

Consultation Statement

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The 2013 Wind Turbines Supplementary Planning Document and Emerging Policy Consultation Statement

Prepared in accordance with Regulation 12(a) of The Town and Country Planning (Local Planning)(England) Regulations 2012

Background

This consultation statement sets out the process for the preparation and formal consultation of the draft SPD and emerging policy. It also sets out how the Council will comply with the Statement of Community Involvement (SCI) and the requirements of Regulation 12 of the *Prepared in accordance with Regulation 12(a) of The Town and Country Planning (Local Planning)(England) Regulations 2012*

PREPARATION OF THE DRAFT SPD AND EMERGING POLICY (THE 2012 SPD NOW QUASHED)

The initial request for an update of wind turbines planning policy came from Parish Councillors. A report was taken to Development Control Committee on 16 June 2011 which recommended that it was not necessary to produce any additional guidance. The item was deferred at the request of the Members of the Committee, so that the report could be sent to Parish Councillors for information. The report was sent to all Parish Councils on 21 June 2011; they were given until 8 August 2011 to respond with any comments. Comments received were reported to the Cabinet Member, along with officer responses.

A further report was taken to the Development Control Committee on 13 October 2011 (including details of the comments received, together with the Officer responses). It recommended that, due to the government's intention to replace all National Planning Policy Statements and Guidance notes (PPSs and PPGs) with the National Planning Policy Framework, an SPD be produced to prevent the loss of the relevant information contained within the PPSs/PPGs and their associated guidance documents. The Development Control Committee resolved to produce an SPD based on a model SPD submitted by a Castlethorpe Parish Councillor and that it be taken to the next available Cabinet meeting (December 2011).

Evidence was gathered and an SPD and interim policy were produced for a meeting of the Cabinet on 20 December 2011. The cabinet report recommended that a separation distance of 800m from settlements be carried forward into the interim policy within the SPD. However, the Council resolved to carry forward a separation distance of 1000m from all dwellings into the interim policy (together with some changes to the document).

Following the December Cabinet meeting, the decision was called in by a group of 20 residents. This resulted in the item being taken back to a further meeting of the Cabinet on 17 January 2012. Further representations were received from a Castlethorpe Parish Councillor prior to the January meeting. The policy within the SPD was reconsidered and revised as a result of these representations. It is this

version that has been issued for consultation as a result of the resolution made by Cabinet in January 2012.

Strategic Environmental Assessment/ Sustainability Appraisal

A Screening Report was produced and sent to the statutory bodies to assess the requirement for a Strategic Environmental Assessment of the draft SPD. Assessment showed that SEA was required, so a Scoping Report was produced and sent to the statutory bodies. Comments received at the scoping stage were incorporated and the Scoping Report amended. Following the consultation, it was decided to undertake a full Sustainability Appraisal of the SPD. A full Sustainability Appraisal, incorporating the requirements for Strategic Environmental Assessment, was carried out and made available at the meeting of the Cabinet on 20 December 2011.

Regulation 12 Consultation Arrangements

The draft SPD was subject to the following consultation arrangements:

- a) The Draft SPD and supporting documents paper (Evidence Paper, Sustainability Appraisal, SPD Matters and Consultation Statement) were made available for inspection:
 - at Milton Keynes Council, Civic Office, 1 Saxon Gate East, Central Milton Keynes, MK9 3EJ
 - at all libraries in the Borough. Library locations and opening hours are available from:
http://www.miltonkeynes.gov.uk/library_services/DisplayArticle.asp?ID=21971
 - on the council's website: www.milton-keynes.gov.uk/wind-turbines and: <http://miltonkeynes-consult.limehouse.co.uk/portal>

- b) An advertisement was placed in the local newspaper MKNews, stating where a copy of the documents could be obtained, and when and where the documents could be inspected.

- c) A covering letter or email was sent to consultees on the Limehouse consultation database, notifying them of the publication of the draft SPD. The following groups were contacted directly:
 - Specific Consultation Bodies
 - General Consultation Bodies with an interest in the draft SPD

- d) The consultation ran from Thursday 2 February until Wednesday 28 March 2012

Adoption

The consultation responses were considered at a Members' Workshop, resulting in some minor changes to the SPD and Emerging Policy document which were carried forward into the Adopted document. The Consultation Statement was updated with

a summary of responses. The Wind Turbines SPD and Emerging Policy: Wind Turbines Planning Applications document was adopted on 24 July 2012. The adoption report and decision notice are available to view via this link - <http://cmis.milton-keynes.gov.uk/CmisWebPublic/Meeting.aspx?meetingID=10245>. Copies of the, now quashed document, the Adoption Statement and the Consultation Statement are available to view via the links below.

