

4 PLANNING POLICY CONTEXT

This chapter sets out the planning policy framework surrounding the proposed Spicer Hill Wind Farm ('the Development').

It establishes the policy context surrounding the Development and relates these to the individual topic chapters as set out in this Environmental Statement (ES).

In order to preserve the neutrality of this ES, the chapter does not present an assessment of the acceptability of the proposed wind farm in planning policy terms. A separate Planning Statement will be submitted with the planning application which will assess the Development against the relevant planning policy.

4.1 DEVELOPMENT PLAN POLICY

Section 38 of the Planning and Compulsory Purchase Act 2004¹ states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Development Planning in England is currently in a period of transition as a result of implementing changes introduced by the Planning and Compulsory Act 2004. The new plan-making regime eliminates Structure Plans and introduces a two tier system comprising a Regional Spatial Strategy (RSS) prepared by the Regional Planning Body and Local Development Documents (LDDs) produced by the Local Planning Authority. The LDF will comprise a range of Development Plan Documents, such as the Core Strategy, alongside other documents which are not Development Plan Documents.

The current adopted Development Plan for the area comprises:

- The Yorkshire and Humber Plan, Regional Spatial Strategy to 2026 (RSS) (May 2008);
and
- Barnsley Unitary Development Plan (BUDP) (Adopted 2000).

In addition to the above policy, Planning Policy Statement (PPS) 22 sets out the current Government policy on renewable energy and provides guidance to local authorities. PPS22 and its Companion Guide will form a material consideration in the determination of this application. Material considerations are discussed in section 4.2 of this chapter.

Whilst there is a legislative requirement for development to be in accordance with the development plan, provision is also made for the material considerations to be weighed if necessary. Documents which may be considered as material considerations are outlined in Section 4.2 of this chapter.

The key Development Plan policies pertaining to the Development are set out below in the context of the ES topic areas and relevant chapters.

¹ HMSO (2004) Planning and Compulsory Purchase Act

4.1.1 Renewable Energy and Sustainable Development

4.1.1.1 The Yorkshire and Humber Plan (RSS)

Policy YH1 states that growth and change will be managed across places and communities in Yorkshire and Humber in order to achieve a sustainable development pattern.

The RSS recognises that a high quality environment is critical to the social, economic and environmental well-being of the Region.

“The region is particularly susceptible to a number of environmental threats such as coastal erosion, flooding, atmospheric pollution and soil degradation, as well as the multi-faceted impacts of climate change. Positive, responsible environment management will be vital to safeguard and improve our environment...”

Policy YH2 specifies a requirement for plans and investment decisions to help meet the target set out in the Regional Economic Strategy to reduce greenhouse gas emissions in the Region in 2016 by 20-25% (compared to 1990 levels) by increasing renewable energy capacity, amongst other actions.

Policy ENV5 seeks to maximise the use of renewable energy and energy efficiency. The policy sets out the targets for electricity generation from renewable sources in the region. The policy promotes that, by 2010, 47 MegaWatts (MW) of installed electricity generating capacity in the South Yorkshire region will be generated from renewable sources and by 2021 the figure should rise to 160 MW.

4.1.1.2 Barnsley Unitary Development Plan (BUDP)

Policy ES12 sets out the Council's approach to determining renewable energy applications and is supplemented by policies ES12A, ES12B and ES12C, which relate specifically to wind energy developments. Policy ES12 comprises criteria that will be considered when determining a renewable energy application. In summary, these are:

- Visual amenity;
- Noise;
- Access and road safety;
- Ecology;
- Archaeology;
- Impact on agricultural land uses; and
- Shadow flicker.

This ES contains details of the assessments of the potential significant effects resulting from the wind farm on each of the above criteria alongside a range of other considerations.

Policies ES12A seeks to encourage appropriate design of wind turbines including the colour, Policy ES12B relates to the decommissioning of wind turbines and Policy ES12C relates to the safeguarding of wind flow at existing wind farm sites.

4.1.2 Landscape and Visual Amenity

4.1.2.1 The Yorkshire and Humber Plan (RSS)

Policy YH1 seeks to protect and enhance the region's environmental resources.

Policy E7 qualifies that plans and investment decisions should help diversify and strengthen the rural economy by facilitating the development of rural industries, businesses and

enterprises in a manner that supports and protects an attractive and high quality rural environment.

Policy ENV10 affords protection to Yorkshire and Humber landscape assets which are of regional, sub regional and local importance. It also directs resources to protect the National Parks, Areas of Outstanding Natural Beauty (AONB) and the coast and directs resources to those landscapes which require revitalisation.

Policy YH9 acknowledges and supports the role which green belts can play protecting the countryside.

