

OLDHAM'S REPLACEMENT UNITARY  
DEVELOPMENT PLAN

TOPIC PAPER

**RENEWABLE ENERGY**

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## 1. INTRODUCTION

1.1 Section 13 of the Oldham Revised Deposit Draft Replacement Unitary Development Plan (RUDP) relates to natural resources and environmental quality. The Plan recognises that the conservation of natural resources and the improvement of environmental quality is fundamental to the principle of sustainable development and the provision of a safe, clean and healthy environment for today's residents and visitors, and for future generations.

1.2 While Section 13 draws together policies for some of the Borough's most important natural resources, this Topic Paper deals specifically with renewable energy sources. Objectives of this section of the Plan which directly relate to renewable energy sources are:

- to ensure that new development does not significantly add to pollution levels;
- to reduce current pollution levels where possible; and
- to encourage the generation of electricity from renewable sources and contribute to UK and regional targets in relation to renewable energy and climate change.

1.3 The renewable energy policies sit within a broad strategy in the draft RUDP to promote a more sustainable approach to energy and help tackle climate change. Conserving natural resources and using them efficiently, together with improving air quality, are key objectives of the Plan, which are translated into the land use strategy in a number of ways.

1.4 The Plan policies set out a locational strategy that places a strong emphasis on focusing development into the more accessible parts of the Borough and to locations close to basic facilities, to reduce the need to travel. Energy efficiency in new buildings, together with encouraging

passive polar design, is picked up in the Design Section of the Draft RUDP, particularly in policies D1.1 and D1.2 (the latter as amended by proposed pre-inquiry changes).

- 1.5 However, this Topic Paper sets out the background and context within which the Council has developed its policies on renewable energy developments in the Revised Deposit Draft Replacement UDP, that is, policies NR3, NR3.1, NR3.2 and NR3.3. The Paper addresses major or generalised areas of objection. Each objection will also receive a separate, individual response.

## **2. BACKGROUND**

- 2.1 We live in a society that has an ever-increasing demand for electricity and other forms of energy. Overall energy consumption in the UK has increased by 15% since 1970 (Energy White Paper, Department of Trade and Industry, 2003). However, although demand grows, the scope to develop energy production by conventional means diminishes as coal and gas supplies decline and nuclear capacity is wound down.
- 2.2 At the same time, the Government has recognised that “climate change is one of the most serious environmental threats facing the world today” (Climate Change Draft UK Programme, 2000). Years of burning fossil fuels for heat and energy have resulted in problems on an international scale in the form of global warming and climate change.
- 2.3 There is no one solution to these problems. Action is needed to reduce fuel consumption, consume it more efficiently, and to switch energy production from non-renewable sources to renewable sources. The term renewable energy relates to energy derived from energy flows that occur naturally and repeatedly in the environment, for example the sun, the wind and the movement of water. These produce significantly fewer pollutants than conventional sources and generally emit no greenhouse gases, or are carbon neutral.

2.4 In terms of land use planning, there are a number of areas where positive planning can contribute to the reduction of greenhouse gas emissions and these are set out in Section 3.

### **3. NATIONAL AND REGIONAL POLICY CONTEXT**

#### **National context**

3.1 The Government set out its strategy on the issue of energy in the White Paper 'Our energy future – creating a low carbon economy' in February 2003.

3.2 Although the issue of climate change needs to be addressed globally, the Government has set targets for this country whilst, at the same time, committing itself to work with other countries to address the issue on a strategic level. The Energy White Paper outlined three main challenges facing the UK:

- Firstly, the environmental consequences which we will face if greenhouse gas emissions are allowed to continue to increase, such as increased risks of droughts and flooding.
- Secondly, the decline of our indigenous energy supplies. It estimates that by around 2020, we could be dependent on imported energy for three quarters of our total primary energy needs.
- Thirdly, the need to update the UK's energy infrastructure.

3.3 To meet these challenges, the Government has set four goals:

- To cut the UK's carbon dioxide (CO<sub>2</sub>) emissions by 60% by around 2050;
- To maintain the reliability of energy supplies;

- To promote competitive markets in the UK and beyond; and
- To ensure that every home is adequately and affordably heated.

