

## SELBY PLAN CONSULTATION

Comments from:  
Sandra Bedford,

### Question 26

*"By 2027 Selby District will be a distinctive rural District with an outstanding environment, a diverse economy and attractive, vibrant towns and villages. Residents will have a high quality of life and there will be a wide range of housing and job opportunities to help create socially balanced and sustainable communities, which are less dependant on surrounding towns and cities."*

**How attractive will my village be if there are 600foot turbines next to it? The one visible from Selby bypass is about 250 feet and the five at Cleek Hall which are approved but not yet built are 405 feet high. Renewable energy projects could have a devastating impact on Selby District.**

### Question 26a

*Is it necessary for PLAN Selby to consider: Providing revised targets for the plan period to 2027 for installed renewable energy ?*

**The short answer is no, for the following reasons:**

- There is no benefit in having a target when the targets in the former Regional Spatial Strategy no longer applies and the NPPF makes clear that targets are taken as minima and not maxima.
- When RSS targets were still in force, achievement of them carried little if any weight in planning appeals about wind farms. Example decision documents could be found if required.
- Simple targets linked to total generating capacity are ill-conceived because they do not take into account the difference in load factor between solar, wind, biomass and anaerobic digesters. This means that the total installed capacity would bear little relationship to the actual energy generated / carbon dioxide saved because the energy is determined by the load factor and the generating capacity. For example Drax biomass has a load factor of 80% whereas solar panels are closer to 10%. Wind will varies between 10% for small turbines and 30% for larger ones in very windy locations. The objective is to **generate** more power from low carbon sources, **not** to install more capacity that produces little power and damages the environment.
- In the introduction to T5 page 56 of the consultation document "Renewable Energy" is vaguely defined as incorporating renewable and low carbon and decentralised energy.
- The target included in the Core Strategy is for 32MW generating capacity by 2021. SP16 Page 111. This target was based on assumptions that it would be wind energy based. Due to diversification of renewable energy generating technologies this target has already been greatly exceeded. There is 1000 MW at Drax which has converted to units to fully operate on biomass. Wind farms already operational or approved exceed 32 MW in their own right. In addition to this there are two waste incineration plants either approved or expected to be approved shortly and a number of anaerobic digesters. The total installed capacity in Selby District greatly exceeds 1000 MW and is dominated both by load factor and capacity considerations by Drax biomass.

- Drax would like to convert other units and Eggborough would like to convert to low net CO2 biomass but the decision rests outside of Selby District with DECC. The achievement of any target which included biomass would depend on central Government decisions and not on Selby planners. As such, there is no merit in Selby setting such a target. A separate lower target for wind is pointless because Selby District has the capacity to generate far more renewable energy by other means and at lower environmental cost to the district.
- Any target which included biomass would not be achievable by any other means because of the scale difference, i.e. 1000MW versus a few 10's for wind farms and up to 100 MW for each incinerator.
- Granular targets which are based on current assumptions about technology serve no purpose as has been shown by the extent to which projections in the AECOM (2011) report, cited as evidence in para 3.125 are already so obviously wrong.

**Recommendation – The target at SP17 should not be revised because it is irrelevant. Ideally it would be removed from SP17 and replaced by a policy that is designed to maximise renewable/low carbon energy in such a way that it minimises the adverse impact on the district. If we could generate another 1000 MW from biomass, why would we want to have 100 x 410 foot turbines with a capacity of only 250MW instead or as well?**

#### **Question 26b**

*Is it necessary for PLAN Selby to consider: Reviewing the 10% on-site requirement?*

- This relates to policy SP 15 which says that any development of 10 or more dwellings should generate a minimum of 10% of the total predicted energy requirement from renewables, low carbon or decentralised energy sources.

**The short answer is yes for the following reasons:**

- the requirement should be reviewed then removed in favour of more positive policies - for the following reasons
- There is no benefit in Selby District setting targets which exceed national standards, especially when it is not clear if these targets can be achieved.
- Any standard which drives up the cost of new homes will act as a deterrent to developers and should be avoided. Developers should be encouraged to make provision for fitting solar panels and heat pumps but actually fitting them should not be mandatory.
- There is a greater opportunity to accelerate renewable energy deployment ( solar panels and heat pumps ) by supporting deployment on existing buildings than forcing it on new build.
- The market is in any case driven by market subsidies which are determined by Government. Selby District policies should not be dependant upon continued subsidies.
- Supporting the use of heat from CHP plants can be done via other policies which deal with CHP plants.

