Third Revolution Projects

Renewable Energy Policy Review

Central Bedfordshire Council

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Contents

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On behalf of Central Bedfordshire Council.

1.0 Introduction and summary of main recommendations

This review considers three questions relating to current local policy and guidance:

- Is policy and guidance for on-shore wind compliant with the 2015 Written Ministerial Statement (WMS), Housing White Paper (HWP) and subsequent amendments to national guidance?
- Is policy and guidance for other technologies, in particular solar, compliant with national policy?
- Is it fit for purpose in terms of what National Grid are anticipating and developers are likely to bring forward.

In doing so, this report will identify omissions or areas that require clarification, and make recommendations as to amendments and modifications to be made to the proposed policy and supporting text, along with the current technical guidance.

	Recommendation	Document reference
1	Define a vision in the Local Plan which reflects the transition to a decentralised renewable and low carbon energy system that is taking place globally.	5.1
2	The LPA should work with the DNO to identify how grid capacity can be created within areas of search for different technologies and over what timescale.	5.2
3	A step further would be for the Council to use their powers to develop grid capacity itself by becoming an Independent DNO (IDNO). This initiative would need to be led by the Council's Exec team but could deliver renewable and low carbon energy, unlock housing development and generate revenue.	5.2
4	Strategy and policy should be designed to encompass development proposals for multiple technologies, e.g. solar with battery energy storage and small-scale gas.	5.2

5	Consider changing the wording and tone of the draft policy: ▪ Refer to renewable *and* low carbon energy throughout. ▪ Reflect the likelihood of portfolios of technologies being promoted on a single site. Since it refers applicants to the technical guidance, this too could include a new section on this topic. ▪ The first bullet point refers to supporting developments located in "*the most suitable areas…*". Unless those areas are identified or this term is defined, in practice it is likely to lead to challenge from those opposed to development. The wording might more helpfully direct developers to identified suitable areas (for wind and solar – see below) or to the 2014 Capacity Study and then set out the key criteria.	5.3
6	The policy requirements for pre-application consultation should differ for wind and other technologies.	5.3
7	Guidance on consultation should be updated to reflect the Wind WMS, including interpretation of the requirement to demonstrate "*that the planning impacts identified by affected local communities have been fully addressed*", but only once further guidance is issued by Government. In the meantime, strategy and policy should consider opportunities to encourage community involvement or ownership.	5.3
8	Create a separate wind policy with language and requirements that reflects the WMS and national guidance. Policy for other renewables, including solar farms, can retain the draft's more relaxed language.	5.3
9	Identify suitable areas for onshore wind, based on an updated version of the landscape character approach used in the existing Guidance Note 1 SPD. The new wind policy should refer to this and set out criteria against which proposals in these areas will be tested.	5.3.1
10	Update Guidance Note 2 to clarify what it considers to be "*the most compelling evidence*" for siting solar farms on best and most versatile land.	5.3.2
11	Consider updating Guidance Note 2 to identify suitable areas for solar farms, based on landscape character. However, policy should be less restrictive than for onshore wind, i.e. proposals outside of these areas could be acceptable if appropriately justified.	5.3.2

2.0 National policy and guidance

2.1 Overview of national policy and guidance

National policy for renewable and low carbon energy is defined in National Policy Statements (NPS) EN-1 (Overarching NPS for Energy) and EN-3 (Renewable Energy Infrastructure) and in the National Planning Policy Framework (NPPF), supported by the Planning Practice Guidance (PPG). Together, these present a very positive policy framework for renewable and low carbon energy. Notably, three paragraphs in the NPPF provide the overarching policy approach for local planning authority (LPA) plan-making.

Firstly, paragraph 97 tells us that LPAs should increase the supply of renewable and low carbon energy by recognising the responsibility on all communities to contribute. It provides further detail, stating that they should:

- *"Have a positive strategy to promote energy from renewable and low carbon sources"*. A subsequent update to the PPG (ID: 5-003-20140306) confirms that the need for energy does not automatically override environmental protections or the concerns of local communities.
- *"Design policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts."*
- *"Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources."* Guidance on this has changed since publication of the WMS, and is discussed below.
- *"Support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning."*
- *"Identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers."*

Secondly, while paragraph 98 refers to decision-making, it provides an important steer as to policy drafting and it is this paragraph that is targeted for change in the HWP. The policy states that in determining planning applications, LPAs should:

- *"Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- *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 also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas."*

Thirdly, paragraph 162 requires that LPAs *"work with other authorities and providers to: assess the quality and capacity of infrastructure for… energy (including heat)…, and its ability to meet forecast demands"*. This suggests a responsibility on LPAs to work with Distribution Network Operators (DNOs) to better ensure that capacity exists in the right place at the right time for developers to connect their schemes, either as generation (i.e. renewable and low carbon energy projects) or demand (i.e. housing, commercial and industrial projects). Currently, this is a significant constraint on development, and ultimately economic growth.

