

## Small Scale Renewable Guidance Note

### Introduction

This document is intended to be used as guidance regarding Copeland Borough Councils stance on small scale renewable energy generation within the borough, obligations to be undertaken by the developer and an outline of expectations in relation to pre-application consultation and community benefits.

Best practise research from other sources, primarily the Scottish Government, has been used to inform these opinions. It should be noted that the principles in this document are applicable to ***all forms of small scale renewable*** although the document focuses on wind, as this is currently the predominant form. Small scale renewable is considered to be less than 5MW of installed capacity.

### Pre-application Consultation

In November 2013 the Government made an announcement that following a call for evidence they decided that communities should have a much greater say over wind turbine proposals and siting through [making early consultation compulsory](#).

This came into force on the 17<sup>th</sup> December 2013 through the [Town and Country Planning \(Development Management Procedure and Section 62A Applications\) \(England\) \(Amendment\) Order 2013](#)

This order makes it compulsory for developers to carry out pre-application consultation with the local community before applying for planning permission, when applying for:

- More than 2 turbines or
- The height of any turbine exceeds 15metres

### What is pre-application consultation?

This is the way in which the proposed developer (the applicant) engages with the affected community to discuss the proposed turbine(s). Pre-application consultation requirements are set out in legislation. It specifies that applicants must:

- Consult all persons specified in a development order or of a description specified in a development order, about the proposed application;
- Publicise the proposed application in such a manner as they reasonably consider is likely to bring it to the attention of a majority of the persons who live at, or otherwise occupy, premises in the vicinity of the land;
- Publicise how persons wishing to comment on the proposed development may contact them and give such information about the proposed timetable for the consultation as is sufficient to ensure persons wishing to comment may do so in good time.

Applicants must provide information on the pre-applicant Consultation they have undertaken when submitting their application for planning permission to the Council, they must include details of:

- How the applicant complied with the duty to carry out pre-application consultation under section 61W(1) of the 1990 Act;
- Any responses to the consultation that were received by the applicant; and
- The account taken of those responses.

### **How should it be carried out?**

There is a degree of ambiguity and imprecision in the requirements and it is left up to the Local Authority to advise on how the applicant (the developer) should consult with the local community and to assess the adequacy of any consultation process. This document is designed to provide guidance as to the expectations of the Council relating to consultation and the level of consultation necessary to enable an application for planning permission to be considered valid.

Given the scope for considerable variation in the circumstances of individual cases the Council would encourage contact with the Development Management team within the Planning Service **telephone number email address** to enable us to offer specific guidance depending on each individual case. The pre-application consultation measures we will recommend will include a mixture of:

- Display of notices in the area of the proposed development.
- Notify the immediate and neighbouring parish councils – including early discussion over the scope for presentation
- Identify all residential and commercial properties within the zone of theatrical visual influence and contact them directly e.g. through a leaflet drop or postal form
- Organise an information event(s) at a convenient location in the immediate vicinity
- Publish a notice in the local press

The Council may recommend a variety of these consultation methods depending of the size, scale and sensitivity of the location. If an applicant does not adequately consult with the local community we will not accept the application.