**Recommendation – Selby should not set policies which exceed national standards, the 10% target should be removed and replaced by one which encourages solar on existing roofs and encourages other energy resource efficiency such as heat pumps and biomass, but not to do this in such a way that it is dependant on the level of subsidy. This matter is covered by para 95 of the NPPF, it does not need additional statements.**

### Question 26c

*Should Selby include specific requirements for sustainable design?*

**No. Selby should follow and adhere to national standards.**

There is no benefit to Selby of imposing standards to those that apply in the rest of the UK. Selby would incur additional costs and if they were higher standards they would deter developers from coming to the district.

**Recommendation – Selby should not set policies where the matter is already dealt with by a national standards. The inclusion of the term “subject to viability testing” clearly indicates that there is an expectation that it will increase costs. It will also create work that is not required in other districts and make Selby less attractive to developers.**

### Question 26d

*Is it necessary for PLAN Selby to consider identifying suitable areas for renewable and low carbon schemes?*

This is the same question and process as the site allocations for things like traveller sites. The NPPF says that doing this should be considered. It does not say that it has to be done.

Para 97 states they 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;<sup>17</sup>

Then in note 17 it says:

- Where plans identify areas as suitable for renewable and low-carbon energy development, they should make clear what criteria have determined their selection, including for what size of development the areas are considered suitable.

Then in para 98 it says:

- When determining planning applications, local planning authorities should: approve the application<sup>18</sup> 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.

**In other words any area that is allocated is almost certain to see proposals that then must be approved, and if the criteria are not absolutely unique to those sites then it will be more difficult to argue against other proposals. In Selby District where the landscape is reasonably consistent having sites allocated would be an expensive and pointless exercise.**

**If there is no designation the local authority can refuse planning for wind farms and large solar farms.** The applicant may well appeal the decision but as we saw at Wistow Lordship the appeal is then decided on its merits and gives local residents an opportunity to make their case. Where other developments have already been approved it is then possible to argue on the basis of cumulative impact, which again would be more difficult if the area had been identified as suitable.

**Recommendation – Selby should not identify areas for wind farms and solar farms because to do so would not limit them to those areas because developers would still be able to propose them on any other site.**

### **Question 26e**

*Is it necessary for PLAN Selby to consider: Identifying separation thresholds? What might they be?*

**The short answer is yes. Separation distances are very important. There should be minimum distances from homes, roads, paths, public areas and railways. The distances should take into account safety, amenity, visual impact noise and health issues. The distances should also be linked to turbine size. Turbines can vary in size between 25 metres and 200 metres. For that reason the distances must be related to total height.**

- The only rule which sets distance is indirect through the ETSU R97 noise rules. These are unique to wind turbines and allow more noise than other industrial equipment and premises. The noise rules do not provide protection for home owners. The rules are also very complex and difficult to enforce. Additional protection against noise nuisance is also required due to the unique characteristic of wind farm noise and the fact that it is more annoying to people than other types of noise - traffic, aircraft etc. The ETSU Noise rules are also unique in that they allow more noise at night than during the day.
- It is a principle of planning law that you are not entitled to a view, but such laws did not foresee structures like wind turbines towering over villages. A minimum distance would provide a level of protection that does not currently exist.
- **Recommendation – Setting minimum distances is the best way to protect Selby District residents from the worst effects of wind turbines. Many argue for a minimum of 2km but this is unreasonable because it would exclude all turbines, including smaller turbines from most of the District. A minimum distance which is linked to the size of turbine is a better approach and would protect communities as turbines get bigger. 2km is reasonable for the larger turbines (145metres, it should be greater for 200 metres turbines).**
- The number of turbines should also be taken into consideration. It must not be permissible to have more than one turbine at the minimum distance.
- Minimum distances should be set for distances from homes, roads, pathways, public areas and areas used for recreational activity.
- Other considerations:
  - The wind turbine industry requires large areas of land for the deployment of turbines. Minimum distances seriously reduce the opportunity for them so they are prepared to commit resources to opposing any move to introduce minimum distances.
  - It is only when home owners are faced with a proposed wind turbine that they investigate and find out what sort of problems they create and the impact that they have. It is normal for communities to raise large sums – £5K to £100K to fight wind farm appeals.
  - **The High Court challenge at Milton Keynes established that minimum distances can be set via an SPD provided it is positively worded.** Beyond the distance the turbine will be approved unless there is an over-riding reason not to, below the distance the developer must show no harm will be done or get residents to agree to have turbines close to their homes.

