

Subject: National Policy Statements

Status: For Publication

Report to: Policy Overview and Scrutiny
Committee

Date: 13th January 2010

Report of: Planning Manager

Portfolio

Holder: Regeneration

Key Decision: Yes / No

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

1.1 To inform members of the publication of National Policy Statements and their impact on Rossendale.

2. CORPORATE PRIORITIES

2.1 The matters discussed in this report impact directly on the following corporate priorities:-

- Delivering quality Services to our customers
- Delivering regeneration across the Borough
- Encouraging healthy and respectful communities
- Keeping our Borough clean, green and safe
- Promoting the Borough
- Providing value for money services

3. RISK ASSESSMENT IMPLICATIONS

3.1 The views of the Local Planning Authority on this consultation are not taken into account.

3.2 The very positive approach taken to renewable energy development including wind farms provides a precedent for all scales of energy development, not just those within the remit of the Infrastructure Planning Commission.

4. BACKGROUND AND OPTIONS

Background

- 4.1 The 2008 Planning Act introduced a new regime for determining large planning applications of national interest. The purpose of this was to speed up the process for deciding key projects of national significance by introducing a “single consent” decision making process. A new Infrastructure Planning Commission (IPC) to decide these applications came into operation on 1st October and will start receiving applications from 1st March 2010.
- 4.2 The primary decision making context for the IPC will be a collection of National Policy Statements (NPS’s) approved by Parliament addressing the main topic areas the IPC will cover such as Transport, Energy and Water. These provide a policy framework addressing the government’s view on key issues and the matters that the IPC must take into account. All applications must be decided in accordance with the relevant NPS unless special circumstances dictate otherwise. The NPS’s are also intended to provide a detailed framework for developers to consider when developing their submissions to the IPC.
- 4.3 The 2008 Planning Act provides opportunities for local authorities to input into the decision making process through written representations and appearing at IPC hearings.

The current consultation

- 4.4 In November 2009 the following draft National Policy Statements were published:
- Ports
 - Energy-Overarching (EN-1)
 - Fossil Fuel Electricity Generation (EN-2)
 - Renewable electricity generation (EN-3)
 - Gas supply infrastructure and gas and oil pipelines (EN-4)
 - Electricity transmission and generation network (EN-5)
 - Nuclear Energy generation (EN-6)
- 4.5 Further consultations on the national rail and road networks are due to be published in December followed by Airports. Waste Water and Hazardous Waste will be consulted on late in 2010 and Water Supply in late 2011.
- 4.6 Of the NPS’s published to date only EN-6 on nuclear energy identifies specific sites. The other documents set out a broad framework of considerations that should be addressed when analysing individual applications. For energy this includes technical suitability of the site, micro-siting, landscape, noise, any relevant emissions, impact on statutory designations, biodiversity, proximity to dwellings, access and historic buildings.
- 4.7 The current consultation for the energy element covers renewable energy schemes of over 50MW for onshore wind (e.g. about 17 large 3MW turbines) or biomass and waste. The same generation capacity applies to fossil fuel plants.

Electricity lines of over 132kv are covered as are gas and oil pipelines of over a certain length and diameter. The consultation ends on 22nd February 2010.

Key issues

- 4.8 In a letter to Chief Planning Officers sent on 9th November by CLG it is made clear that National Policy Statements must be taken into account in the preparation of Development Plans. Therefore at the Publication stage of the Core Strategy (scheduled for July 2010) the various NSP's will need to be taken into account. NSP's can also form a material consideration in the assessment of planning applications.
- 4.9 It is clear that the Government expects Renewables to play a much more important role in electricity generation in the future. At present 5.5% of electricity is generated by renewable sources. By 2020 the government has committed to a target of 15% but considers that 30% may be realistic. This would be both centralised production and small scale on-site measures. The greatest proportion would come from off-shore wind but would be closely followed by on-shore provision. Technologies such as hydropower, wave power and solar are not covered in the NSP.
- 4.10 Climate change impacts are seen as a top priority. Fossil fuel generating plants will be required to include comprehensive CO² reduction measures. Nuclear and renewable options are favoured because of minimal on-site emissions. Energy security is also regarded as a key issue.
- 4.11 Landscape impacts from energy developments are recognised as inevitable. While full consideration of visual impacts is required in the NPS it appears that the presumption is that the development should be considered as acceptable unless the impact is severe. Paragraph 4.24.12 of EN-1 states
- “The scale of such projects means that they will be often visible within many miles of the site of the proposed infrastructure. The IPC should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project”*
- 4.12 The NPS's make clear that energy development in Green Belts will be considered as inappropriate because of the impact on openness. However it may be possible for the developer to prove “very special circumstances” exist to allow development to go ahead.
- 4.13 Advice in the document requires that normal Environmental Assessment procedures are followed. Developers are also required to liaise with local communities and local authorities as well as the IPC in developing their application.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

- 5.1 There are no material additional financial implications arising from the report. Any financial implications arising will be met from existing budget resources.

6. MONITORING OFFICER

6.1 As contained within this Report.

7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

7.1 No human resource implications.

8. CONCLUSION

8.1 The draft National Policy Statements are intended to provide a framework for consideration of nationally important infrastructure. This is welcome as the lack of a clear government steer has led to uncertainty in consideration of major infrastructure projects in the past and lengthened the planning process.

8.2 The major focus of the current consultation is on energy matters. While it is possible there may in future be pipelines and high voltage electricity lines that affect the Borough the most likely impact will be on the development of wind energy.

8.3 The consultation papers are lengthy documents that cover a broad range of issues. Developers will be expected to provide comprehensive documentation that examines the impact of their proposals. This will include a requirement to engage the local community. This could help to provide community benefits and reduce the impacts of proposals. It is nevertheless clear that “need” for new energy production, including onshore windfarms, is given a high priority.

8.4 The NPS’s will have to be taken into account in the preparation of the Core Strategy and will also be a material consideration for assessment of wind energy applications below the 50MW threshold.

9. RECOMMENDATION(S)

9.1 That the Planning Manager is authorised to reply to the consultation on behalf of the Council. The following points should be stressed:

- Local Planning Authorities should be involved at the earliest possible stage by developers and the IPC
- Landscape impacts should take into full account local studies, such as those currently being undertaken for the Council and neighbouring authorities

10. CONSULTATION CARRIED OUT

10.1 Copy of Paper forwarded to Environmental Health Manager.

11. COMMUNITY IMPACT ASSESSMENT

Is a Community Impact Assessment required Yes / No

Is a Community Impact Assessment attached Yes / No

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required Yes / No

Is a Biodiversity Impact Assessment attached Yes / No

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Background Papers	
Document	Place of Inspection
National Policy Statements EN-1 and EN-3	One Stop Shop
Letter to Chief Planning Officers from CLG	