- [\(Quashed\) Wind Turbines SPD and Emerging Policy](#)
- [Adoption Statement](#)
- [Consultation Statement](#)

Judicial Review

Following the decision to adopt this document a legal challenge was made by RWE Npower Renewables Ltd. The case was heard in the High Court on 28 February and 1 March by Deputy High Court Judge John Howell QC. In his judgment John Howell QC held that within the Wind Turbines Supplementary Planning Document and Emerging Policy (the “Wind SPD”), section 2 of the Wind SPD Emerging Policy was in conflict with the policy D5 in the 2005 Adopted Local Plan in respect of the separation distance from dwellings. However he also concluded that the claimant had not shown that sections 4 to 6 of the 2012 Wind SPD (minimum distances from bridleways and footpaths and safety requirements) were in conflict with the 2005 Local Plan. Nevertheless, the judge decided to quash the whole of the 2012 SPD – for more information regarding the judicial review please follow the council website at <http://www.milton-keynes.gov.uk/planning-policy/displayarticle.asp?ID=84312>.

THE 2013 DRAFT SPD AND EMERGING POLICY

This Supplementary Planning Document and Emerging Policy has been produced as a result of the judicial review of the 2012 Wind Turbines Supplementary Planning Document and Emerging Policy. It refers to the relevant parts of the 2012 SPD which were not in the judgment found to be in conflict with the 2005 Local Plan policy D5, namely minimum distances from bridleways and footpaths and safety requirements. The principal objectives of the Wind Turbines SPD and Emerging Policy are to:

- 1) protect public safety from any unintended impacts of wind turbine developments and
- 2) clarify the approach for assessing individual applications.

The draft Wind Turbines Supplementary Planning Document and Emerging Policy (2013) was approved for public consultation by the Cabinet Member for Economic Development and Enterprise on 11 June 2013. The Cabinet Member also agreed that the consultation arrangements as undertaken for the 2012 Supplementary Planning Document should be followed.

A draft of the SPD and Emerging Policy were consulted on for a period of eight weeks ending in September 2013. A number of comments were received during this consultation period and following a Members' Workshop, where the consultation

responses were considered, some changes were made to the SPD and Emerging Policy document.

Strategic Environmental Assessment/ Sustainability Appraisal

The full SA/SEA was prepared for the 2012 Wind Turbines Supplementary Planning Document (SPD) and Emerging Planning Policy. The 2013 Wind Turbine SPD and the Emerging Policy does not include any policies relating to separation distances from residential dwellings and only deals with minimum distances from bridleways and footpaths and safety requirements. For that reason it was considered necessary to revise the previous Sustainability Appraisal Report.

It is considered that stages A1 to A5 of the previous SA/SEA report are still relevant to the proposed SPD and there is no need to significantly amend them. It should be stressed that the current SA/SEA report is made against the SEA objectives that were developed in December 2011.

Regulation 12 Consultation Arrangements – the 2013 Wind Turbine SPD and Emerging Policy

The draft SPD will be subject to the following consultation arrangements:

- b) The Draft SPD and supporting documents paper (Evidence Paper, Sustainability Appraisal, SPD Matters and Consultation Statement) will be available for inspection:
 - at Milton Keynes Council, Civic Office, 1 Saxon Gate East, Central Milton Keynes, MK9 3EJ
 - at all libraries in the Borough. Library locations and opening hours are available from:
http://www.miltonkeynes.gov.uk/library_services/DisplayArticle.asp?ID=21971
 - on the council's website: www.milton-keynes.gov.uk/wind-turbines and: <http://miltonkeynes-consult.limehouse.co.uk/portal>

- b) An advertisement has been placed in the local newspaper MKNews, stating where a copy of the documents can be obtained, and when and where the documents can be inspected.

- c) A covering letter or email has been sent to consultees on the Limehouse consultation database, notifying them of the publication of the draft SPD. The following groups has been contacted directly:
 - Specific Consultation Bodies
 - General Consultation Bodies with an interest in the draft SPD

- c) The consultation runs from **Wednesday 17 July until 5pm on Wednesday 11 September 2013**

Consideration of Representations

All comments were reported to the Council for consideration and, following a Members' Workshop, the SPD and Emerging Policy were amended where necessary. A summary of the representations received during the consultation is set out below.

A) Comments from statutory consultees, ward councillors, parish councils	
Respondent (WT2013 X the Limehouse consultation response number)	Comments
1. Great Linford Parish Council WT2013 9	<p>1. GLPC would like confirmation that the reference to the National Trails and Ride UK routes include all Public Rights of Way on the Milton Keynes Definitive Map and Statement ¹ . If not then the reference should be changed to " <i>Public Rights of Way on the Definitive Map and Statement.</i> "</p> <p>2. The illustrative maps are helpful but could a combined map be prepared to show the implications of any adopted policy resulting from the consultation on WTSPD/13 and extant Policy D5.</p> <p>3. Could a footnote be made on page 13 following the four policy clauses to confirm that Policy D5 remains extant?</p> <p>¹ The Definitive Map is a legal record of Public Rights of Way and the only accurate and up to date source of information on Public Rights of Way. The map may be viewed at the Civic Offices, Central Milton Keynes."</p>
2. Emberton Parish Council WT2013 13	Emberton Parish Council is in agreement with the EU directive that the separation distance should be 1.2km and that this separation distance from wind turbines should be measured from dwellings. EPC is also in agreement with the separation distances from footpaths and bridleways.
3. Newport Pagnell Town Council WT2013 23	The Newport Pagnell Town planning & Management Committee accepted that Milton Keynes Council was correct in its assertion and therefore agreed to support the emerging wind turbine policy statement.