2.2 On-shore wind written ministerial statement

The 18 June 2015 WMS (HCWS42) introduced new considerations to be applied to proposed onshore wind energy development so that *"local people have the final say on wind farm applications"*. When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- *"The development site is in an area identified as suitable for wind energy development in a local or neighbourhood plan; and*
- *Following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing."*

Whether a proposal has the backing of the affected local community is *"a planning judgement for the local planning authority."*

These requirements have been translated into the Planning Practice Guidance (PPG) and effectively require LPAs to opt-in to accepting onshore wind turbines since planning permission cannot be granted outside areas identified by them as suitable. Even within these areas, failure by applicants to demonstrate that the planning impacts identified by affected local communities have been fully addressed can result in refusal.

In terms of plan-making, it is the first requirement that is most pertinent to this review. Guidance spelling out what powers local communities actually have would be useful and this is likely to come through case law over time and possibly updates to the PPG. Since this review is about future policy, no account has been taken of the transitional arrangements.

While the NPPF has yet to be updated to reflect the WMS, the PPG has been updated in several places, including guidance relating to paragraph 97, which now says: *"In the case of wind turbines, a planning application should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a Local or Neighbourhood Plan"* (Paragraph: 032; ID: 5-032-150618). As yet, no further guidance has been prepared on how suitable areas should be defined. Section 2.4 of this report, therefore, reviews and draws lessons from adopted local plans and those that have been through examination.

2.3 Housing white paper

The WMS is a material consideration in planning policy and decision-making and has resulted in updates to the PPG. The Housing White Paper: Fixing Our Broken Housing Market, Cm 9352 (February 2017) proposes to amend paragraph 98 of the NPPF to:

- *"Clarify which parts of existing policy relate specifically to onshore wind energy development and which to all forms of renewable and low carbon energy development;*
- *Remove the need for wind energy development applications outside of suitable areas identified in plans to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and*
- *Be clear that proposed wind energy development involving one or more wind turbines should 'not be considered acceptable' rather than 'should only grant planning permission' to reflect the language of the existing planning policy."*

The HWP is currently a consultation but in reality, the changes are likely to simply clarify the WMS and updated guidance, rather than materially changing the current post WMS position. Importantly, it does not propose changes to the positive policy in paragraph 97 (see Section 2.1) and so any local policy must still be drafted in the context of maximising renewable energy development. The consultation closed in May 2017 and at the time of writing, the Department of Communities and Local Government was unable to say when any changes will take affect but they are likely to be implemented as part of the government's planned wider consultation on a new NPPF (see Section 2.4).

Where the outcome of the consultation will be of help is paragraph A.143 of the HWP, which states:

"Following practical experience in implementing the revised policy, the Government will issue further guidance to clarify what is meant by the phrase 'following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing'".

The HWP does not apply to technologies other than onshore wind.

2.4 Proposed changes to national policy

Changes to national policy have been proposed by Government, including to the NPPF, which could have significant implications for renewable and low carbon energy policy. While the direction set out above is likely to remain, there is a risk that other related policy becomes affected, e.g. to the Framework's positive support for renewables or on specific technologies. However, a consultation was expected during the summer 2017 but timings have slipped and remain uncertain. Anecdotally, there is a window of opportunity through to Christmas for new legislative or policy changes, after which little is likely to change before Brexit in 2019.

3.0 Analysis of compliance with onshore wind policy

This section particularly addresses the definition of *"an area identified as suitable for wind energy development"*.