### **Question 26f**

*Is it necessary for PLAN Selby to consider: Incorporating more detailed development management policies for climate change and renewable/low-carbon energy*

requirements? If so what do they need to cover? For example taking into account cumulative impacts of schemes?

- Renewable and low carbon energy technologies are evolving rapidly and there is no point developing policies which are irrelevant by the time that they are introduced. Policies should focus on issues which are expected to apply generally. For example, policies to deal with Carbon capture and storage could not have been foreseen as a requirement and in any case the project will be determined by national policies. Policies should focus on matters which will relate to large numbers of planning applications and be relevant to more than one type of application.
- If a need for such policies is determined to be sufficient to justify the effort and expenditure the following should be considered:
  - Light pollution – arising from industrial developments and on wind turbines but also including rural domestic.
  - Air pollution – especially cumulative impact from incinerators
  - Landscape and visual impact - cumulative impact from renewable energy projects and power generation and distribution.
  - Traffic - especially heavy goods related to renewable and low carbon energy generation - applies particularly to incineration and anaerobic digestors.
  - Fencing and enclosures resulting from large scale solar - cumulative impact on the free movement of wildlife.

**Recommendation – It is important that any work done has value and deals with genuine issues. Any policies must be cost effective in dealing with issues that affect numerous planning applications. Candidate subjects that are current include:**

- **Cumulative issues of incineration - traffic and air quality**
- **Solar farms - visual impact and enclosure of open space**
- **Wind turbine cumulative visual impacts.**

#### **Question 26g**

*Is it necessary for PLAN Selby to consider: What topics should instead be left to subsequent SPD or guidance?*

- The best way to answer this question is to see what subjects other authorities deal with via SPD and select those which are relevant to Selby District. Candidates would be in the following areas:
  - Minimum separation distances for turbines
  - Amplitude modulation noise conditions for wind farms - although the need for such policies will be influenced by ongoing court cases and Government review.
  - Fencing and enclosure issues to do with solar farms.
  - Incinerators
  - Anaerobic digesters.
- While not an SPD the most urgent requirement is to do a detailed landscape character assessment.
- This is the key evidence base for wind farm and solar farm proposals. Government has recognised by Ministerial statement that wind farms in flat landscapes have as much impact as they do in hilly landscapes and this has had a significant impact on planning appeals.

- The local landscape character is one of the most important factors in determining wind farms applications at appeals.
- *“By 2027 Selby will be a distinctive Rural District with an outstanding environment, a diverse economy and attractive towns and villages. Residents will have a high quality of life and there will be a wide range of housing and job opportunities to help create socially balanced and sustainable communities, which are less dependant on surrounding towns and cities.” – Landscape polices must be put in place if this vision it to be delivered.*

### **Question 26h**

*Is it necessary for PLAN Selby to consider : How should each of the site allocations (to be identified in later stages) deal specifically with climate change and renewable energy issues?*

**Short answer – this is difficult to answer without knowing what other site allocations are to be produced and the extent to which climate change occurs over the PLAN period.**

- The question should be asked when the subjects to be covered by site allocations are known. However, the following are examples of things that should be included in baseline considerations:
  - Flooding - which is attributed to climate change but is more about drainage.
  - CHP- ensure that sources of heat from CHP plants is considered in conjunction with potential use of the heat
  - Encourage industrial developments to deploy solar panels on roofs
  - Encourage biomass heating of industrial premises
  - Encourage use of heat pumps - preference should be given to ground source and potential for shared use of the underground heat exchangers.
- Consider the impact and opportunity provided by carbon capture and ensure that sources of carbon other than Drax can use the facility. Site allocation for industrial use should have this as a prime consideration.

*Sent to Selby District Council by email 12.1.15*