<p>4. Bletchley and Fenny Stratford Town Council WT2013 30</p>	<p>Bletchley and Fenny Stratford Town Council supports this policy.</p>
<p>5. Olney Town Council WT2013 55</p>	<p>The only comment that Olney Town Council has to make on the draft policy is that we are disappointed that there is no reference in the policy to a minimum separation distance from dwellings.</p>
<p>6. Stoke Goldington Parish Council WT2013 48</p>	<p>Stoke Goldington Parish Council have reviewed the Draft Wind Turbine Supplementary Planning Document and feel it represents a good balance between the need to provide renewable energy, and the safety, enjoyment and amenity value of PROW in the MKC borough.</p> <p>Whilst incidence of accidents are low they do happen, and have been well documented, and therefore it is important that responsible distances, erring on the side of caution, are set.</p> <p>This is particularly true in respect of horses, and the adoption of BHS guidelines is seen as a highly desirable.</p> <p>The ability to ride a horse in safety and a quiet environment is increasingly under threat in our modern world, and, where good riding exists, it should be highly valued. Horse riding provides a valuable contribution to the rural economy, particularly in the North of the borough.</p> <p>In addition to the physical threats, (Fire, collapse, blade throw, ice throw), safety aspects often overlooked are noise and Flicker. Large wind turbines generate high levels of noise</p> <p>A current Environmental Impact Statement submitted in support of a very large Wind Farm in the North of the Borough, based on manufacturers figures, states that around 105 DB is produced at modest (7 m/sec) wind speeds, and that this is similar to the impact of a jet aircraft at 250 metres. The industry standard requiring the use of ear defenders is 85 DB</p> <p>As regards flicker, your PROW officer (Andy Burton) has determined that blade flicker represents a major problem for horses, and is of the opinion that large</p>

	<p>separation distances are required as mitigation.</p> <p>Both Noise & flicker of course, also represent problems for humans.</p> <p>As the number of turbines in the landscape increase, so does the opportunity for error or accident.</p> <p>We therefore support the policy in full.</p> <p>We would also comment that the separation distance from housing - currently 350M, is kept in view as current evidence suggests that this is inadequate, and out of line with the increasing size of turbine, and public opinion.</p>
<p>7. Castlethorpe Parish Council WT2013 63</p>	<p>Castlethorpe Parish Council unanimously passed a resolution in support of the draft SPD at their meeting on 6th September</p>
<p>8. Paulerspury Parish Council WT2013 22</p>	<p>This document was discussed at the meeting of Paulerspury Parish Council held on 29 August 2013.</p> <p>It was the opinion of the council that we should ensure that South Northants Council is aware of this SPD</p>
<p>9. Cllr Mick Legg on behalf of the Labour Group Milton Keynes Council WT2013 61</p>	<p>Whilst I welcome the removal of separation distances from residential properties I would question the wisdom of accepting the bridleways association on separation distances from footpaths and bridleways as I understand their position is not evidence based (advice from a MK planning officer it would appear this is a position from a vested interest group whose aim is to prevent turbines from being erected in the countryside.</p> <p>This is also contrary to the recent guidance for renewable and low carbon energy which clearly states inflexible rules on buffer zones and separation distances should not be relied to prevent applications other than on grounds of safety.</p> <p>The SPD clearly fails to provide the evidence to back up the separation distance and as such should not be relied upon.</p> <p>If the SPD goes forward unamended my group will reserve the right to call it in</p>

<p>10. Highways Agency WT2013 24</p>	<p>The Highways Agency welcomes the acknowledgment of SP12/09 (the Highways Agency Spatial Planning Note) within the consultation document. Highways Agency advice is for the consideration of safety of road users and it considers that a setback of the height of the turbine +10% is appropriate for small scale installations (up to 50kW); and setback of height +50metres for commercial operation.</p>
<p>11. Natural England WT2013 15</p>	<p>The principal objective of this SPD relates to public safety, and does not develop policy with respect to the natural environment to any significant degree. As such, we have no further comments to make on this consultation.</p>
<p>12. English Heritage WT2013 38</p>	<p>We note that the existing Policy D5 of the Milton Keynes Local Plan contains caveats relating to wildlife species or habitat and landscape, but not to the historic environment or the heritage assets therein. Wind turbines can be harmful to the significance of heritage assets. This omission should therefore be rectified in the emerging wind turbine policy with the addition of a new caveat <i>“unacceptable harm to the significance of a heritage asset”</i>. Such a caveat would be consistent with paragraph 34 of the recently published <i>“Planning practice guidance for renewable and low carbon energy”</i>.</p> <p>It seems appropriate to us for the SPD to include a reference to Policy CS19 of the adopted Core Strategy on the historic and natural environment.</p> <p>The section in the Draft SPD on Wind Farm and Turbine Advice for Applicants should include a reference to English Heritage’s guidance <i>“Wind Energy and the Historic Environment”</i> (http://www.english-heritage.org.uk/publications/wind-energy-and-the-historic-environment/).</p> <p><i>“Planning for Renewable Energy: A Companion Guide to PPS22”</i> has now been cancelled.</p>
<p>B) Summary of comments from residents, by issue raised and ranked according to frequency that the issue was raised.</p>	
<p>B1) Issue: Health and Safety</p>	
<p>22 representations included on the above issue</p>	<p>“Turbines that are close to bridleways can be extremely dangerous to the horses and their riders as a significant percentage of horses are "spooked" by turbines.”</p>