3.1 Identifying areas suitable for wind

The PPG (ID: 5-005-20150618) is clear that there are no hard and fast rules on how to identify areas, except that they will need to take account of the requirements of the technology, potential impacts on the local environment, including from cumulative impacts, and views of affected local communities. It goes on to state (ID: 5-032-150618) that *"maps showing the wind resource as favourable to wind turbines or similar will not be sufficient"*. The PPG's reference to the former Department of Energy and Climate Change's capacity methodology recognises that many impacts have changed since it was drawn up. The strong implication from the guidance is that landscape character assessments should form an important basis for considering which technologies at which scale may be appropriate in different types of location.

The review of approaches below, undertaken for this report, highlights two main approaches by LPAs:

- Allocating areas, following a call for sites, similar to the allocation of housing. With such an approach, each site is likely to need to be tested at examination; or
- Identifying areas based on landscape character and other opportunities or constraints.

Inspectors would appear to be comfortable with both approaches. Efforts by LPAs, contacted as part of this research, to attract sites through a "call for sites" seems to have yielded little success and so if an LPA wishes to be proactive in complying with NPPF Policy 97 then a landscape character and constraints based approach would seem more appropriate.

It's worth noting that just because an area has been identified as being suitable does not mean development will be approved. Individual applications must satisfy the requirement to have addressed the planning impacts identified by communities.

3.1.1 Experiences with other LPAs

Telephone interviews with planning officers, personal experience and web-based research has identified LPAs that have adopted or emerging planning policies. The Centre for Sustainable Energy also provided useful background on LPA attitudes and approaches with their recent survey of local authority wind policies[1].

[1] Dan Stone (April 2017) Survey of Local Authority Wind Policies, CSE

West Oxfordshire District Council

An LDA Design study for West Oxfordshire uses the Landscape Character Assessment as the basis for identifying areas that are 'more suitable' and 'less suitable' for wind and also for solar power. The wording "more" and "less" suitable was specifically chosen to enable the LPA to direct applicants to more suitable areas without excluding other areas, if they could justify their choice. In the absence of a clear steer from Government or case law, it was felt to be a robust response to the WMS. Draft Policy EH4 includes this wording and the show the areas on accompanying maps. It is currently being tested at examination but comments from the Inspector suggest that this will not be specific enough. Indications are that either:

- Areas should be allocated through subsequent neighbourhood plans, in which case each site is likely to need to be tested at examination; or
- Simply, that areas identified as "more suitable" should be termed "suitable" and "less suitable" areas removed completely.

The Inspector is yet to conclude, however, the former option would seem to be a step beyond what the WMS is asking for, whereas the latter is closer to what guidance and experience elsewhere suggests is appropriate. While the term "allocation" is used in the WMS, and this is well understood in terms of housing policy, the WMS is clear that LPAs must identify "areas" rather than specific sites. This suggests that the policy is more akin to a broad designation, which allows the defined area to be supported by criteria-based policy against which site-specific applications will be judged. Reviews of other LPAs' approaches below would seem to support this conclusion.

Exmoor National Parks Authority

The Exmoor National Park Local Plan to 2031 was adopted in 2017 and identifies areas based on the sensitivity of particular Landscape Character Types. This has been through examination and accepted by the Inspector. The published version is not yet available but the modifications text is as follows:

"Areas not considered to be suitable for wind energy development are Landscape Character Types A: High Coastal Heaths and D: Open Moorland as shown on Policies Map 24. However, in other landscape types in the National Park, it may be possible for individual small scale wind turbines that are similar in scale to existing buildings and trees, against a backdrop or suitably screened and in an appropriate colour, to be assimilated into the landscape."

The identified areas also apply to solar farms.

Rotherham MBC

The draft 2015 Publication Sites and Policies identifies areas on a map that are *"potentially suitable for all wind turbines"* and *"potentially suitable for small and medium sized wind turbines"* (up to 65m), subject to their complying with supporting criteria. The suitable areas are identified based on a technical assessment of the theoretical wind resource and landscape character. While the Plan has not yet been adopted, the Inspector's proposed modifications only refer to splitting wind energy into a separate policy and therefore the LPA has concluded that the approach to identifying areas has been accepted.

Hull City Council

The Local Plan Preferred Option 2015 consultation included an indicative map of constraint and opportunity and used this to identify five options that would be suitable. Further consultation led to suitable areas being identified on their overall proposals map, which formed part of their Submission Draft for the examination. These areas include:

- All industrial sites, except those on Humber which were close to the Special Protection Area.
- Large areas of open space, e.g. amenity spaces and semi-natural green space, rather than parks.