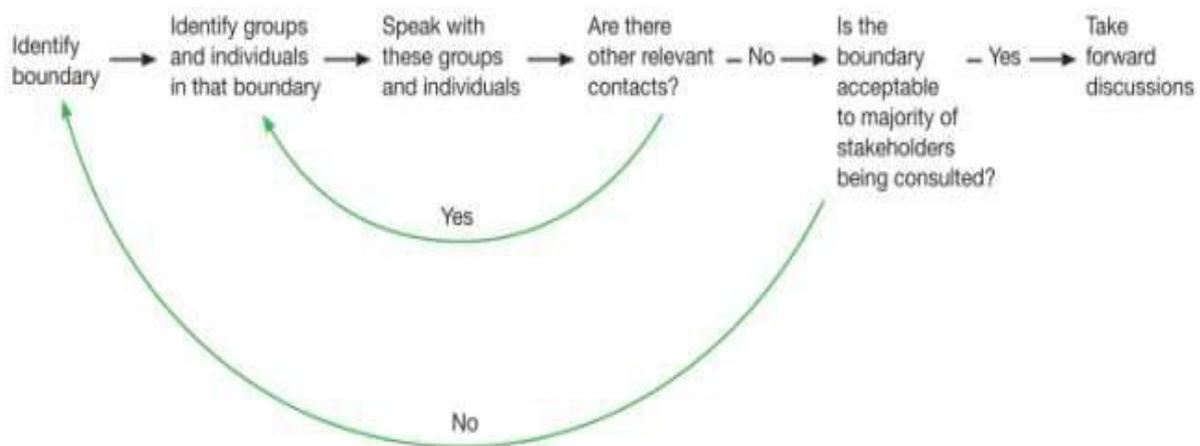
### **Taking account of consultation feedback.**

Consultation is not a matter of decide, announce and deliver. Once the applicant has consulted the local community they must then demonstrate that they have taken account of the responses made as part of the consultation process. This may include additional measure incorporated in the design or an amendment to the original design to mitigate impacts or a justification as to why the application hasn't altered the application in light of consultation feedback. The extent and nature of consultation and the response to

consultation feedback should be an inherent part of any supporting submissions made with the planning application

### Identify the Community

There is no set definition of 'community' and the Council recognises that this is a flexible term which should be adapted to each proposal. Community is not necessarily easily defined by a geographical area and maybe defined by a collection of people with a common interest or a geographical area or a combination of both.



In order to carry out adequate consultation the affected community must first be identified. The Scottish good practise advocated following the above steps to identify the 'community'. Having a clear indication of the community can help when it comes to negotiating community benefits and deciding the delivery mechanism.

### Identifying opportunities

In addition to a traditional community benefit fund and community investment opportunities; there are other ways in which the community could benefit from a proposed development such as benefits in kind and wider economic benefits.

Benefits delivered in this way can provide local improvements that respond to the needs or aspirations of the community and in many cases, can be delivered efficiently as part of the development and construction process. These opportunities often grow out of discussions with the community and in relation to the nature and scale of the proposed development. The earlier these conversations begin, the greater the opportunity for benefits to be identified and delivered effectively.

These benefits are not to be confused with planning-based mitigation, but may complement actions that are being taken as part of the development process. Examples of this voluntary approach include:

- Habitat enhancement
- Visitor / recreation facilities
- Community amenities
- Apprenticeships and job creation initiatives
- Local electricity discount
- Wider economic benefits arising from local employment and contractor initiatives
- Improving local areas - Enhancing the town centres, coordinating special events and markets; Establishing visitor centres and local tourist facilities improvements (museums etc); Offering high speed broadband more general infrastructure improvement (such as utility service improvements)

Not all types of benefits in kind will be available to or appropriate for all developers or all developments, but the principle of benefits in kind should be considered at a scale appropriate to the development and in consultation with the local community.

### **Community Benefits.**

Community benefits are normally (but not always) a monetary sum paid to the local community in recognition of the contributions they are making to the national energy market. Community Benefits are above and beyond any mitigation measures or funds that might be required to make the project feasible in planning terms e.g. road improvements to enable safe access or the provision for wildlife elsewhere which is disturbed by the development do not count as community benefits..

In February 2011 the trade association RenewableUK brought together some of the different sorts of benefits into a scheme called the [Community Benefits Protocol](#). The Protocol was originally a benefit package worth a minimum of £1,000 per megawatt per year and was increased to £5,000 per megawatt (MW) per year following recommendations from Government.

The protocol is designed for wind farms of 5MW or greater of installed capacity. There is no set guidance on the amount of community benefit which should be derived from projects under 5MW in size, the benefits should be proportionate to the size and scale of the development. It is important to remember that Community Benefits are a voluntary offer put forward by the developer. It is up to the community to negotiate with the developer to deliver the most appropriate Community benefits package.