	<p>“Hanslope is a ‘horsey’ village with one of the biggest eventing centres in the country. Many children and adults in Hanslope use the bridleways and the turbines can be dangerous to horses and horse-riders as a significant percentage of horses are "spooked" by turbines. “</p> <p>“we walk on a daily basis around the fields and forest and the turbines does deter us from using these walk ways because of the danger of the turbines”</p> <p>“Wind turbines are industrial structures which can and do fail - whether that is due to fire, blade shear, ice thrown or collapse of the complete structure. It is therefore imperative that sufficient safety distances are maintained between turbines and footpaths or bridleways.”</p> <p>“I welcome the introduction of set back distances, I would argue that in fact they should be greater for footpaths. Maintenance instructions for turbine manufacturer Vestas instructs its own workforce to remain at least 400m away from a turbine unless actually working on it, and to keep children away at all times, for health and safety reasons. This is a clear indication, from an organisation that understands the potential dangers, that close public proximity to wind turbines is not safe and should not be allowed.”</p> <p>“Horses and horse riders are in great danger if the horse is frightened or "spooked" by a turbine, something which the British Horse Society report happens with between 25 - 30% of horses.”</p>
B2) Issue: Separation Distances	
13 representations included on the above issue	<p>Many comments received were related to distances between wind turbines and residential dwellings; requesting that the Council should produce a Development Plan Document that would introduce separation distances between turbines and dwellings</p> <p>Some comments received were stating that the revised SPD should introduce greater distances between wind turbines and bridleways and footpaths</p>

B3) Issue: General comments in support of the draft SPD	
10 representations included on the above issue	<p>“As a frequent user of rural public rights of way within the borough, I wholeheartedly agree with the Council's proposed wind turbine separation distances from public footpaths and bridleways.”</p> <p>“I support the revised SPD”</p>
B4) Issue: Landscape, wildlife, visual impact	
9 representations included on the above issue	<p>Evidence in the local area suggests that when built the turbines impose themselves on the surrounding landscape and dominate the view from many miles in all directions</p> <p>Wind turbines are alien to the countryside and their enormous and dominant scale spoil their enjoyment of the rural environment</p> <p>The wind turbines should not be opposed on 'amenity' grounds. We are not a National Park and we have built MK here. You should inquire of such objectors what means of generation they would suggest in its place</p>
B5) Issue: Wind turbines' role in tackling climate change and their contribution to renewable energy targets	
5 representations included on the above issue	<p>Turbines contribute little to tackling climate change</p> <p>Turbines are inefficient</p> <p>Other renewable energy technologies are preferable</p> <p>We must have power; the nearer it may be generated to home, the less are the losses in transmission. Wind is the prime source of local power and we should embrace it with enthusiasm.</p>
B6) Issue: Impact on the local economy	
2 representations included on the above issue	Horse riding provides a valuable contribution to the rural economy, particularly in the North of the borough
Issue: Amendments/Clarifications required	
1 representation included on the above issue	<p>“Proposed amendment to the SPD wording.</p> <p>2. Requirements for Minimum Distance from Bridleways</p> <p>That, as a starting point when assessing a site and its potential layout, a separation distance of four times the</p>

	<p>overall height of the wind turbine should be the target for <i>Public Rights of Way on the Definitive Map and Statement, and equestrian public rights of way including bridleways, restricted byways and byways open to all traffic including unclassified county roads and those designated as Other Routes with Public Access on Ordnance Survey maps</i> or 200 metres, whichever is the greater.”</p>
<p>C) Summary of comments from other organisations, by issue raised and ranked according to frequency that the issue was raised.</p>	
<p>C1) Issue: Health and Safety</p>	
<p>7 representations included on the above issue</p>	<p>The British Horse Society (BHS) WT2013 62</p> <p>Two of the Society's concerns are access and safety.</p> <p>As roads become busier, and development encroaches on previously untouched areas of the country, it is becoming increasingly important to protect and preserve those off-road routes still available to equestrians.</p> <p>Regarding safety, the BHS has developed guidelines in respect of windfarms.</p> <p>The BHS guidelines are: ' a separation distance of four times the overall height should be the target for National Trails and Ride UK routes, as these are likely to be used by equestrians unfamiliar with turbines, and a distance of three times overall height from all other routes including roads, with 200m recommended in the Technical Guidance to PPS 22 being seen as the minimum, where it is shown in a particular case that this would be acceptable'.</p> <p>'Negotiations should take place if distances less than 4 times turbine height (for national routes) and 3 times (for all others) are proposed. A 200m separation is perceived to be a minimum and only if amelioration measures can be agreed to alleviate the detrimental impact of this lesser distance.'</p> <p>The area in which Stoke Heights Wind Farm is proposed has an extensive network of bridleways which crisscross the area.</p> <p>Nine of the proposed 15 turbines are less than 200m as is the proposed 'permissive' route that was envisaged for</p>

riders who wished to avoid the site.