4.1.2.2 Barnsley Unitary Development Plan (BUDP)

ES12 specifies the criteria which wind farm developments will be assessed against. Criterion A of the Policy seeks the assessment of any proposals in relation to the landscape and visual resource on an individual basis and cumulatively where necessary.

Policy GS9 seeks to protect the visual amenity of the greenbelt.

Policy WR12 designates the site as an area of borough landscape value with the western rural area covered by the BUDP.

The site is within an area which is covered by **Policy GS13**. This policy seeks to preserve and enhance the landscape within the designated areas and development is only likely to be permitted where there is no loss of landscape features and to ensure that the layout of development proposals respect the local vernacular and the character of the area is preserved wherever possible.

A full Landscape and Visual Assessment of the Development is contained within Chapter 5 of this ES.

4.1.3 Ecology

4.1.3.1 The Yorkshire and Humber Plan (RSS)

Policy ENV6 seeks to protect and enhance the trees and woodland within the region.

Policy ENV8 qualifies that the Region will safeguard and enhance biodiversity and geological heritage, and ensure that the natural environment functions as an integrated network of habitats. Plans and investment decisions should therefore aim to "...maintain and enhance, restore or add to the distinctive elements of the natural environment in line with international, national, regional, sub regional and local importance for biodiversity...".

4.1.3.2 Barnsley Unitary Development Plan

Criterion D of **Policy ES12** requires that proposals are assessed in relation to the potential effect upon wildlife and ecology resource within the areas which they are proposed.

Policy GS15 seeks to protect habitats from development which would have a detrimental impact upon important habitats within the UDP area.

Policy GS16 affords protection to sites which have been designated under a national ecological designation. There.

Policy GS17 affords protection to those sites which have been given an international ecological designation.

Policy GS18 affords protection to sites which have been given a local ecological designation.

Policy WR13 seeks to protect sites from development which is likely to have a harmful effect upon these sites.

The potential ecological effects of the wind farm are identified and assessed in Chapters 6 and 7: *Ecology* and *Ornithology* respectively, of this ES.

4.1.4 Hydrology and Hydrogeology

4.1.4.1 The Yorkshire and Humber Plan (RSS)

Policy YH1 qualifies that plans and investment decisions should be directed towards areas which do not exacerbate flood risk. **Policy YH2** states that plans and investment decisions should plan for the successful adaptation to the predicted impacts of climate change by minimising the threat from and impact of increased flood risk.

Policy ENV1 qualifies that the Region will manage flood risk pro-actively by seeking to reduce the causes of flooding at existing and future development and, where possible, avoid development in high risk areas altogether. The Policy follows on in qualifying that the allocation of areas for development will follow the sequential approach (advocated by PPS25).

Policy ENV2 seeks to protect water resources and encourage water efficiency within the region.

The potential effects of the Development upon the Hydrology and hydrogeology contained within the Development site and surrounding environs is discussed in Chapter 8: *Hydrology and Hydrogeology* of this ES.

4.1.5 Cultural Heritage

4.1.5.1 The Yorkshire and Humber Plan (RSS)

Policy ENV9 states that, *"The Region will safeguard and enhance the historic environment, and ensure that historical context informs decisions about development and regeneration."*

4.1.5.2 Barnsley Unitary Development Plan

Policy ES12 establishes the criteria against which wind energy developments require to be assessed. This policy makes provision for the archaeological environment to be taken into consideration in the determination of planning applications.

Policy BE1A establishes a list of criteria against which development which is likely to affect conservation areas should be assessed.

Policy BE2 identifies a presumption against development which is likely to have an adverse effect upon listed buildings.

Policy BE3 makes provision for the safeguarding of nationally important artefacts in situ.

Policy BE4 allows for the recording of artefacts in appropriate circumstances, including those where there is an overriding need for the development.

Chapter 9 of this ES assesses the effect of the Development on the cultural heritage resource in the site and surrounding area.

4.1.6 Noise

4.1.6.1 Barnsley Unitary Development Plan

Policy ES12 identifies those criteria against which wind energy developments will be assessed. This policy identifies that the potential noise of the development should be taken into consideration in the determination of any planning applications for wind energy developments.

Policy ES1 seeks to protect both the environment and sensitive land uses from pollution.

Policy ES13 seeks to control breaches of planning control and outlines the instances where enforcement action is likely to be taken.

Chapter 10 of this ES outlines the potential Noise effects associated with the Development.

4.1.7 Traffic and Transportation

4.1.7.1 The Yorkshire and Humber Plan (RSS)

Policy T4 relates to the movement of freight in the RSS area and seeks to maximise the effective use of all modes of transport in freight movement.

4.1.7.2 Barnsley Unitary Development Plan

Policy T2 relates to the Highway Network and will only permit development where there is sufficient capacity in the existing network without any detrimental environmental or safety impacts.

Chapter 11 of this ES discusses the likely traffic and transport effects associated the Development.

4.1.8 Miscellaneous Issues

4.1.8.1 The Yorkshire and Humber Plan (RSS)

Policy ENV7 seeks to protect the best quality agricultural land from development. In instances where development is required to take place on agricultural land, it should be located on land which is not the highest quality agricultural land.

Policy E7 refers to the requirement for plans and investment decisions to help diversify and strengthen the rural economy by facilitating the development of rural industries, business and enterprises in a way that supports rural diversification schemes which bring economic, social and environmental benefit.

Policy YH9 seeks to protect the character and extent of the green belt in the RSS area.

4.1.8.2 Barnsley Unitary Development Plan

Policies WR10 and **WR12** are site specific policies which cross-reference to policies GS9 and GS13 respectively.

Policy GS9 seeks to protect the visual amenity of the green belt.

Policy GS7 seeks to maintain the openness of the green belt and states a presumption against development which would conflict with this objective or with any of the uses of other land within the green belt.

Policy M14 seeks to protect the mineral reserves within the area by designating consultation zones. These zones seek to safeguard the reserves over developments which may result in harm to these resources. **Policy WR25** specifically allocates the Development site within a consultation zone.

Policy BE6 requires that all new developments are designed and constructed to the highest standards. Due to the wording of this policy it is considered to apply to new residential or commercial developments.

4.2 MATERIAL CONSIDERATIONS

There are a range of material considerations that will be taken into account when determining the planning application for the Development. Material considerations are wide ranging. This chapter sets out planning policy and guidance that will be a material consideration to the planning application.

The relevant documents set out here are:

- Planning Policy Statements and Guidance (PPSs and PPGs);
- The Renewables Statement of Need 2006;
- Meeting the Energy Challenge: A White Paper on Energy (May 2007); and
- Climate Change Act 2008.

4.2.1 National Planning Policy Guidance and Planning Policy Statements

Planning Policy Guidance notes (PPGs) and their replacement Planning Policy Statements (PPSs) are prepared by the Government to explain statutory provisions and provide guidance to local authorities and others on planning policy and the operation of the planning system. They explain the relationship between planning and other related policies, which are an important consideration on both development and land use. Local authorities must take their contents into account in preparing their development plans and when determining planning applications. The following documents are relevant to the Development:

- PPS1 Delivering Sustainable Development (2005);
- PPS Planning and Climate Change: A Supplement to PPS1 (2007);
- PPS7 Sustainable Development in Rural Areas (2004);
- PPG8 Telecommunications (2001);
- PPS9 Biodiversity & Geological Conservation (2005);
- PPG15 Planning and the Historic Environment (1994);
- PPG16 Archaeology and Planning (1990);
- PPS22 Renewable Energy (2004);
- PPS Planning for Renewable Energy: A Companion Guide to PPS22 (2004);
- PPS23 Planning and Pollution Control (2004);
- PPG24 Planning and Noise (1994); and
- PPS25 Development and Flood Risk (2006).

Of the above PPG8, PPG15, PPG16 and PPG24 predate PPS22 and as such more weight should be attached to PPS22.

PPS1 sets out the overarching planning policies for the delivery of sustainable development through the planning system. The PPS reiterates the Government's four aims for sustainable development:

- Social progress which recognises the needs of everyone;
- Effective protection of the environment;
- The prudent use of the natural resources; and,
- The maintenance of high and stable levels of economic growth and employment.

At paragraph 20, the PPS indicates that Development Plan policies should take account of environmental issues such as the mitigation of the effects of, and adaption to, climate change through the reduction of greenhouse gas emissions and the use of renewable energy.

The supplement to PPS1 (Planning and Climate Change) provides practice guidance and support for the implementation of policies in this PPS.

PPS7 sets out the Government's objectives for rural areas which include:

- Raising the quality of life and the environment in rural areas;
- Promote more sustainable patterns of development;
- Promote the development of the English regions by improving their economic performance;
- so that all are able to reach their full potential; and
- To promote sustainable, diverse and adaptable agricultural sectors.

PPS7 also specifies that when preparing development plans and in determining planning applications for development in the countryside, local planning authorities should:

- “i) Support development that delivers diverse and sustainable farming enterprises; ...*
- iv) Provide for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22.”*

PPG8 gives evidence on planning for telecommunications development. It is referenced here due to the potential for wind turbines to interfere with telecommunications. The PPG establishes that significant and irremediable interference with electrical equipment of any kind can be a material planning consideration.

PPS9 provides for the protection of biodiversity and geological conservation through the planning system.

PPG15 provides a full statement of Government proposals for the identification and protection of historic buildings, conservation areas and other elements of the historic environment. It should be read alongside the guidance within PPG16.

PPG16 establishes Government policy on archaeological remains on land and how they should be preserved or recorded both in an urban setting and in the countryside. It also gives advice on the handling of archaeological remains and discoveries through the development plan and development control systems, including the weight to be attached to them in planning decisions and planning conditions.

The key guidance for the Development is contained within **PPS22** which advises on Renewable Energy. The following extracts set out advice which appears to be of particular relevance to the Development:

Paragraph 1 (i) *“Renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and the environmental, economic, and social effects can be addressed satisfactorily.”*

Paragraph 1 (ii) *“Regional Spatial Strategies and local development documents should contain policies designed to promote and encourage rather than restrict the development of renewable energy resources.”*

Paragraph 1 (iv) *“The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.”*

Paragraph 1 (v) *“Regional planning bodies and local planning bodies should not make assumptions about the technical and commercial viability of renewable energy projects.”*

Paragraph 1 (viii) *“Development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures.”*

Paragraphs 2 – 3 *“The Regional Spatial Strategy should include the target for renewable energy capacity in the region...”*

Targets should be expressed as the minimum of installed capacity in the region, expressed in megawatts... Targets should be reviewed on a regular basis and revised upwards (if they are met) subject to the region’s renewable energy resource potential... The fact that a target has been reached should not be used in itself as a reason for refusing planning permission for further renewable energy projects.”

Paragraph 14 *“Regional planning bodies and local planning authorities should not create “buffer zones” around international or nationally designated areas and apply policies to these zones that prevent the development of renewable energy projects.”*

Paragraph 15 *“Local landscape and local nature conservation designations should not be used in themselves to refuse planning permission for renewable energy developments. Planning applications for renewable energy developments in such areas should be assessed in criteria based policies set out in local development documents, including any criteria that are specific to the type of area concerned.”*

Planning for Renewable Energy, A Companion Guide to PPS22, offers practical guidance on how the policies of PPS22 can be implemented.

PPS23 advises that any consideration of the quality of land, air or water and potential effects arising from development, is capable of being a material planning consideration, in so far as it may arise from or may affect any land use.

PPG24 guides local authorities on the use of planning powers in order to minimise the adverse effects of noise. This document outlines the considerations to be taken into account in determining planning applications both for noise-sensitive and generating developments.

PPS25 sets out Government policy in relation to development and flood risk. It seeks to ensure that flood risk is taken into account at all stages in the planning process in order to avoid inappropriate development in areas at risk of flooding, and to direct development away from those areas of highest risk. In exceptional circumstances where new development is deemed necessary this policy aims to ensure that it will not lead to increased flood risk elsewhere, and, wherever possible, will lead to a reduction in flood risk.

4.2.2 The Renewables Statement of Need

In July 2006 the Energy Review was published by the Department of Trade and Industry. Annex D contains a “Renewables Statement of Need”. This states:

“As highlighted in the 2006 Energy Review report², the UK faces difficult challenges in meeting its energy policy goals. Renewable energy as a source of low-carbon, indigenous electricity generation is central to reducing emissions and maintaining the reliability of our energy supplies at a time when our indigenous fossil fuels are declining more rapidly than expected. A regulatory environment that enables the development of appropriately sited renewable projects, and allows the UK to realise its extensive renewable resources, is vital if we are to make real progress towards our challenging goals.

New renewable projects may not always appear to convey any particular local benefit, but they provide crucial national benefits. Individual renewable projects are part of a growing proportion of low-carbon generation that provides benefits shared by all communities both through reduced emissions and more diverse supplies of energy, which helps the reliability of our supplies. This factor is a material consideration to which all participants in the planning system should give significant weight when considering renewable proposals. These wider benefits are not always immediately visible to the specific locality in which the project is sited. However, the benefits to society and the wider economy as a whole are significant and this must be reflected in the weight given to these considerations by decision makers in reaching their decisions.”

4.2.3 Meeting the Energy Challenge: A White Paper on Energy Review (May 2007)

This document states a presumption that renewable energy developments should be favourably considered. It established that 10% of the UK energy was to come from renewable sources and by 2010 and 20% by 2020.

4.2.4 Climate Change Act 2008

This Act seeks to reduce the amount of UK carbon dioxide (CO₂) emissions and sets out targets which should be met in order to achieve this. In this Act the UK Government has committed to reducing CO₂ levels by 80% by the year 2050. The Act seeks to create a low carbon environment in the UK whilst increasing the security of energy supply and demonstrating the strong commitment to alleviating Climate Change.

4.3 SUMMARY

This chapter has identified the national, regional and local planning policy framework and policies relevant to the Development.

A separate Planning Statement discusses the policy considerations and reaches conclusions on the acceptability of the Development in planning policy terms.

² The Energy Challenge, July 2006, www.dti.gov.uk