3.4 In terms of the role of land use planning in addressing the energy agenda, national guidance is contained in Planning Policy Statement 22 (PPS22), Renewable Energy, published in October 2004, which supersedes Planning Policy Guidance Note 22 on the same topic. PPS22 sets out policy considerations applicable to the treatment of renewable energy in development plans and to planning applications for renewable energy projects. It re-affirms the Government's commitment to having a distinct set of national planning policies that address the particular circumstances of renewable energy. There is a clearer focus in PPS22 on assisting the UK to meet national and international targets for the reduction of emissions of greenhouse gasses.

3.5 PPS22 requires local development documents to contain policies to promote and encourage the development of renewable energy resources, subject to appropriate environmental safeguards. This is to be achieved through the use of criteria-based policies, against which any applications for renewable energy developments would be assessed. The PPS thus moves away from an approach based on areas of search at the local level; instead, the task of identifying broad areas where the development of particular types of renewable energy may be considered appropriate falls to the Regional Spatial Strategy. More detailed issues should be left to supplementary planning documents.

3.6 An innovation in PPS22 is the encouragement to local planning authorities to include policies in their development plans, which require a percentage of the energy to be used in certain new developments to come from on-site renewable energy developments. There are also new policies on the use of regional targets for renewable energy, and

on avoiding buffer zones around designated areas. PPS22 also requires community involvement in renewable energy projects.

### **Regional Context**

3.7 Regional Spatial Strategy for the North West (formerly known as Regional Planning Guidance, RPG13), published in March 2003, contains policy ER13 on Renewable Energy and Energy Efficiency. This states that targets will be developed by the North West Regional Assembly for the supply of electricity from grid-connected renewable installations based on the findings of the DTI sponsored regional renewable energy scoping study 'From Power to Prosperity'. The policy goes on to state that "local authorities should support local initiatives and proposals for renewable energy installations that promote self-sufficiency in energy generation and use". To this end development plans should:

- Ensure that development minimises energy use through location, design and construction techniques;
- Positively encourage the use of energy-efficient technologies and energy from renewable sources in major new developments; and
- Identify areas of search with criteria-based policies for renewable energy development, which should aim to protect the Region's most valuable and sensitive environments

3.8 The North West renewable resources study summarised in From Power to Prosperity was published in 2001, and is currently being updated to develop new regional and sub-regional targets to 2020, which will inform the development of Regional Spatial Strategy.

## **4 LOCAL CONTEXT**

- 4.1 The Oldham Local Strategic Partnership (LSP), of which the Council is a member, has produced Oldham's Community Strategy 2002-2022. This sets out a long-term vision, strategic objectives and targets for the Borough. The Strategy is underpinned by action plans and strategies of which the Unitary Development Plan is one.
- 4.2 One of the priority themes is housing, the aim being to provide a thriving housing market that provides a diverse choice of housing to all who wish to reside in the Borough. The Council, in partnership with Rochdale, is one of the Pathfinder Authorities that, under the Government's Housing Market Renewal Fund, will deliver significant improvements to the Borough's housing stock. The housing renewal and redevelopment that will take place as a result of this initiative, together with allocations made in the plan, are viewed as a key opportunity to pursue a step change in the energy performance of dwellings, by incorporating energy efficiency measures and renewable energy technologies.
- 4.3 Other priority themes relate to the environment and health. Under environment, reducing pollution is identified as a priority, reflecting the importance attached to this issue in Oldham's Local Agenda 21 Plan. An issue that links housing, the environment and health is that of affordable warmth, to which energy efficiency measures and the incorporation of renewable energy into new buildings could contribute.

### **Key Policy Issues**

- 4.4 Key policy requirements arising from the national, regional and local context are:
- The need to cut carbon dioxide emissions (Energy White Paper, PPS22, RPG13, Community Strategy);



- The need to maintain reliable energy supplies and promote competitive markets (Energy White Paper);
- The need to ensure that every house is adequately and affordably heated (Energy White Paper);
- The need to promote and encourage renewable energy developments (PPS22);
- The need to include criteria based policies for renewables in development plans (PPS22, RPG13);
- The need to require certain new developments to provide some on-site renewable energy generation (PPS22, RPG13);
- The need to involve the community in renewable energy developments (PPS22); and
- The need to protect the region's most valuable and sensitive environments (RPG13).