Two long distance routes, the Midshires Way and Swans Way run through the site: in respect of such routes it is advised to have a separation distance of four times the turbine height.

Additionally there is the impact of shadow flicker at low light, which adds to the risk as horses are fundamentally prey creatures that are startled by sudden movements.

[BLOT \(Bozeat and Lavendon Oppose the Turbines\) WT2013 25](#)

I hope that the SPD will send a message to all developers that the Council defends safe public access to the countryside and that they should design and site schemes that respect public amenity and safety and do not, as seems to be the case locally, see these as issues that can be disregarded because the generation of a small amount of intermittent renewable energy is of such a benefit to mankind.

(...) the Council should be aware that at the recent planning appeal of the Nun Wood proposal a witness for RWE Npower admitted that “there is a widespread perception in the horse riding community that wind turbines are dangerous”. This is most certainly the case and we have yet to encounter a rider who is happy to take their horse near to turbines. As a result it is clear to me that if a turbine is erected close to a bridleway then that bridleway will cease to be used by the vast majority of horse riders.

[RenewableUK WT2013 10](#)

The document appears to take no account of the recognised and robust health & safety legislation in place in the UK that mandates a risk based approach to safety decision making.

All wind turbines are subject to mandatory health and safety legislation. These place responsibilities on a range of duty holders (e.g. designers, manufacturers, suppliers, planners, developers and owners) to prevent and reduce safety risks so far as reasonably practicable³. Failure to fulfil any relevant statutory duties could lead to

	<p>enforcement action by the Health and Safety Executive.</p> <p>The key legal principles underpinning health and safety legislation are that decisions taken are risk based and the conclusions drawn are applied on a case by case basis – not in an arbitrary manner.</p> <p>The application of a precautionary approach can be a valid position to adopt on safety decisions – but only where there is a high degree of uncertainty as to the nature and level of risk concerned. The precautionary approach is often cited as justification by a variety of groups to avoid taking a decision on safety grounds. At face value the Council’s draft SPD appears to have adopted, incorrectly, such a position when it is manifestly not the case with regards to wind turbines.</p> <p>We would point out that the HSE have undertaken modelling of the safe siting of wind turbines using the default position of turbine tip height (i.e. the height of the hub plus blade length) plus 10% as a reference point and that this confirmed that public safety risks are within acceptable tolerability acceptance criteria.</p> <p>We believe the draft SPD to be misleading in relation to safety issues. RenewableUK therefore requests that the safety aspects of the SPD be withdrawn as there appears to be:</p> <ul style="list-style-type: none">• No reasoning and justification for including an explicit reference to safety;• No details of what evidence has been used to support such a position; and• No evidence that this decision is consistent and proportionate to all other planning and development decisions being taken by the Council with regards to safety matters. <p>We would highlight our position that on safety grounds we consider that there is no justifiable risk based evidence to stipulate a safety separation distance for any wind turbine. Every project needs to be considered on its own merits and justified (on safety grounds) according to the specific hazards, environmental conditions and location specific issues using recognised risk assessment approaches.</p> <p>We would point out that should the Council wish to</p>
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adopt such an approach with regards to safety in relation to wind turbines that we assume you will be applying a consistent approach to all other planning decisions at the Council. In doing so, the Council would be effectively stating that all construction and development in the Council's area is unsafe.

It is not clear where the provisions for a 'separation distance of 1.5 times the height of the turbine from high pressure fuel lines' has come from. There does not appear to be any statutory basis for this, and it should therefore be deleted. Applications and their proximity to high-pressure pipelines should be assessed on a case by case basis.

Stratus Environmental [WT2013 57](#)

As was found by Inspector Baird at Spaldington Airfield amongst others, turbines start very slowly and gradually pick up speed and are unlikely to frighten all but the most highly strung horses. Furthermore, the potential for horses to be frightened by wind turbines has been considered and tested at a number of public inquiries and, whilst Inspectors have recognised the possibility that horses may be frightened by a wind turbine, this would be no different to other encounters which can always arise on horseback (Mynydd Clogau) and it is sudden movements or noises that startle horses and there is no evidence that wind farms cause such problems (Llethercynon).

