

## REPORT TO THE CABINET

10 June 2014

**Cabinet Member: Councillor John Wyn Williams**

**Subject: Onshore Wind Energy Supplementary Planning Guidance (SPG)**

**Contact officer: Bob Thomas - Team Leader (Housing and Communities)  
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### **Decision sought**

That the recommended changes are included in the SPG and that it is adopted by the Council to be used as a material consideration when dealing with planning applications for Onshore Wind Turbines within the Gwynedd Planning Authority Area.

In addition, a request is made for delegated rights to correct any linguistic errors and re-number paragraphs in the final document before it is printed and placed on the Council's website, in the relevant offices and in public libraries.

### **Local member's views**

*Not relevant*

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### **Introduction**

The Supplementary Planning Guidance (SPG) is a way of noting more detailed guidelines regarding the way the plan's policies will be used in particular circumstances or fields. Therefore, it can not be used to create a **new policy**. The process of the development plan is the method of producing a new policy for a particular topic and this would be the process of preparing the Joint Local Development Plan (Gwynedd and Anglesey) in this case.

If it is adopted this document will support the policies in the Gwynedd Unitary Development Plan 2009. The SPG will be a material consideration when dealing with current and future applications until the above plan is

replaced by the adopted Joint Local Development Plan and/or any relevant SPG that could be established to support its policies.

A period of public consultation was held on a draft document of the SPG between 13 December 2012 and 31 January 2013. This led to 80 responses with approximately 680 individual observations.

Following an analysis of these responses, new information and change in circumstances, a number of proposed changes were recommended to the SPG. Due to the number of changes and the public interest delegated rights were obtained to hold a further period of public consultation on these proposed changes. A consultation on these proposed changes was held between 12 December 2013 and 6 February 2014.

This report along with other appendices outline the main issues raised along with the response of officers and how the document was changed in light of this.

A copy of the Original Consultation Draft and the Proposed Changes submitted can be seen on the Council's website, see the link below:

[http://www.gwynedd.gov.uk/gwy\\_doc.asp?cat=7981&doc=29550&Language=2&p=1&c=1](http://www.gwynedd.gov.uk/gwy_doc.asp?cat=7981&doc=29550&Language=2&p=1&c=1)

### **Reasons for recommending the decision**

The SPG outlines the issues that are required or desired to be submitted with an application along with the different considerations when dealing with this type of application. This means that it helps applicants, officers, the planning committee and the public to understand the implications of such applications.

Consequently, adopting the SPG would mean that weight could be attached to it as a material consideration when dealing with planning applications for onshore wind turbines.

### **Material considerations**

Below is a summary of the main issues raised in the context of the observations on the SPG. Reference should also be made to Appendix 'A' which summarises the issues per chapter and Appendices 'B' and 'C' which include all the observations raised during the two periods of public consultation.

Whilst there are a substantial number of observations on all aspects of the SPG, the main issues considered when creating a final version are noted below:

1] Clear Guidance – A number of observations on different parts state that there is insufficiently clear guidance in the document e.g. what is the size of the development, when should more pressure be placed on a renewable energy development rather than to protect the landscape.

As there are a vast number of different types of circumstances to be considered with such applications e.g. location, size etc. it is not possible to create a guidance that is extremely strict. Rather, the SPG raises awareness of the different issues to be considered and the type of evidence required to justify such developments.

2] Maximum Height of Turbines – A number of observations ask for a restriction on the height of turbines within the Planning area. This is specifically to create a buffer to the AONB and the Snowdonia National Park. However, no evidence was submitted to support these maximum figures.

When an area was introduced as a similar buffer for the AONB in Anglesey's SPG, objection was received from the Countryside Council for Wales (CCW) (now part of Natural Resources Wales) as the impact of wind turbines can extend further than the distance introduced as a buffer due to the nature of the development and/or the nature of the landscape at a specific site.

Due to the lack of evidence, the officers are of the opinion that it is not appropriate to submit such restrictions. However, the Council, jointly with the Snowdonia National Park and Anglesey County Council, has commissioned work on a Sensitivity and Capacity Study. This work will feed into the process of preparing the Joint Local Development Plan and will identify and protect sensitive and special areas from inappropriate developments. This could lead to justification for not having developments of a specific size in some parts of the County in terms of the character of the landscape and this will be a material consideration when dealing with planning applications. It is agreed that reference should be made to this work within the SPG (the findings of this work is expected by summer 2014).

3] Noise Impact and Separation Distances – There are objections that state that the SPG misuses the ETSU-R-97 guidelines and there are objections that question the appropriateness of using ETSU-R-97.

Applications for wind turbines are assessed based on a specific site and TAN 8 recommends using ETSU-R-97. ETSU-R-97 is just a guideline and it is a matter for the Local Authority to interpret the document and set the most appropriate boundaries in their area. The Local Authority has chosen a strict interpretation of ETSU-R-97 to take into account the uncertainty and the very low level of background noise that exists in the area.

For separation distances there are objections that want to increase the distances from ten times the height of the turbines to 500m or 20 times the height of the turbine whichever is the greatest. Also, there are objections that state that if the purpose of the Proximity section in section 7.9 of the SPG is to instigate the requirement to undertake a Residential Amenities Assessment (RAA) then this should be explained in a clearer way and the word 'minimum' should be removed from this section.

In May 2012, the Welsh Assembly Government's Petitions Committee considered the matter of "Controlling Noise from Wind Turbines" and a recommendation was made to increase the separation distance between residential dwellings and wind turbines to 1500m in specific circumstances. The Welsh Government responded by refusing this recommendation in July 2012 and noted that "TAN 8 noted that "500m is currently considered a typical separation distance between a wind turbine and residential property to avoid unacceptable noise impacts, however when applied in a rigid manner it can lead to conservative results and so some flexibility is advised," therefore we would expect the separation distances that are to be decided locally to be based on a detailed assessment of local impacts." Therefore the Welsh Government's view supports the local response within the SPG that recommends responding on a 'case-by-case' basis in order to consider specific site factors that relate to the purpose of every application.

The purpose of section 7.9 of the SPG is to identify distances when consideration must be given to the need for a Residential Amenity Assessment (RAA), therefore it was agreed to submit a proposed change to this and remove the word 'minimum' from this section of the SPG.

4] The Maximum Power of Developments – There are arguments that state that restricting developments to 5MW is contrary to the guidance in the Planning Policy Wales (PPW) that promotes developments up to 25MW. Conversely, there are arguments that state that developments up to 5MW are too large and much smaller developments should be considered.

The figure of 12.2 in the PPW refers to the Local Authorities' Development Scale of between 5MW and 25MW and a Smaller Scale than the Local Authorities Scale of between 50kw and 5MW. Paragraph 2.13 of TAN 8 states that the Welsh Government would support the introduction of policies that restrict developments that are greater than 5MW to Strategic Search Areas and/or urban/industrial brownfield sites.

Due to changes to the PPW a letter was received from the Minister for the Environment, Sustainability and Housing at the time in February 2011 noting the issues in TAN 8 that had been superseded since 2005. This did not introduce any change to paragraph 2.13 that is referred to above.

Another letter was received from the Minister for the Environment and Sustainable Development in July 2011 that referred to the maximum development within Strategic Search Areas. Outside these areas it states "...We anticipate that the remaining 300MW will come from a combination of developments under 25MW, brownfield sites and from community schemes and micro-generation..." Whilst reference is made to developments up to 25MW from different sources it does not state that this supersedes TAN 8 and specifically paragraph 2.13. Indeed, the letter confirms the support of TAN 8 "...The Welsh Government continues to be totally committed to its planning policies that have been included in Planning Policy Wales and Technical Advice Note 8..."

In the Gwynedd Planning Authority Area the population is dispersed in some of the United Kingdom's most magnificent scenery with a number of landscape designations and a vast proportion of the area adjoins the Snowdonia National Park. In addition, approximately 7.1 million visitors visit Gwynedd each year. As a result of this and in accordance with paragraph 2.13 TAN 8 the recommendation of the officers is to continue to restrict new wind farms to no more than 5MW (with the exception of some urban/industrial brownfield sites that have a maximum of 25MW).

Having considered the duties under the Equality Act 2010 and the nature that is protected under the act along with evidence from previous planning applications we do not feel that there is a need for an equality impact assessment. Equality issues can be considered with individual applications and this should be considered.

### **Next steps and timetable**

If the Cabinet decides to adopt the SPG it will be used as a material consideration when dealing with applications for Onshore Wind Energy from the date of this meeting.

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## **The views of the Statutory Officers**

**Chief Executive:** Evidently, planning applications that are related to wind energy are often contentious and draw very different opinions from people within and beyond their communities. In such a context, having a planning guidance that is as clear as possible is extremely important. It is obvious from the number of responses that were received to the consultation on the guidance that there is considerable interest in the matter, and unsurprisingly, several observations express different viewpoints. It is therefore unavoidable that the guidance cannot please everyone in a field that attracts such differing opinions, but it does seek to offer a clearer guidance on the matter.

**Monitoring Officer:** The purpose of the guidance is to offer assistance to applicants and it forms a material consideration in planning decisions. It is not possible for it to create new policy nor is it possible for it to be totally prescriptive in relation to details as each application has to be considered on its merits. I am satisfied as regards propriety that the document strikes the right balance between these matters.

**Head of Finance Department:** Nothing to add from a financial propriety perspective.

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## **Appendices**

Appendix A – Summary of the Main Matters raised through the Public Consultation

Appendix B – Full Tables of the observations to the Original Consultation.

Appendix C – Full Tables of the observations on the Proposed Changes

Appendix CH – Copy of the SPG which is to be adopted.