

SCRUTINY COMMISSION –

WIND TURBINE POLICY POSITION REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)



Hinckley & Bosworth
Borough Council

A Borough to be proud of

WARDS AFFECTED: ALL WARDS

1. PURPOSE OF REPORT

To inform Scrutiny Commission of the current planning policy position on wind turbines.

2. RECOMMENDATION

That the Scrutiny Commission endorses the report.

3. BACKGROUND TO THE REPORT

Any proposals for wind farms would be subject to the policies within the Borough Council's development plan. A policy regarding wind power (BE27) is currently included in the Hinckley and Bosworth Local Plan. This states:

Policy BE27 – Wind Power

Planning permission for wind farms and individual wind turbines will be approved where:

- a) The council is satisfied that the proposal is capable of supporting the generation of wind power;*
- b) The proposed development is sensitively located in relation to the existing landform and landscape features so that its visual impact is minimised and the proposal would not be unduly prominent in views from important viewpoints;*
- c) The proposal would not have a detrimental impact on surrounding properties due to noise and other forms of nuisance;*
- d) The structure is located, a minimum distance that is equal to its own height, away from any public highway or publicly accessible area;*
- e) The proposal would not involve the erection of overhead power lines to connect it to the national grid that would have an adverse impact on the landscape of the area.*

The impact of any development on the amenity of nearby residents would also be a primary consideration through the provisions of policy BE1: Design and Siting of Development.

In addition to the local policies, paragraph 97 of the National Planning Policy Framework identifies that local planning authorities “should consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources”. A foot note to this identifies that in assessing sites and planning applications for onshore wind farms, local planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure. This document identifies that the following key impacts should be taken into consideration:

1. Biodiversity and geological conservation;
2. Historic environment;

3. Landscape and visual impacts;
4. Noise and vibration;
5. Shadow flicker; and,
6. Traffic and transport.

The planning policy team are currently producing a Site Allocations and Generic Development Control Policies document which will be reviewing and updating the policies in the Local Plan. Policies on design and the impact of renewable energy developments will be included as part of this document.

In terms of permitted development rights, there are different criteria for the development of building mounted and stand alone wind turbines.

The installation, alteration or replacement of a building mounted wind turbine can be considered to be permitted development (not needing an application for planning permission) provided ALL the limits and conditions listed below are met:

- Permitted development rights for building mounted wind turbines **apply only to installations on detached houses** (not blocks of flats) and other detached buildings within the boundaries of a house or block of flats. A block of flats must consist wholly of flats (e.g. should not also contain commercial premises).
- Development is permitted only if the building mounted wind turbine installation complies with the Microgeneration Certification Scheme Planning Standards or equivalent standards.
- The installation must **not be sited on safeguarded land (for aviation or defence purposes)**.
- **Only the first installation of any wind turbine would be permitted development**, and only if there is no existing air source heat pump at the property. Additional wind turbines or air source heat pumps at the same property requires an application for planning permission.
- No part (including blades) of the building mounted wind turbine should protrude more than **three metres** above the highest part of the roof (excluding the chimney) or exceed an overall height (including building, hub and blade) of **15 metres**, whichever is the lesser.
- The distance between ground level and the lowest part of any wind turbine blade must not be less than **five metres**.
- No part of the building mounted wind turbine (including blades) must be **within five metres of any boundary**.
- The swept area of any building mounted wind turbine blade must be no more than 3.8 square metres.
- In **Conservation Areas**, an installation is not permitted if the building mounted wind turbine would be on a wall or roof slope which fronts a highway.
- **Permitted development rights do not apply to a turbine within the curtilage of a Listed Building or within a site designated as a Scheduled Monument or on designated land* other than Conservation Areas.**

In addition, the following conditions must also be met. The wind turbine must:

- Use non-reflective materials on blades.
- Be removed as soon as reasonably practicable when no longer needed for microgeneration.
- Be sited, so far as practicable, to minimise its effect on the external appearance of the building and its effect on the amenity of the area.

** Designated land includes national parks and the Broads, Areas of Outstanding Natural Beauty, and World Heritage Sites.*

The installation, alteration or replacement of a stand alone (not building mounted) wind turbine within the boundaries of a house or block of flats can be considered to be permitted development (not needing an application for planning permission) provided ALL the limits and conditions listed below are met:

- Development is permitted only if the stand alone wind turbine installation complies with the Microgeneration Certification Scheme Planning Standards or equivalent standards.
- The installation must **not be sited on safeguarded land** (for aviation or defence purposes).
- **Only the first installation of any wind turbine would be permitted development**, and only if there is no existing air source heat pump at the property. Additional wind turbines or air source heat pumps at the same property requires an application for planning permission.
- The highest part of the stand alone wind turbine **must not exceed 11.1 metres**.
- The distance between ground level and the lowest part of any wind turbine blade must not be less than five metres.
- An installation is not permitted if any part of the stand alone wind turbine (including blades) would be in a position which is less than a distance equivalent to the overall height of the turbine (including blades) plus **10 per cent** of its height when measured from any point along the property boundary.
- The swept area of any stand alone wind turbine blade must be no more than **3.8 square metres**.
- In **Conservation Areas**, development would not be permitted if the stand alone wind turbine would be installed so that it is nearer to any highway which bounds the curtilage (garden or grounds) of the house or block of flats than the part of the house or block of flats which is nearest to that highway.
- **Permitted development rights do not apply to a turbine within the curtilage of a Listed Building or within a site designated as a Scheduled Monument or on designated land* other than Conservation Areas.**

In addition, the following conditions must also be met. The wind turbine must:

- Use non-reflective materials on blades.
- Be removed as soon as reasonably practicable when no longer needed for microgeneration.
- Be sited, so far as is practicable, to minimise its effect on the external appearance of the building and its effect on the amenity of the area.

** Designated land includes national parks and the Broads, Areas of Outstanding Natural Beauty, and World Heritage Sites.*

4. FINANCIAL IMPLICATIONS [CB]

None arising directly from this report.

5. LEGAL IMPLICATIONS [EP]

The Local Plan has been assessed for compliance with the NPPF and Policy BE1 is felt to be highly compliant and therefore the policy can be attributed significant weight when considered in relation to planning applications.

6. CORPORATE PLAN IMPLICATIONS

The development of wind turbines relates to the following Corporate Aims:

Cleaner and greener neighbourhoods

7. **CONSULTATION**

Any change in planning policy will be subject to full public consultation prior to adoption.

8. **RISK IMPLICATIONS**

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
None	n/a	n/a

9. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

Local and national planning policy relates to all areas in the borough. Any changes in policy will have an impact on rural areas and will be subject to full public consultation prior to adoption.

10. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications
- Voluntary Sector

Background papers: None

Contact Officer: Andy Killip, Planning Policy Officer – Ext 5732
Executive Member: Councillor Stuart Bray