The proposed separation distance of fall over distance plus 25% is not justified or supported by national policy or any evidence base. This is acknowledged on page 9 of the Draft SPD which also accepts that "the inspector on appeal case APP/C3105/A/09/2116152 noted that the stability is rarely a planning consideration because other legislation, which gives adequate assurance over safety, covers this"

Ecotricity [WT2013 35](#)

Public safety is already a material consideration to be considered in the determination of planning applications

Page 9 also mentions the public safety issues regarding ice throw. These matters are already considered during the determination of planning applications/appeals and

	<p>are addressed via improved technology and/or appropriately worded conditions.</p> <p><u>RWE Npower Renewables WT2013 58</u> <u>David Lock Associates WT2013 37</u></p> <p>The new Planning Practice Guidance for Renewable and Low Carbon Energy (“the PPG”) states that “Safety may be an issue in certain circumstances, but risks can often be mitigated through appropriate siting and consultation with affected bodies” (para31)</p> <p>To demand a separation distance of four times the height of the turbine or 200m is wholly unnecessary and far beyond other guidance. For example, Highways Agency advice is for the consideration of safety of road users and they consider that a setback distance of the height of the turbine + 10% is appropriate for small scale installations (up to 50kW); and setback of height + 50 metres for commercial operations. There is no evidence to suggest that footpaths and bridleways should require the same separation distance, and certainly not more.</p> <p>No separation distance is advocated in the new Planning Policy Guidance here with reference to safety with respect to public rights of way and bridleways</p>
<p>C2) Issue: Conformity/ Impact of the New Planning Practice Guidance</p>	
<p>7 representations included on the above issue</p>	<p><u>RWE Npower Renewables WT2013 58</u> <u>Ecotricity WT2013 35</u> <u>David Lock Associates WT2013 37</u> <u>The Open University WT2013 56</u> <u>Stratus Environmental WT2013 57</u> <u>Milton Keynes Friends of the Earth WT2013 43</u> <u>South Bedfordshire Friends of the Earth WT2013 54</u></p> <p>Following the publication in July of the Government’s new Planning Practice Guidance for Renewable and Low Carbon Energy (“the PPG”), PPS22 Companion Guide is revoked and replaced.</p> <p>PPG states that: <i>“Local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances. Other than when dealing with set back distances for safety, distance of itself does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part, but so does the</i></p>

local context including factors such as topography, the local environment and near-by land uses.”

Given the recent changes in national policy – including the publication of the Planning practice guidance for renewable and low carbon energy (the “Practice Guidance”) by DCLG in July 2013, and the revocation of the Companion Guide to PPS22 also in July 2013 – a simple regurgitation of material from the 2012 SPD is no longer adequate, and the content needs to be thoroughly overhauled.

The SPD should note the new Planning Practice Guidance especially paragraphs: 5, 6, 16 and 31

The new PPG makes no reference to the British Horse Society Guidance. Apart from the mention of appropriate safety distances based on the fall-over distance of turbines, the PPG does not consider it necessary to set prescribed distances; the recommendation being that the matter should be addressed on a case by case basis.

The Council state that the Draft SPD is proposed to reflect guidance in the PPS22 Guidance Note. PPS22 reflects the guidance issued by the British Horse Society; the draft SPD does not.

The Strategic Environmental Assessment undertaken for the Draft SPD is misleading. On page 57, in the assessment of the three identified options and under the objective “improve the health and quality of life of residents”, Option 1 (the ‘do nothing’ approach) is considered not to satisfy this objective. There is no evidence to support this view as historically the Public Rights of Way department has used the British Horse Society guidance as their starting point when assessing wind turbine applications. There is nothing to suggest that this would now change if this Draft SPD was not adopted.

The proposed wind turbine policy is a significant departure from guidance currently contained in the Local Plan (policy D4) and the current SPD “Sustainable Construction Guide”, where wind turbines are considered an acceptable method to offset carbon emissions.

	<p>The document is described by its title as “Supplementary Planning Document and Emerging Policy”. It is not clear whether the document as a whole is to be regarded as an SPD for planning purposes, or alternatively the document contains some material that is not SPD but is rather a commentary on, or suggestions for, “Emerging Policy”.</p> <p>It is submitted that the document cannot and should not perform both roles. The document, as a whole, either is an SPD, or it is not SPD at all, and it cannot be promoted as a mix of the two without giving rise to potential legal and interpretative uncertainty. This should be clarified in any final document.</p> <p>The Draft SPD fails to refer to NPPF paragraph 98, which sets out the core planning test for renewables proposals that they should normally be approved provided their impacts are, or can be made, acceptable.</p> <p>The Draft SPD does refer to the footnote in NPPF paragraph 97, but fails to indicate that the footnote refers to both the Renewable Energy NPS EN-3 and also the overarching energy NPS EN-1.</p> <p>SPD is contrary to national guidance as set out in the NPPF (para 17, 97 and 98) as such MKC takes a negative approach to planning for renewable energy.</p> <p>It should be noted that there is nothing in law, regulation or policy guidance which requires a separation distance of 200m between a turbine and any bridleway. Furthermore, there is no clear rationale for this or the increased distances now sought by the British Horse Society for either local riding routes or national routes. The suggested four times tip height separation distance for national trails and three times tip height distance for other bridleways are only a starting point and are not a necessary requirement of the guidance. The guidance indicates that 200m would normally be the minimum separation distance but then goes on to break this down even further to suggest alternative routes, mitigation measures and even simple payment of money to improve other routes in the area.</p> <p>The draft SPD does not fit in with the Strategic Objective 10 of the Core Strategy “To mitigate the Borough’s impact on climate change and reduce CO2 emissions</p>
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	<p>through:....Promoting community energy networks and strategic renewable energy developments”</p> <p>The SPD goes against the national policy on Climate change and renewables - the draft SPD refers to the Renewable Energy Roadmap 2011 and the “low scenario” and limits to renewable energy from wind. This reference is out of context and is extremely misleading as the Energy Roadmap document shows that the low scenario referred to in the draft SPD fails to meet the UKs legally binding 2020 target.</p>
<p>C3) Issue: Emerging Policy Approach</p>	
<p>4 representations included on the above issue</p>	<p>RWE Npower Renewables WT2013 58 Ecotricity WT2013 35 South Bedfordshire Friends of the Earth WT2013 54 The Open University WT2013 56</p> <p>Page 4 states that the distances are set out in the emerging policy but that such proposals should continue to be considered on their merits and that separation distances may be influenced by other factors ‘as set out in the emerging policy’. There is no such reference to these other factors in the Emerging Policy.</p> <p>Other guidance and standards are sufficient and use of these is the proper way in which to determine planning applications which is fully endorsed by Government:</p> <ul style="list-style-type: none"> • EN1 • EN3 • ETSU-R-97. <p>Should the SPD become a material consideration then a single wind turbine will fall within the definition of ‘wind farm’ even though the proposal would be for a single turbine.</p> <p>There needs to be a clearer statement of intent in the SPD concerning single turbine or non-commercial proposals and in particular giving ‘positive weight’ to projects which can demonstrate a positive benefit to the local community.</p> <p>The second of the “principal objectives” (p4 of the SPD) is incorrectly stated – the Draft SPD does not “clarify the approach for assessing individual applications”, it merely provides some quite limited guidance on public rights of way and what are termed “safety considerations”.</p>