However based on the principles adopted in the protocol by renewable UK it is reasonable to assume that smaller scale renewables could, if they chose to make a monetary community benefit, be asked to pay £1 per KW.

This figure is derived by:

**Calculations:**

5MW is the Current limit base figure above which there is a defined amount of community benefit to pay >5MW = £5000 per MW therefore

5MW of renewable energy capacity = 5000 Kilowatts (kW)

£5000 / 5000kW = £1 per kW

**Renewable energy capacity <5MW = £1 per kW**

These are guidelines advocated by the Council as community benefits are a **voluntary undertaking** and are not a material consideration in the planning process. Therefore community benefit should be an entirely separate process from planning decisions and should be based on the specific needs of local people, not on the impact of the project.

**Analysis of scope for Community Benefits**

In November 2013 the Scottish Government published "[Government good practise principles for community benefits from onshore renewable energy development.](#)" It recognised that many private companies already adopted policies and approaches to community benefits and the guidance is intended to share and build upon good practise.

Within the guidance it highlights 'benefits in kind and other forms of benefit.'

Community benefits packages have the opportunity to support sustainable development in a number of different ways beyond providing funding or direct investment opportunities. This can take the form of other voluntary benefits.

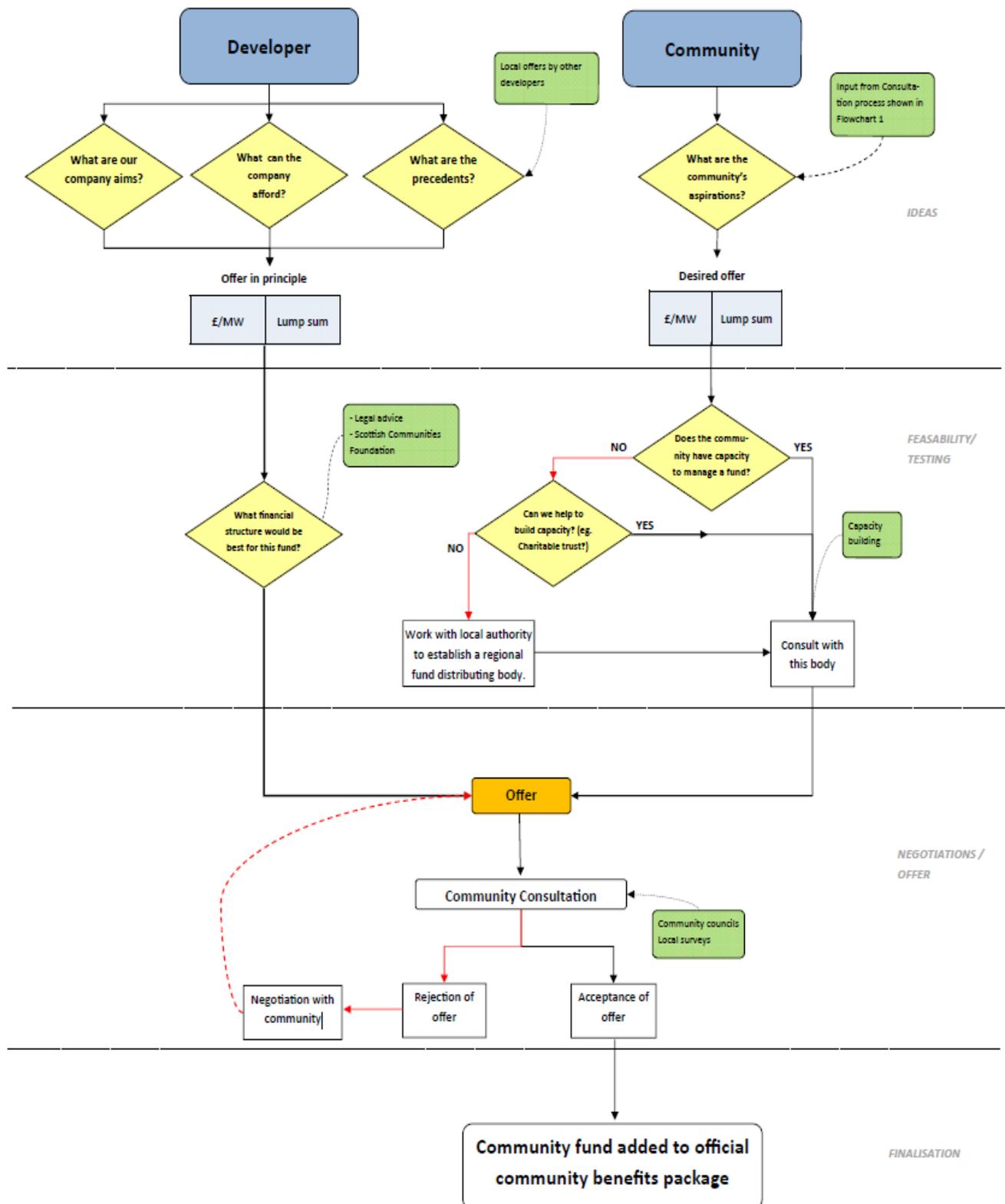
As with community investment, there are numerous innovative schemes operating across the country and the Scottish Government is keen to ensure these opportunities are considered.