The LPA is awaiting the Inspector's report on the Plan but neither the sites nor the approach were questioned during the examination and so the LPA is assuming the locations will carry through into the final Plan.

The authority is predominantly urban and so many constraints are physical, e.g. proximity to homes, infrastructure and designated areas, rather than about landscape sensitivity. Therefore, while there is perhaps only limited relevance to Central Bedfordshire as a whole, the approach could be applicable to urban areas.

Eden District Council

The draft Local Plan includes a policy requiring wind developments to be located in a suitable area, identified on the Proposals Map. The areas are based on an assessment of potential technical capacity and that of Eden's landscape and visual receptors to accommodate wind energy development, using the Cumbria Wind Energy SPD (2007), Cumbria Landscape Character Guidance and Toolkit (2011) and the Cumbria Cumulative Impacts of Vertical Infrastructure Study (2014). The policy has been through examination and only minor changes to the wording have been included in the Proposed Main Modifications consultation (which closed August 2017). The approach and proposed areas therefore appear to have been accepted by the Inspector.

Other LPAs

Others are at an earlier stage and so it is not possible to confirm the acceptability of their approaches to an Inspector, but would be worth monitoring:

- **Great Yarmouth** – the Core Strategy includes a supportive policy for renewables but for wind turbines it notes that the *"Development Policies and Site Allocations Local Plan will identify areas suitable for wind energy schemes."* This DPD is currently at an early stage and the recent (Summer 2017) call for on-shore wind sites from landowners and developers yielded nothing. The LPA is consulting on a draft plan during October 2017 and this next stage is likely to be for them to use their landscape character assessment to identify locations that could be suitable. Also, the LPA is likely to focus more on off-shore wind as there is a strong industry here.
- **Burnley** – the Submission Draft Local Plan (2017) includes a policy and proposals map identifying *"Suitable Areas for Wind Energy Development"* based on landscape character types. Each suitable character type also includes specific criteria. The examination into the draft Local Plan is on-going during summer 2017 but this policy has not yet been addressed. The Inspector is likely to raise any questions relating to wind during September 2017.

- **Huntingdonshire** Council consulted on four options for identifying suitable areas:
  - Identifying the whole district, based on the core conclusion of the Wind Turbine Development in Huntingdonshire (2005) study that all of the landscape character areas in the district have some capacity to accommodate wind turbines.
  - Identifying the whole district except the Great Fen and its landscape and visual setting.
  - Landscape character areas identified in their wind energy SPD as being above "prominent" or "conspicuous" thresholds are not suitable (approximately 20% of the district will be suitable).
  - Whole district not suitable.

  All four options have been assessed by the LPA as being compatible with the NPPF. A telephone discussion with an officer undertaken for this research revealed that, despite some comments supporting each of the options to identify areas, Members have subsequently taken a decision not to identify any areas in the Submission Draft (due in December 2017). However, the officer noted that once they have analysed comments fully, they may go against this decision since this approach does not seem supported by the evidence.

  As part of preparing evidence, Huntingdonshire reviewed the approached adopted by neighbouring authorities:

  - **Peterborough City –** as part of consultation in January 2016 they asked for people's views and if they had any sites they would like considered for identification as suitable areas. No sites were submitted. The City Council have therefore reported that they have no plans to identify areas for wind turbine development.
  - **South Cambridgeshire –** whether or not to identify areas suitable for wind turbines was considered during a suspension of examination hearing sessions for the new Local Plan. On the basis of having no available evidence of suitability it was decided not to identify any areas as suitable within the plan but to propose a modification to the relevant policy to enable neighbourhood plans to identify suitable areas.

North Devon and Torridge Council

The Council's draft Plan proposed to identify the whole district as suitable and then rely on criteria to determine applications. This has been examined and the proposed modifications (consultation closes September 2017) have removed wind from policy, stating that suitable sites will be identified through Neighbourhood Plans.

Blackburn with Darwen Borough Council

The adopted 2015 Site Allocations and Development Management Policies includes a criteria-based policy which reflects the public consultation element of the WMS. The Inspector's report concluded that, in order to be found sound, this policy would need to be supported by a separate Supplementary Planning Document (SPD) which identifies suitable sites. It is clear, therefore, that criteria based policies alone will not be sufficient.