C4) Issue: Lack of Evidence	
<p>5 representations included on the above issue</p>	<p>Ecotricity WT2013 35</p> <p>RWE Npower Renewables WT2013 58</p> <p>The Open University WT2013 56</p> <p>Stratus Environmental WT2013 57</p> <p>Chris Letts WT2013 41</p> <p>The evidence base put forward as supporting the Draft SPD reflects exactly the evidence base for the previous draft SPD issued for consultation in 2012 and subsequently revoked by the High Court.</p> <p>The evidence base is out of date e.g. the Lord Reay's member's bill was abandoned on January 2012; the SPD refers to the British Horse Society Guidance is to the 2010 version – a new version was published in 2013; the EIA Regulations 1999 were revoked and updated, in England, in 2011.</p> <p>The evidence base relies heavily on information obtained from known opponents to windfarms.</p> <p>The SPD claims that evidence has been provided to the Council of accidents at one wind farm in Scotland, which is included in the evidence paper. There is no reference to or information on accidents at a wind farm in Scotland within the evidence papers submitted.</p> <p>The industry standard fall over distance is the height of the turbine (to blade tip) plus 10%. The draft SPD however refers to a fall over distance of turbine height plus 25%. No evidence has been provided in the evidence paper to support this increase in the fall over distance.</p> <p>SPD based on irrelevant and outdated evidence that proposes arbitrary separation distances which has no independent justification.</p> <p>There are a significant number of wind turbines that have been approved by local authorities, planning inspectors and the Secretary of State with turbines sited closer than the advocated distances within this document.</p>

	<p>The evidence base for the proposed fall over distance plus 25% within the Draft SPD therefore does not lie within the most recent and up to date national policy.</p>
<p>C5) Issue: Amendments/Editorial Changes Required</p>	
<p>3 representations included on the above issue</p>	<p>RWE Npower Renewables WT2013 58 Ecotricity WT2013 35 The Open University WT2013 56</p> <p>The policy test in 1.(a) and (b) is too onerous as any significant effects would result in a refusal. Additional wording is proposed to read: (a) unless there would be unacceptable harm to the amenity of residential areas, due to visual impacts, noise, traffic, pollution or odour; (b) unless there would be unacceptable harm to a wildlife species or habitat.</p> <p>In the Emerging Policy para 3 reference to 2(e) – this no longer exists and is a drafting error from the previous SPD of 2012.</p> <p>Correction is needed in the statement that “The tower height is measured to the rotor tip” – this is not correct, tower height (or hub height) and height to blade tip are two different measurements.</p> <p>The Draft SPD also refers to the Renewables Road Map, and the clear implication is that this also arises out of the footnote to NPPF paragraph 97 – but it does not. Any reference to the Roadmap should be done in a way that makes clear it is distinct from any reference to the NPPF.</p> <p>The SPD states on p6 that “Environmental Impact Assessment Regulations set the requirements for determining the acceptability of wind turbine developments”. This is incorrect – the EIA Regulations deal with the requirements for provision of environmental information, and for the identification of significant environmental effects. The Regulations do not say anything about the acceptability of wind turbine developments, much less “set the requirements for” acceptability. Acceptability is determined – by statute - under s38(6) of the Planning Act, and through that by reference to development plan policies and other material considerations.</p>

