies. In addition, sites not within 5km or located inside a nationally designated landscape, should not be refused on landscape grounds, unless related to an unacceptable cumulative impact with other wind energy developments or effects on cultural heritage features such as listed buildings or conservation areas.

- Specific standard noise limits already exist and are routinely applied to planning permissions, as required by PPS22⁷. A standard condition could be attached to permissions putting the responsibility on developers to comply or power down turbines. Beyond the attachment of a condition there is no necessity for assessment and monitoring of existing and predicted noise levels, as noise is a technical issue taken into account by the developer in the design of the wind park.
- Shadow flicker, as stated in PPS 22, only occurs within 10 rotor diameters of turbines. If there are occupied buildings within 10 rotor diameters, a standard condition requiring the turbines to be shut down can be applied to the permission. There should be no requirement for an assessment within the EIA.
- Television reception. A standard condition can be attached to the permission requiring any interference to be rectified by the developer. No assessments should be necessary.
- It is accepted by English Nature and the RSPB that turbines located outside areas of particular importance for birds do not pose a threat to ornithology. Standardised methodologies for investigating the ecological importance of a site should be developed which are not unduly onerous on the developer and disproportionate to the scale of the development.
- It has been consistently demonstrated at appeal that there is no evidence that turbines effect recreation and tourism, there should be no requirement to assess this within the EIA process.

These streamlining measures could be implemented through a revised companion guide to PPS22, which included a set of standard planning conditions and a 'blue print' for the issues to be assessed during the EIA process. Consideration could also be given to revising the 1999 EIA regulations, to raise the threshold from 5 – 10MW before the requirement for an EIA is automatically triggered.

3. A national Concordat on Renewable Energy

A national concordat (memorandum of understanding) between local authorities, communities and renewable energy developers would increase dialogue, co-operation and understanding, enabling a greater emphasis on a tripartite partnership approach to renewable energy developments. The Concordat would set out the processes and responsibilities of each party, in order to reduce uncertainty, build trust and reduce conflict in the planning process. A similar approach has been adopted by the telecommunications industry, who in partnership with the LGA, have produced 'Ten Commitments to siting best practice' an initiative which aimed to dispel the myths of mast siting, alleviate public concerns about health dangers and provide a co-ordinated approach to the development of telecommunications infrastructure (Federation of the Electronics Industry, 2001).

⁷ ETSU-R-97, The Assessment and Rating of Noise from Wind Farms.