3.2 Policy and guidance changes for solar farms and other technologies

Some amendments to the PPG have been made for other technologies, including to how LPA's should identify suitable areas for renewable and low carbon energy (ID: 5-005-20150618). This guidance applies to all technologies as well as onshore wind, with the strong implication that landscape character assessments should form the basis for considering which technologies at which scale may be appropriate in different types of location.

While the WMS prohibits wind energy development outside of identified areas, for other technologies the NPPF and PPG merely encourages LPA's to *"consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure"* (NPPF, paragraph 97) and offers as an example in the PPG that *"where councils have identified suitable areas for large scale solar farms, they should not have to give permission outside those areas for speculative applications involving the same type of development when they judge the impact to be unacceptable."* (ID: 5-005-20150618.)

Specific guidance is set out for ground mounted solar farms (ID: 5-013-20150327). This guidance was originally published as part of the first iteration of the PPG in March 2013 and so Central Bedfordshire's Guidance Note 2 (Solar Farm Development, May 2014) will have considered this. However, in March 2015, the PPG was updated to include reference to a Written Ministerial Statement on solar energy[2] (March 2015). This added emphasis to policy and guidance on the use of high quality agricultural land, stating that: *"any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence"*.

[2] http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-03-25/HCWS488/

4.0 Is Central Bedfordshire's guidance and proposed policy appropriate?

4.1 Overarching policy and strategy

This section considers how effectively proposed policy and existing guidance delivers overarching national policy for renewable and low carbon energy development. In particular, NPPF paragraphs 97, 98 and 162 (see Section 2.1.) In doing so, it also considers how the energy industry is evolving (see Section 4.1.1).

4.1.1 A changing industry

When determining the appropriate scope of strategy and policy it is helpful to consider the technologies and infrastructure that are likely to come forward during the plan period. For a sector that has seen over 12GW of solar delivered, where there was none prior to 2010, and new technologies such as battery energy storage beginning to see rapid deployment, it is easy to see how dated energy policy can become in a short time. A snapshot of the last two years might be summarised as follows:

- Subsidies for ground-mounted solar get removed in 2015, stopping deployment in its tracks.
- Developers turn to small-scale decentralised diesel farms, attracted by revenue streams available from National Grid.
- Investors (and Government) increasingly get cold feet over the environmental implications of diesel and look instead to small-scale decentralised gas.
- Battery energy storage projects start to be promoted, often in combination with gas.
- Tentative steps back into the solar sector by some developers emerge in 2017 as cost reductions point to subsidy free projects becoming viable.

So, it is clear that two years can bring big change but all of it is heading in the direction of large numbers of decentralised projects, often developed in combination. Policy needs to be able to accommodate such change and uncertainty. It might also note a recent appeal decision[3] at Hilcote Farm, which effectively classifies gas as part of renewable energy infrastructure.

The LPA can either sit back and wait for applications or they can be proactive in determining where those applications should be located. Central Bedfordshire has gone a long way towards this with its guidance on suitable areas, capacity assessment and policy but the real missing element is the electricity grid. Unless there is capacity to connect projects in areas identified as suitable, developers will either ignore them or, if forced as in the case of wind, simply search in other districts. Therefore, in terms of the NPPF's requirement to have a positive strategy to promote energy from renewable and low carbon sources, arguably a more important area for attention is the electricity grid.

[3] Appeal reference: APP/R1010/W/17/3172633

A new piece of evidence could be commissioned, but simply reviewing DNO browser based maps for available capacity will not help since capacity can change daily and so they are invariably out of date. Ideally, the LPA should work with the DNO to identify how capacity can be created within areas of search and over what timescale.

A step further, and one needing to involve the Council's Exec team, would be to develop grid capacity themselves in areas of search by becoming an Independent DNO; something which local authorities have the power to do. This approach could be extended across the district to help identify and create connection capacity for new housing developments.

The draft Local Plan and policy on Renewable Energy Development would benefit from reflecting the transition to a decentralised renewable and low carbon energy system. They could recognise the uncertainties, while painting a picture of what this could mean for Central Bedfordshire in terms of the integration of renewable and low carbon generation, the likelihood of portfolios of technologies coming forward within single applications, the relationship with transport and buildings as both generators and load, and the infrastructure that connects it all up.

A further area where the Plan could go further relates to the NPPF's encouragement of community-led initiatives. If the solar sector starts growing rapidly again then the real danger to the industry is it attracts the sort of restrictive policy applied to onshore wind. A policy balance needs to be struck between the developer's commercial need and initiative, planning direction and responding to wider societal need. This might entail enabling developers to see the benefits of positive early engagement, through well designed policy. Cornwall Council, for example, gives explicit support for "*renewable and low carbon energy that: are led by, or meet the needs of local communities*". A wider approach might include:

- Developer support in updating the capacity study and identifying suitable areas; or
- Developers engaging more proactively in the plan-making process, much as the property sector does.

These should be caveated since that the energy industry is very different to the property sector. The decentralised energy sector is made up of many small companies, with far less capacity for this kind of activity, and are typically responding to National Grid revenue streams and contracts that demand very rapid development lifecycles. Nonetheless, with the disappearance of subsidies, the industry may evolve towards a more long-term approach to development.

4.1.2 Draft policy on renewable energy development

The LPA might consider the following relating to the proposed policy wording:

- Other than the first sentence, it refers only to renewable energy. While one appeal decision has accepted that small-scale gas generation can be considered part of a renewable energy infrastructure, this wording could prove restrictive in the context of uncertainty over where technology is heading. It should, therefore, refer to renewable and low carbon energy.
- Similarly, the policy might reflect the likelihood of portfolios of technologies being promoted on a single site. Since it refers applicants to the technical guidance, this too could include a new section on this topic.

- The first bullet point refers to supporting developments located in *"the most suitable areas…"*. Unless those areas are identified or *"most suitable"* is defined, in practice it is likely to lead to challenge from those opposed to development. The wording might more helpfully direct developers to identified suitable areas (for wind and solar – see below) or to the 2014 Capacity Study and then set out the key criteria.
- The final paragraph seems to be responding to the wind WMS and might be considered overly onerous for some small-scale projects, which typically are not required to undertake extensive pre-application consultation. For example, how do you define engaging with *"all affected stakeholders…"*? A later recommendation of this review is to create a separate onshore wind policy as this would enable a more nuanced approach to consultation, which picks up the ideas set up in Section 4.1.1.

4.2 Onshore wind

This section assesses proposed policy against the WMS, HWP and supporting policy guidance.

4.2.1 Review of proposed policy wording

Draft Policy Renewable Energy Development and supporting text notes the WMS and refers applicants to the Council's technical guidance, stating that it will support developments where they are located in the most suitable areas. Since Government policy for onshore wind is more restrictive than for other technologies, it would be sensible to include a separate wind policy. Policy for other renewables, including solar farms, can retain the more relaxed language.

A new onshore wind policy should then use language that clearly reflects the WMS, e.g. about proposals only being accepted in areas have been identified as suitable. The WMS refers to allocating suitable areas in a local or neighbourhood plan, but Inspectors (see Section 2.4) seem to be accepting policies which refer to a Supplementary Planning Document; an approach which would allow for more rapid updates in future, should guidance change again. The new policy should then set out criteria against which development will be tested and which allows a more nuanced approach.

4.2.2 Review of existing local evidence and guidance

Guidance Note 1: Wind Energy Development in Central Bedfordshire pre-dates the WMS and specifically states that it does not rule out areas, even those it deems unsuitable for wind turbines, something which is no longer appropriate in policy-terms. Local landscape related guidance is also based on an old assessment, which was superseded in 2015 by the Central Bedfordshire Landscape Character Assessment. Nonetheless, the guidance remains valuable, subject to updates, not least because its use of landscape character sensitivity to guide wind energy development.

The guidance already describes the acceptability of the landscape to accommodate different sized turbine developments in eight Evaluation Areas, and identifies areas of search based on low or moderate landscape impact (Map 5). It would be a relatively straightforward exercise to convert these areas of search into an area "identified as suitable for wind energy

development", supported by updated guidance, inclusion of the latest landscape character assessment and new criteria-based policy.

The LPA could go further by incorporating into the suitable areas other constraining factors used to estimate the potential for wind energy in the 2014 Renewable Capacity Study for Central Bedfordshire, i.e. urban areas, physical infrastructure, ancient woodlands, and sites with heritage and ecological designations, radar impacts and the Green Belt. However, often these are not factors that can be fully identified and assessed at the level of the local authority and are better dealt with at application stage, leaving suitable areas to be based around landscape only. This was the conclusion of the West Oxfordshire study, which took place post WMS.

Section 14 of the guidance will also need updating to reflect the second part of the WMS: that *"following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing."* However, the HWP makes it clear further guidance will be issued by Government to clarify what is meant by the phrase and so it would be premature to say much more at this stage. If the Government has failed to issue guidance in time for the Local Plan examination then a suitable policy hook should be included, to be followed by incorporation of suitable guidance in an SPD.

Overall, the guidance will need updating if it is to remain relevant to policy. For example, all on-shore wind developments are now subject to local planning, even if they are over 50MW, albeit the area is unlikely to have capacity for many if any of this scale.

4.3 Ground mounted solar

4.3.1 Review of proposed policy wording

The LPA might consider changes discussed in Section 4.1 and in the following section.

4.3.2 Review of existing local evidence and guidance

The introduction in 2015 of the need for solar farm developments on best and most versatile (BMV) land to be *"justified by the most compelling evidence"* presents a significant challenge for applicants. For example, even a thorough sequential test for a solar farm at Barn Farm in Stanford on Soar, with a methodology agreed in advance by the LPA, was judged by the Inspector to have fallen short of this high bar (Appeal Decision APP/P3040/W/ 15/3005788). While this is ultimately a matter for applicants, Central Bedfordshire's guidance needs to provide robust advice.

A significant challenge in identifying suitable areas based on agricultural land quality is that the available DEFRA maps provide only a very general indication of quality and there is no differentiation between grades 3a (BMV) and 3b (non-BMV). This point is recognised in paragraph 4.4 of the current guidance. The unrealistic cost and timescales involved in undertaking field-based surveys across the borough means suitable areas cannot be definitive. At this time, unlike onshore wind, LPAs can simply identify broad areas that include undefined grade 3 and leave it up to applicants to confirm whether or not it is BMV.

In this context, Guidance Note 2 remains a current and helpful guide but what defines "*compelling evidence*", in the absence of case law, presents a challenge. The Council might consider the following:

- Updating Guidance Note 2 to make it clear what it considers to be "*the most compelling evidence*". This would need to draw on a review of planning appeals, but be rooted in the LPA's vision for renewable energy and the borough's environmental and cultural context.
- Using the 2014 Capacity Study to identify suitable areas. Areas might be defined by the two criteria that typically determine the suitability of most solar applications: agricultural land quality and landscape character.

If it is true that ground mounted solar is returning to viability, then this becomes a particularly important recommendation. Applicants will need to be directed to the best places, and those best places might also be able to accommodate portfolios of technologies e.g. solar with battery energy storage and even small-scale gas.

5.0 Summary and recommendations

This review considered three questions relating to current local policy and guidance:

- Is policy and guidance for on-shore wind compliant with the 2015 Written Ministerial Statement (WMS), Housing White Paper (HWP) and subsequent amendments to national guidance?
- Is policy and guidance for other technologies, in particular solar, compliant with national policy?
- Is it fit for purpose in terms of what National Grid are anticipating and developers are likely to bring forward.

Recommendations are split into vision, overarching strategy and policy and guidance.

5.1 Vision

Like any good plan, it should start by defining a vision, which reflects the transition to the decentralised renewable and low carbon energy system that is taking place globally. This should recognise the uncertainties, while painting a picture of what this could mean for Central Bedfordshire in terms of the integration of renewable and low carbon generation, the likelihood of portfolios of technologies coming forward within single applications, the relationship transport and with buildings as both generators and load, and the infrastructure that connects it all up.

5.2 Overarching strategy

In the context of the NPPF's requirement to have a positive strategy to promote energy from renewable and low carbon sources, a key area for attention is the electricity grid. The LPA should work with the DNO to identify how capacity can be created within areas of search for different technologies and over what timescale. A step further, and one needing to involve the Council's Exec team, would be to develop grid capacity themselves in areas of search by becoming an Independent DNO (IDNO); something which local authorities have the power to do. This approach could be extended across the district to help identify and create connection capacity for new housing developments, while providing a potential new revenue stream.