	<p>The penultimate paragraph on page 6 of the Draft SPD is incorrect in that it implies the National Policy Statements only need to be considered for nationally significant developments. It would be less ambiguous if the sentence was re-worded to say that “National Policy Statements on Energy should be considered both for local planning applications for wind turbine development, and for developments that are nationally significant”</p> <p>Additional text for the SPD is proposed below: “NPS EN-1 sets out the clear urgency and necessity to increase the transition to a low carbon economy through the installation of renewables technologies and recognises that an increase in renewable electricity is essential to enable the UK to meet its commitments under the EU Renewable Energy Directive. NPS EN-3 states that “onshore wind farms are the most established large scale source of renewable energy in the UK. Onshore wind farms will continue to play an important role in meeting renewable energy targets” (para 2.7.1). The NPPF and NPPG cross-refers to the requirements of the NPSs, making them a clear consideration in planning applications to be considered by local authorities.”</p> <p>The SPD states that it relates to “large scale wind turbine development” which it then goes on to define as being able to produce “up to and beyond 1.8MW”. This does not clarify what a large turbine is as all turbines will produce “up to and beyond” a particular output.</p> <p>There are more robust definitions of large turbines than this included in ‘Encyclopaedia Britannica’</p>
<p>C6) Issue: Impact on the Local Economy</p>	
<p>3 representations included on the above issue</p>	<p>The Open University WT2013 56 South Bedfordshire Friends of the Earth WT2013 54 BLOT WT2013 25</p> <p>Major employers have high energy demands. The OU takes its environmental responsibilities very seriously and is keen to keep future renewable energy options open to reduce the campus carbon footprint as well as reducing campus energy costs.</p> <p>Renewable energy is another really important employment and economic consideration e.g. BT has</p>

	<p>recently committed to sourcing all of its energy from Renewable sources.</p> <p>The lack of renewable energy in the area of Milton Keynes could mean that businesses in the future chose not to locate here.</p> <p>The SPD does not fit in with the key strategic objective in the Core Strategy “To allocate and manage the development of employment land and pursue a vigorous economic development strategy sufficient to deliver a minimum of 1.5 jobs for every house build in Milton Keynes so that the business sector and local economy are supported, existing firms can expand, new firms are attracted, the level of working skills among the local population is enhanced and the area's resident population can find work locally”</p> <p>This SPD as it stands should provide basic protection for equine businesses such as Lower Farm Stables in Lavendon whose viability is under threat from the Nun Wood proposal, but it does not protect business from a proposal where the reduction of the amenity value of the countryside by an SPD compliant scheme would adversely impact the profitability of the business. For example an equine business that currently offers riding in a high quality landscape could suffer a substantial loss of clients if they instead could only offer riding in a landscape that is industrialised by wind turbines. If this impact is severe it could result in the closure of the business but even if it is less severe it could result in the business limping on with reduced profitability and a consequent loss of employment.</p> <p>In summary we (BLOT) support the SPD and suggest an additional section to protect businesses from a likely adverse impact caused by wind developments that affect their profitability or viability.</p> <p>A Milton Keynes-based independent charity known as the National Energy Foundation highlighted that wind creates “no pollutants or emissions during operation”, and generally a turbine “will repay the energy used in its manufacture in the first 6-9 months of its operation”. Wind also has the “lowest ‘lifecycle emissions’ of all energy production technologies” according to the European Wind Energy Association.</p>
<p>C7) Issue: Landscape, wildlife, visual impact</p>	

<p>1 representation included on the above issue</p>	<p><u>Milton Keynes Friends of the Earth</u> WT2013 43</p> <p>We don't agree with the terminology used in the Draft SPD, specifically that wind turbines can cause 'unacceptable visual impact on the landscape', and that they would be refused if they produce 'an unacceptable visual intrusion'. Wind farms look impressive and futuristic – they symbolise a better, less polluted future. The results of a recent DECC UK Poll shows that 66% were in favour of onshore wind, whereas only 12% opposed, evidencing that the majority clearly like the look of them.</p>
<p>C8) Issue: Process</p>	
<p>1 representation included on the above issue</p>	<p><u>Ecotricity</u> WT2013 35</p> <p>Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires a consultation statement to be provided as part of the consultation on the Draft SPD. This consultation document needs to set out:</p> <ul style="list-style-type: none"> a. Those persons the LPA consulted when preparing the SPD; b. A summary of the main issues raised by those persons; and c. How those issues have been addressed in the SPD. <p>Ecotricity is aware that a "consultation statement" has been included in the Supporting Documents Paper but it includes none of the above details.</p>

Members Wind Turbines Workshop 26 September 2013

On the 26 September 2013, the consultation responses were considered at a Wind Turbines workshop held with elected members. The workshop focused on the responses received and the issues raised through the consultation. All issues raised were considered at the workshop and a number of minor changes were made to the SPD as a result. In addition to other minor wording changes, these were the main changes made:

Addition of text to reflect publication of the *Planning practice guidance for renewable and low carbon energy*.

Addition of text to reflect publication of the 2013 version of the British Horse Society

Addition of text in the Emerging Policy point 2 and 3 to reflect publication of the *Planning practice guidance for renewable and low carbon energy*

A reference to point 2e in point 3 of the Emerging Policy was deleted to reflect the current wording of point 2.

Adoption

'The Wind Turbines Supplementary Planning Document and Emerging Policy 2013' was formally adopted on 16 October 2013.

Further information is available from: