

LOCAL PLAN SUB COMMITTEE - 8 AUGUST 2019

PART I – NOT DELEGATED

12. LOCAL PLAN TOPIC PAPER: RENEWABLE AND LOW CARBON ENERGY DEVELOPMENTS (DCES)

1 Summary

- 1.1 This topic paper sets out the issues which the new Local Plan will need to address in relation to large scale renewable and low carbon energy developments and proposes policy wording to be contained within the new Local Plan.

2 Details

- 2.1 The National Planning Policy Framework (NPPF) states that the planning system should support the transition to a low carbon future and that it should help to contribute to radical reductions in greenhouse gas emissions and support renewable and low carbon energy and associated infrastructure.
- 2.2 The NPPF advises that to help increase the use and supply of renewable and low carbon energy and heat, plans should consider identifying suitable areas for renewable and low carbon energy sources and supporting infrastructure where this would help secure their development. Appendix 1 to this report sets out the legislation and national policy in relation to renewable energy developments.
- 2.3 As was noted in the Development Management Policies document (2013), Hertfordshire County Council, in conjunction with the 10 Districts, commissioned a Hertfordshire Renewable Energy Study (2005) to assess how the County could meet targets for renewable energy. This found that if renewable energy targets were to be met, much of the energy would have to be produced by wind power. However, the Three Rivers area was not considered suitable for large-scale renewable energy involving wind and greater potential exists in North Hertfordshire and East Hertfordshire.
- 2.4 Notwithstanding this, the Study found that Hertfordshire as a whole had the technical potential to achieve a significant amount of renewable energy production by a number of other various means including Biomass, dedicated Combined Heat and Power facilities, Bio-diesel and Bio-ethanol. Given the District's watercourses, there may also be opportunities for micro-hydro power generation.
- 2.5 Specific areas suitable for large-scale renewable and low or zero carbon and decentralised energy have not been identified. However, the Council should encourage applicants to integrate the use of renewable energy technologies into all development proposals and support the use of micro-renewables subject to an assessment of potential impacts.
- 2.6 The proposed Draft Renewable and Low Carbon Energy Policy is set out in Appendix 2 to this report.
- ##### 3 Policy/Budget Reference and Implications
- 3.1 The recommendations in this report are within the Council's agreed policy and budgets.

4 Financial, Legal, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

4.1 None specific.

5 Recommendation

5.1 That the Local Plan Sub Committee note the contents of this report and recommend to the Policy and Resources Committee the Draft Renewable and Low Carbon Energy Policy as set out in Appendix 2

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Background Papers

National Planning Policy Framework (2019)

Section 19 of the 2004 Planning and Compulsory Purchase Act (as amended)

The Planning and Energy Act 2008 (As amended)

APPENDICES

Appendix 1 Legislation and National Policy

Appendix 2 Draft Renewable and Low Carbon Energy Policy

APPENDIX 1

LEGISLATION AND NATIONAL POLICY

Legislation

There is a legal duty set out in Section 19 of the 2004 Planning and Compulsory Purchase Act (as amended) to ensure that, taken as a whole, plan policy contributes to the mitigation of, and adaptation to, climate change. Section 19 of the 2004 Planning and Compulsory Purchase Act, as amended by Section 182 of the Planning Act 2008 states:

‘Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change.’

The Planning and Energy Act 2008 (As amended) enables local planning authorities to set requirements for energy use and energy efficiency in Local Plans.

It states that a local planning authority may include policies imposing *reasonable* requirements for:

- a) a proportion of energy used in development in their area to be energy from renewable sources in the locality of the development
- b) a proportion of the energy used in development in their area to be low carbon energy from sources in the locality of the development
- c) development in their area to comply with energy efficiency standards that exceed the energy requirements of building regulations.

The legal requirement to set out a local authority’s strategic priorities was set out in the Neighbourhood Planning Act 2017. Paragraph 20 d) states that this includes ‘planning measures to address climate change mitigation and adaptation’.

National Policy

Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure

Paragraph 149 of the NPPF states that local plans should take a proactive approach to mitigating and adapting to climate change.

Paragraph 147 of the NPPF states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources

Paragraph 151 states that to help increase the use and supply of renewable and low carbon energy and heat, plans should:

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 153 states that in determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Paragraph 154 states that when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas

APPENDIX 2 DRAFT RENEWABLE and LOW CARBON ENERGY DEVELOPMENTS POLICY

Renewable and Low Carbon Energy Developments

The NPPF states that the planning system should support the transition to a low carbon future and that it should help to contribute to radical reductions in greenhouse gas emissions, and support renewable and low carbon energy and associated infrastructure.

Applications for renewable and low carbon energy should be approved if impacts are (or can be made) acceptable.

Policy xx Renewable and Low Carbon Energy Developments	
(1)	Development for renewable and low carbon energy generation will be permitted where: <ul style="list-style-type: none">a) it is an appropriate technology for the site;b) it does not create a significant noise intrusion for existing dwellings;c) it includes measures to mitigate against any adverse impacts on the built and natural environment resulting from the construction, operation and decommissioning of any equipment/infrastructure;d) it does not contribute towards unacceptable cumulative visual impact from renewable energy developments when considered in conjunction with nearby developments and permitted proposals within the District; ande) adequate conditions are imposed and/or a legal agreement is entered into ensuring that once the use ceases operating permanently, it is fully decommissioned and the site appropriately restored.
In all cases, proposals will be considered against the above criteria.	

Reasoned Justification

The NPPF advises that to help increase the use and supply of renewable and low carbon energy and heat, plans should consider identifying suitable areas for renewable and low carbon energy sources and supporting infrastructure where this would help secure their development.

As was noted in the Development Management Policies document (2013), Hertfordshire County Council, in conjunction with the 10 Districts, commissioned a Hertfordshire Renewable Energy Study (2005) to assess how the County could meet targets for renewable energy. This found that if renewable energy targets were to be met, much of the energy would have to be produced by wind power. However, the Three Rivers area was not considered suitable for large-scale renewable energy involving wind and greater potential exists in North Hertfordshire and East Hertfordshire.

Notwithstanding this, the Study found that Hertfordshire as a whole had the technical potential to achieve a significant amount of renewable energy production by a number of other various means

including Biomass, dedicated Combined Heat and Power facilities, Bio-diesel and Bio-ethanol. Given the District's watercourses, there may also be opportunities for micro-hydro power generation.

Specific areas suitable for large-scale renewable and low or zero carbon and decentralised energy have not been identified. However, the Council encourages applicants to integrate the use of renewable energy technologies into all proposals and supports the use of micro-renewables subject to an assessment of potential impacts.

In accordance with paragraph 154 of the NPPF, applications for renewable and low carbon energy will be approved if impacts are (or can be made) acceptable. Impacts will be considered in light of the criteria at Policy xx and the objectives and policies of the Local Plan as a whole.