**Determining the Community Fund offer**

The Scottish government has developed some guidance '[Securing the benefit of wind power for Scotland](#)'. The following flow diagram is taken from this guidance and offers some advice to local communities on the processes to follow in order to determine the community fund offer.

It should be noted that where a community wishes it or is lacking in the capacity itself the Council can offer support or act on behalf of the community at the negotiation stage.

Figure1: Best Practise Community benefit development process.



## **Delivery mechanism for community benefits**

There is no defined mechanism through which community benefits must be administered. However it can be assumed that as community benefits for small scale renewables will not be significantly large sums of money and the 'community' will probably be in the vicinity of the local parish in which the development is taking place (or neighbour parish) that where there is capacity and desire to that community funds should be managed by parish councils or town councils. The Council can offer assistance or provide this service where there is:

- An issue/disagreement in identifying the relevant parish
- There is lack of capacity or resources to administer the fund
- They chose not to.

## **Business rate retention**

In England, under the *Local Government Finance Act 2012* and the *Non-Domestic Rating (Renewable Energy Projects) Regulations 2013* SI No. 108, from April 2013, all of the business rates income from new renewable energy projects, including onshore wind farms can be retained by the local planning authority, (i.e. the decision maker, for the relevant renewable energy project at county or district level).

## **Planning Policy Consideration**

This document does not intend to reiterate planning policy or planning guidance for onshore wind and renewable energy production. The guidance and advice is contained in a number of documents, principally:

[Government's National Planning Policy Framework,](#)  
[National Policy Statement for Renewable Energy Infrastructure](#)  
[Planning practice guidance for renewable and low carbon energy.](#)

Localism Act 2011

[Copeland Local Plan 2013 - 2028](#)

[Cumbria Wind Energy Supplementary Planning Document \(SPD\)](#)

[Cumbria Landscape Character Guidance and Toolkit](#)

(Vertical Structures Assessment CCC– coming soon)

*(not sure we should include this as it confuses matters as it relates to >5MW)*

## **Community Right to Buy In to Renewable Electricity Generation Developments: Discussion Document**

[The Infrastructure Bill](#) was introduced to the House of Lords on 5 June 2014. This Bill includes a Community Electricity Right. This is a backstop power, that if exercised would give

individuals resident in a community, and/or groups connected with a community, the right to buy a stake in a renewable electricity development in their local area.

The enabling powers would allow a broad range of options on what can be required, but would be restrict the scope to:

- Renewable electricity generation
- Great Britain
- New developments above a minimum size (at least 5MW), and expansions above a minimum size (at least 5MW) of existing developments

The powers would not be intended to replace any existing community benefit schemes, such as the voluntary agreement for onshore wind in England.

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