Strategy and policy need to recognise the likelihood that many proposals will comprise multiple technologies. This is particularly important in the context of identifying suitable areas, particularly solar which isn't yet covered by the level of restriction applied to onshore wind and therefore retains the flexibility to offer a positive and innovative policy environment. It would be prudent to consider the extent to which areas suited to solar might also be suited to other technologies in combination, e.g. solar with battery energy storage and even small-scale gas.

5.3 Policy and guidance

The LPA might consider changing the wording and tone of the draft policy:

- Other than the first sentence, it refers only to renewable energy. While one appeal decision has accepted that small-scale gas generation can be considered part of a renewable energy infrastructure, the current wording could prove restrictive in the context of uncertainty over where technology is heading.
- Similarly, the policy might reflect the likelihood of portfolios of technologies being promoted on a single site. Since it refers applicants to the technical guidance, this too could include a new section on this topic.
- The first bullet point refers to supporting developments located in "*the most suitable areas…*". Unless those areas are identified or this term is defined, in practice it is likely to lead to challenge from those opposed to development. The wording might more helpfully direct developers to identified suitable areas (for wind and solar – see below) or to the 2014 Capacity Study and then set out the key criteria.
- Since Government policy for onshore wind is more restrictive than for other technologies, it would be sensible to create a separate wind policy. Policy for other renewables, including solar farms, can retain the more relaxed language.

The need to positively engage with affected communities and stakeholders is an important theme throughout government policy and guidance. The final paragraph of the draft policy seems to be responding to the wind WMS and might be considered overly onerous for some small-scale projects, which typically are not required to undertake extensive pre-application consultation. For example, how do you define engaging with "*all affected stakeholders…*"? The recommendation to create a separate onshore wind policy would enable the more nuanced approach to consultation. A policy balance needs to be struck between the developer's commercial need and initiative, planning direction and responding to wider societal need. This might entail enabling developers to see the benefits of positive early engagement, through policy. Cornwall Council's policy, for example, gives explicit support for "*renewable and low carbon energy that: are led by, or meet the needs of local communities*". Noting the caveats in Section 4.1.1, the LPA might consider:

- Providing policy support for speculative projects developed in partnership with the community.
- Engaging developer support in preparing an updated capacity study and identifying suitable areas.
- Encouraging energy developers to engage more proactively in the plan-making process, much as the property sector does.

5.3.1 Onshore wind

A new onshore wind policy should use language that clearly reflects the WMS, e.g. about proposals only being accepted in areas have been identified as suitable. The review of approaches, undertaken for this report, highlights two main approaches by LPAs:

- Allocating areas, following a call for sites, similar to the allocation of housing. With such an approach, each site is likely to need to be tested at examination; or
- Identifying areas based on landscape character and other opportunities or constraints.

Inspectors would appear to be comfortable with both approaches. Efforts by LPAs, contacted as part of this research, to attract sites through a "call for sites" seems to have yielded little success and so if an LPA wishes to be proactive in complying with NPPF Policy 97 then a landscape character and constraints based approach would seem more appropriate. Furthermore, the WMS refers to allocating suitable areas in a local or neighbourhood plan, but Inspectors (see Section 2.4) seem to be accepting policies which refer to a Supplementary Planning Document; an approach which would allow for more rapid updates in future, should guidance change again. The new policy should then set out criteria against which development will be tested and which allows a more nuanced approach. As part of this, the 2015 Central Bedfordshire Landscape Character Assessment may need to be incorporated into an updated Guidance Note 1 and use this to more explicitly identify areas suitable for wind energy development.

5.3.2 Ground mounted solar

Guidance Note 2 remains a current and helpful guide but what defines "compelling evidence", in the absence of case law, presents a challenge. The Council might consider:

- Updating Guidance Note 2 to make it clear what it considers to be "*the most compelling evidence*". This would need to draw on a review of planning appeals, but be rooted in the LPA's vision for renewable energy and the borough's environmental and cultural context.
- Using the 2014 Capacity Study to identify suitable areas. Areas might be defined by the two criteria that typically determine the suitability of most solar applications: agricultural land quality and landscape character.

If it is true that ground mounted solar is returning to viability, then this becomes a particularly important recommendation. Applicants will need to be directed to the best places, and those best places might also be able to accommodate portfolios of technologies e.g. solar with battery energy storage and even small-scale gas.