## **5. DEVELOPMENT OF ENERGY POLICIES IN OLDHAM UP TO REVISED DEPOSIT STAGE**

### **Adopted UDP**

- 5.1 The adopted UDP contained two policies relating to energy. The first (W1.9) related to the conservation and efficient use of energy by means of the design, layout and orientation of buildings.
- 5.2 The second (W1.10) permitted the development of sustainable energy sources, and the commercial extraction of methane gas from landfill, land-raising or sewage treatment, subject to meeting certain criteria. The policy covered a wide range of technologies including wind, landfill gas, biomass, hydro-electricity, anaerobic digestion and solar power, as well as combined heat and power.

- 5.3 During the lifetime of the adopted UDP the only major application covered by policy W1.10 was for an energy from landfill gas scheme at High Moor Quarry, Scouthead.

#### **Draft Replacement UDP**

- 5.4 In the First Deposit Draft Replacement UDP (RUDP), the issue of sustainable energy was incorporated into both the Design section and Natural Resources section of the Plan, and the achievement of energy efficiencies through the location and accessibility of new development, was a central plank of the Draft RUDP land use strategy.
- 5.5 The national policy guidance that informed the First Deposit Draft RUDP was PPG22, which advised each authority to consider the contribution their area can make to meeting need on a local regional and national basis (paragraph 23). It stated that plans should include detailed policies for developing renewable energy sources and should identify broad locations, or specific sites, suitable for the various types of renewable energy installations (paragraph 25). It advised local planning authorities to consider the impact of renewable energy projects on the local environment and their wider contribution to reducing emissions of green house gases (paragraph 26). The evolution of the Draft RUDP policies has spanned a review of PPG22 and its replacement by a new Planning Policy Statement 22 on Renewable Energy, which has been outlined above in Section 3 of the Topic Paper.
- 5.6 Policy D1.2 in the Design section of this draft related to the environmental performance of new built development and replaced and expanded on adopted UDP policy W1.9 on energy conservation and efficiency. As well as energy conservation and efficiency, this policy sought to ensure that developers took on board the need for design and construction of new buildings to be more sustainable and less detrimental to the environment.

- 5.7 In the Natural Resources section, a part 1 policy affirmed the Council's commitment to supporting energy generation where this would contribute to reducing greenhouse gas emissions, subject to potential environmental and health impacts being acceptable.
- 5.8 There were also two Part 2 policies:
- NR3.1, a criteria based policy relating to all renewable energy technologies, including wind; and
  - NR3.2, a policy containing additional criteria to be considered in relation to wind turbines.
- 5.9 The policies did not identify broad locations for renewable energy developments, as there was no methodology for doing so. In response to the First Deposit stage consultation, Government Office North West objected to policy NR3.1 on the basis that the Draft RUDP should identify broad locations, or specific sites, suitable for the various types of renewable energy, in accordance with Planning Policy Guidance Note 22.
- 5.10 In light of the Government Office objection, policy ER13 in RPG13, and the Council's commitment to tackling climate change, it was decided that the policies should be further reviewed and consideration given to having areas of search for any or all of the renewable technologies.
- 5.11 Therefore, a renewable energy study was carried out, starting in September 2002. The aim of the study was to investigate the feasibility of different technologies in Oldham and, for those technologies which appeared to be feasible, to devise a methodology to use in identifying the best areas for their location, in terms of viability and policy constraints. The study was carried out in partnership with Renewables

North West and Sustainability North West who provided technical information on the different renewable energy resources.

5.12 A wide range of stakeholders was invited to participate in the project and to propose “filters” to be taken on board in the course of considering the technologies, and any potential areas of search. The list of invitees is attached at Appendix 1. A Steering Group was also established to lead the work on the renewable energy study (membership also indicated in Appendix 1).

5.13 The process culminated in a public debate, to which the stakeholders were invited, at a meeting of the Health and Environment Overview and Scrutiny Committee in July 2003, specifically to consider the issue of renewable energy in the context of the UDP review. The Committee made recommendations to the Council which were taken into account in drafting the Revised Deposit Draft RUDP policies. The key questions debated were:

- whether the Draft RUDP should identify areas of search for any or all of the renewable energy technologies;
- if so, which criteria should be applied in identifying them; and
- whether individual developments should be required to contribute to renewable energy generation.

5.14 Given the limited scope for biomass, anaerobic digestion and small-scale hydro in the area, it was concluded that it was appropriate to include a generic, criteria based policy, rather than specific policies for each technology or areas of search. Policy NR3.1 was therefore amended in the Revised Deposit Draft RUDP to cover all technologies other than wind. The list of criteria was also rationalised and reference to Green Belt removed to avoid duplication of the Green Belt policies within the Open Environment Section of the RUDP. The Council decided that landfill gas, having already been exploited in the Borough,

should be retained within a generic policy on waste management, treatment and disposal (W1.3).

- 5.15 Wind power, inevitably, proved to be the most controversial technology to be debated. Consideration was given to whether areas of search should be identified for this technology, in line with the PPG22 guidance, and how such areas should be defined.
- 5.16 The benefit of areas of search for wind power as a concept is that they could provide a means to positively steer potential developers to those parts of the Borough with the necessary technical attributes and the fewest policy constraints, depending on the criteria chosen to define them. Various criteria, many of which were suggested by stakeholders, were considered in devising a methodology to define the areas. The areas of search for wind power in the Revised Deposit Draft RUDP were defined on the basis of an urban buffer of 500m, the exclusion of scheduled archaeological monuments, and the exclusion of designated nature conservation sites of international importance. On the advice of the County Archaeologist it was considered impractical and inappropriate to exclude archaeological sites, other than Scheduled Monuments, from the areas of search. It was felt that the issue of archaeology should be considered on a case by case basis through the RUDP policies on renewable energy (NR3.1) and archaeology (C1.11 and C1.12). The Council proposed to prepare a supplementary planning guidance note to alert applicants to the other “filters” that had been suggested, as reflecting local concerns.
- 5.17 Landscape was not one of the criteria used to identify the areas of search for wind energy developments. There were two reasons for this. First, the Council considered that the visual impacts of individual developments or turbines should not be prejudged, as their impacts on the landscape may depend on their location, size and siting. Secondly, the Council is in the process of preparing a landscape character study of the Borough to support RUDP policy OE2.1, and it was felt that this

would be an important reference document to inform such judgements, once it is completed, hence the simple reference to landscape character in policy NR3.1.

5.18 Thus policy NR3.2 was substantially re-drafted at revised deposit stage, to refer to areas of search for wind power and to add the areas to the Proposals Map. The areas of search approach did not exclude wind energy developments outside the areas.

5.19 The Council is committed to a holistic approach to renewable energy, looking at all possible and suitable opportunities for its exploitation. Consequently, consideration was given to how new buildings could contribute to meeting Oldham's portion of the national and regional targets for renewable energy set out in the guidance. An added incentive in this was the announcement between the First and Revised Deposit Stages of the UDP review that Oldham and Rochdale were to be pathfinder authorities under the Housing Market Renewal scheme. This could have important implications for the rate of replacement and refurbishment of the existing housing stock, offering a unique opportunity to increase the exploitation of renewable energy in new buildings.

5.20 Therefore, the Revised Deposit Draft RUDP also included a new policy NR3.3, to increase the exploitation of solar water heating, photovoltaics and other "micro-scale" renewables in new buildings, both residential and non-residential. The requirement, for 10% of total predicted energy requirements to be provided from renewable energy sources, was restricted in the policy to residential developments comprising 10 or more units, and non-residential developments exceeding 1000m<sup>2</sup> gross floorspace. This threshold was included because it was considered impractical to apply the policy to all developments. There is, for example, a need to balance the benefits in terms of CO<sub>2</sub> emissions reductions against the initial capital costs it could add to developments. Also, larger developments, which are more likely to place a heavier

demand for energy, are better placed to benefit from any possible economies of scale. Lastly, negotiations around this requirement, if applied to every development, could lengthen the development control process, contrary to Best Value indicators.

- 5.21 The target of 10% relates back to the national targets for renewable energy production.

## **6. ISSUES ARISING FROM OBJECTIONS**

6.1 At First Deposit Stage the energy policies attracted four supporting representations and 22 objections. There were two objections to policy NR3.1: one was that from the Government Office for the North West requiring the Draft RUDP to include broad locations suitable for the various types of renewable energy installation. The Council's response has been outlined in Section 5. The second was a requirement that reference to a specific archaeological feature be added. This was subsequently conditionally withdrawn.

6.2 First Deposit Draft Policy NR3.2 attracted 20 objections, of which nine took the form of a standard letter. In summary, the issues raised in the 20 objections were:

- a. There should be reference to Sites of Biological Importance and to impacts on bird habitat and migratory patterns;
- b. The policy should require a full assessment of the environmental and landscape impacts of any proposed wind turbine scheme;
- c. General opposition to wind farms – they are inefficient, intrusive, unpopular and industrialise the countryside;
- d. The policy should be changed so as not to give the impression that wind farms are a fait accompli;
- e. The distance of wind turbines from other developments is too low;
- f. Policy should ensure that concrete or other foundations are removed and natural drainage restored;

- g. Non-wind forms of renewable energy should be emphasised; and
- h. Concern about targets and that Saddleworth will have to contribute a disproportionate amount of them.

6.3 As outlined in Section 5 of this Topic Paper, the Council made fundamental and wide ranging changes to policies NR3.1 and NR3.2 at the Revised Deposit Stage partly in response to the Government Office objection, such that the Revised Deposit policies were substantially different from the First Deposit ones. However, the Council's response to the points raised in relation to policy NR3.2 at First Deposit was as follows.

- a. The reference to habitats in the First Deposit Draft policy was deleted, as other plan policies covering nature conservation areas and species were felt to cover these matters.
- b. Reference was added in Revised Deposit Draft policies NR3.1 and NR3.2 to expecting a detailed statement of environmental effects, whether or not the scheme triggers a formal environmental impact assessment, in order to ensure that the Council has all the information it needs to make a sound decision.
- c. The Government in national and regional guidance requires us to plan for renewable energy and the Council should be prepared for any possible applications through having its own local criteria to apply in assessing them. The criteria ensure that no development is a "fait accompli". Therefore no change was proposed.
- d. The buffer distance (500m was that advised in "Conservation Issues in Local Plans") was incorporated in a slightly different form into the areas of search.
- e. Some aspects of restoration will need to be picked up in a supplementary planning guidance note. However, foundation removal may cause more damage than it undoes and would therefore be considered case by case.
- f. The text introducing the renewable energy policies and the policies themselves emphasise all renewables. The specific policy for wind



just reflects its particular locational characteristics and the likelihood of receiving applications for wind energy developments.

- g. No change proposed to targets, because they are set by the North West Regional Assembly.
- 6.4 The Council's response to the Government Office objection is described in Section 5 above which outlines the approach the Council took to identifying areas of search for wind power developments.
- 6.5 At Revised Deposit Stage, the number of objections related to renewable energy and particularly wind energy rose to 3096 and extended across five different policies: NR3.1, NR3.2, OE2.1, OE2.3 and C1.1. This Topic Paper addresses policies NR3.1 and NR3.2. Many objections were made in the form of two almost identical standard letters from the Saddleworth area, and a different repeated response from the North Chadderton area of the Borough. The Government Office for the North West supported the introduction of areas of search for wind power at Revised Deposit Stage, and conditionally withdrew its First Deposit objection to policy NR3.1.
- 6.6 Taking First and Revised Deposit objections together, there are 1,612 outstanding objections on renewable energy matters (policies NR3, NR3.1, NR3.2 and NR3.3). The majority of these relate to policies NR3.1 and NR3.2.
- 6.7 Policy NR3.1, a criteria based policy for all renewable energy developments, attracted 635 objections broadly covering the following points:
- a. The list of criteria should include impacts on sites designated for nature conservation value, the green belt, sites of cultural or historical importance, and views into and out of the Peak District National Park;
  - b. The Council should "require", not "expect", a statement of environmental effects with each application;

- c. The policy does not protect the interests of Peak District National Park;
- d. The policy should include minimum buffer distances as recommended by manufacturers;
- e. The benefits of renewables do not outweigh green belt considerations, and the policy and its reasoned justification should more closely reflect PPG2;
- f. On decommissioning and restoration, the policy should require the removal of concrete footings, and require developers to pay annual amount into trust to pay for site restoration; and
- g. The reference to supplementary planning guidance should be clarified.

6.8 Policy NR3.2, a criteria based policy listing criteria specific to wind energy developments and establishing the wind energy areas of search, attracted 943 objections and a 46-signature petition, broadly covering the following points:

- a. Objection to or concern about the impact of wind turbines on: the landscape, the Green Belt, the skyline, aviation safety, highway safety, residential amenity (especially through noise), recreation, wildlife and wildlife sites, the landscape character of the Peak District National Park, the Pennine Way, and Saddleworth tourism;
- b. The areas of search should be deleted;
- c. The policy should impose a minimum period for wind speed testing prior to an application (suggestions of 6 months and one year) to prove that it is sufficiently windy, and a minimum wind speed requirement;
- d. The Council should require a statement of environmental effects with each application, that provides a full assessment of the environmental and visual impacts;
- e. General opposition to wind farms and to land based wind farms, wind energy is unreliable, other renewables technologies are better, and the plan should not include a policy for wind power;

- f. Reinstate the criteria as included in the first deposit draft plan policy;
- g. The policy should include reference to regional sites and should protect Sites of Biological Importance and protected species;
- h. The policy should retain reference to a buffer distance between wind turbines and sensitive land uses and raise it (suggestions for 1km, 1.5km and 0.5miles);
- i. On decommissioning and restoration, the policy should require the removal of concrete footings, and require developers to pay annual amount into trust to pay for site restoration;
- j. Areas of search should not just be about wind power, there should be more emphasis on other renewables;
- k. Wind power causes the industrialisation of countryside;
- l. The policy should include the same criteria as the Kirklees UDP;
- m. Policy should include reference to landscape character, PPS22, national sustainability objectives and the benefits of renewable energy projects;
- n. Objection to the weighing of the benefits of wind turbines against harm they may cause – who will do it?
- o. Reference to nature conservation should be reinstated in paragraph 13.81 and a “no net loss of habitat” approach should be addressed;
- p. Smaller developments should have to satisfy the same criteria as large ones;
- q. The policy should require applicants to seek planning permission for ancillary development at same time as the turbines;
- r. Development should not be permitted within the Green Belt;
- s. The visual impact from the Pennine Way should be addressed;
- t. Specific objections to the reasoned justification - reinstate paragraph 13.85, delete paragraphs 13.86 and 13.87, and clarify paragraph 13.88; and
- u. Several areas are mentioned specifically in connection with objections to the areas of search for wind energy, as areas that should be excluded: Saddleworth, Tandle Hills, Grains Bar to Crompton Moor, Denshaw and Castleshaw Moors, Hartshead Pike,

Quick Edge, the area between Greenfield and the Peak District, and the area around Dove Stone Reservoir.

6.9 Policy NR3.3 also attracted objection but in much smaller numbers (10 objections). Objectors want the requirement to apply to all developments, and for the percentage of energy from renewables to be higher (suggestions are for 20 or 25%). Government Office for the North West (GO NW) objects to the exceptions clause sitting in paragraph 13.95 rather than the policy itself. Two objectors consider that energy efficiency improvements should also be counted towards the 10% requirement.

6.10 Other objections on the renewable energy policies challenge how Oldham contributes specifically to meeting North West regional targets for renewables, technology by technology (1 objection), and require policy NR3 to address energy efficiency and conservation as well as renewable energy (2 objections).

## **7. PROPOSED PRE-INQUIRY CHANGES**

7.1 Having considered all the outstanding objections to the renewable energy policies outlined in Section 6 and changes in the national policy context resulting from the publication of Planning Policy Statement 22 in late 2004, the Council proposes pre-inquiry changes to the renewable energy policies. They are described below.

### **Policy NR3.1 Renewable Energy Developments**

7.2 The first change proposed to this policy relates indirectly to objections to policy NR3.2. It is proposed that the reasoned justification to NR3.1 should make it clear that this policy applies to all renewables including wind energy developments, in order to avoid duplication between policies NR3.1 and NR3.2 and respond to the change in approach to

areas of search in policy NR3.2 (see paragraph 7.12 below). Thus minor changes have been made to paragraph 13.73 to clarify that the policy also applies to wind energy proposals.

7.3 The Council was asked by objectors to include more criteria in policy NR3.1 to refer to: designated nature conservation sites, views in and out of the Peak District National Park, and sites of cultural importance. Another objection says that the policy fails to protect the interests of the National Park. The policy has not been changed in this respect, because it already addresses these matters in the existing criteria, for example, criterion d. on nature conservation and historical interests, and criterion e. on the statutory purposes of the Peak Park. However, to make this clearer to RUDP users, the reasoned justification has been expanded at paragraphs 13.76 and 13.77. It is notable that the Peak District National Park Authority did not object to this policy.

7.4 Another criterion that objectors wish to see added is one relating to the Green Belt. This had been deleted from NR3.1 at Revised Deposit Stage, because it was felt to introduce unnecessary overlap with the Plan's Green Belt policies in Section 11 on the Open Environment, which would apply to any proposed development in the Green Belt. However, given the weight of objection to this omission and to the reasoned justification relating to the Green Belt in paragraph 13.77, the criterion has been re-introduced and the reasoned justification has been amended to reflect PPS22. It is considered that there is value in flagging up to potential applicants what could be a significant policy constraint on development given the extent of the Green Belt in the Borough.

7.5 Objectors request that the Council should use the stronger term "require" rather than "expect" in relation to statements of a proposed development's environmental effects. The Council accepts this request, as it will be important in the implementation of this policy that the Council receives all the information it needs in order to make an

informed decision about each criterion. A further objection challenges the use of supplementary planning guidance (now supplementary planning documents), which is referred to in this regard in paragraph 13.79. The intention in using supplementary planning documents for matters of detail is to avoid including excessive detail in the Draft RUDP itself in accordance with PPS22. A supplementary planning document on renewable energy would indicate the type and extent of information required to support an application. Any such supplementary planning document will be subject to public consultation.

7.6 A further objection calls for the inclusion in the policy of buffer distances. PPS22 contains mixed advice on this. It states that buffer distances should not be used around designated sites, but it does allow the possibility of minimum separation distances between different types of renewable energy development and existing developments (paragraph 22). However, defining such distances is fraught with difficulty. At First Deposit Stage, a buffer distance of 500m between wind turbines and sensitive land uses was included in policy NR3.2. This drew objections that it was too low. It was based on advice in the document Conservation Issues in Local Plans published by English Nature, English Heritage and the Countryside Agency. At Revised Deposit stage objectors have proposed other distances, ranging from half a mile to one and a half kilometres. There is no definitive distance contained in Government guidance.

7.7 There is no distinction in the Draft RUDP policies between scales or types of renewable energy development. Residential and workplace amenity are already covered in criterion a. of policy NR3.1 and other Draft RUDP policies deal specifically with noise (NR1.4). As PPS22 points out, renewable energy technology is developing all the time (paragraph 1 v.) and with such progress, potential adverse impacts in relation to noise and amenity may change. For example, at a recent architectural exhibition for a proposed redevelopment at St Mary's on the edge of Oldham Town Centre, the draft master plan drawing

included a proposed domestic scale wind turbine attached to one of the buildings. Thus it is the Council's view that minimum separation distances are inappropriate in this policy, and indeed in policy NR3.2. Objectors' concerns about possible noise are covered by the other criteria and policies.

7.8 An objection requires inclusion in the policy of a requirement to remove concrete footings of renewable energy developments and require developers to pay an annual amount into a trust to pay for site restoration. The policy already requires the removal of redundant plant, buildings and infrastructure and site restoration. Any further detail on this matter should be included in the proposed supplementary planning document which will be subject to public consultation. Furthermore, the removal of footings may not always be the best solution for a site, as in some cases this could damage the area being restored for example by compacting the earth. This assessment will need to be made on a case by case basis.

7.9 Thus in summary the pre-inquiry changes proposed to policy NR3.1 are:

- Clarifying that it applies to wind energy developments as well as other renewable energy technologies;
- Reintroducing a criterion relating to the openness and visual amenity of the Green Belt;
- Changing the expectation of a statement of environmental effects to a requirement;
- Clarifying references in the reasoned justification to designated sites, the National Park, and the Green Belt.

7.10 Policy NR3.2 is the policy that at Revised Deposit stage set out areas of search for wind energy, following research undertaken through the Oldham Renewable Energy Study, and in response to the Government Office's First Deposit Stage objection.

- 7.11 Many objectors wish to see the areas of search deleted, because they cover areas valued for their landscape, and/or recreational use. The Council's aim in identifying the areas of search was to point potential wind farm applicants to those parts of the Borough where the evidence suggested that wind speeds were fastest and where, relative to other areas, there were somewhat fewer policy constraints (but, importantly, there were still criteria that would have to be satisfied). The approach did not exclude wind farm developments from outside the areas of search. The process of identifying the areas of search simply cut out some of the filtering stages that applicants may need to go through in identifying potential sites.
- 7.12 The publication of revised PPS22 late in 2004 changed the context for policy NR3.2. Instead of national guidance calling for the identification of areas of search, it now advises local planning authorities to include criteria based policies in local level plans. As a consequence, and because of the weight of objection against the areas of search, the Council proposes to delete them as a pre-inquiry change.
- 7.13 Other than that, the only changes to the policy are to replace the expectation of a detailed statement with the requirement for one, as in NR3.1, and to add the same clause relating to damage minimisation, mitigation or compensation as in policy NR3.1, for consistency. The reasoned justification has also been amended accordingly. In further changes to the reasoned justification, paragraphs 13.82 and 13.88 have been clarified with additional text, and an addition to 13.91 recognises that the supplementary planning document will need to set out what type and level of information may be required to support applications for different scales of wind turbine development in different locations. The information needed to assess the impact of 100m high turbines in the Green Belt is likely to be different from that needed to assess a small turbine attached to a building within the urban area.



7.14 Other proposed pre-inquiry changes are made to the introductory text to the sub-section on renewable energy. The title is amended to Renewable Energy Policies, references are added to PPS22 to bring the plan up to date, and the relationship between the policies on renewables and the plan's approach to energy efficiency and conservation is outlined briefly. These changes are proposed to clarify the plan (indeed, the addition to the title arose from the sustainability appraisal of the proposed pre-inquiry changes), respond to new guidance in PPS22, and respond to objections relating to the inclusion of energy efficiency measures within this sub-section of the plan.

7.15 Finally, pre-inquiry changes are proposed to the reasoned justification of policy NR3.3, to refer to a proposed supplementary planning document to be prepared to assist in its implementation, and to emphasise that, whilst energy efficiency measures will not be counted towards the 10% renewable energy total, they would help to reduce the overall energy requirement, again to clarify that this policy is about supporting renewable energy targets.

7.16 Appendix 3 sets out the Council's response to the some of the more specific points made by objectors, that have not been covered in this Paper.

## **8. CONCLUSION**

8.1 The policies for renewable energy in the First Deposit Draft RUDP changed substantially at the Revised Deposit Stage. They are now subject to further amendment, as a result of proposed pre-inquiry changes. The reasons for this are that the national policy context has evolved and changed over the same period as the UDP review process, and that the Council has responded to objections received at the deposit stages.

8.2 It is considered that the policies for renewable energy as amended by proposed pre-inquiry changes provide a robust framework for the consideration of renewable energy development proposals, in line with national guidance.

## **APPENDIX 1 RENEWABLE ENERGY STUDY: MEMBERSHIP OF STEERING GROUP AND LIST OF STAKEHOLDERS.**

### **Renewable Energy Study Steering Group members, September 2002**

Councillor H Sykes, Oldham MBC

Bill Edwards, Chair, Environment and Transport Partnership

Brian Taylor, Officer of Peak District National Park Authority

Rob Lawson, Sustainability North West

Julian Carter, Renewables North West

Andy Brunt, North West Regional Assembly

Michele Carr, OMBC

Simon Robinson, OMBC

Justine Collins, OMBC

Sarah Barker, OMBC

Pauline Goodhall, OMBC

### **Stakeholders invited to take part in the Renewable Energy Study, September 2002**

Mr J Walton

Chief Superintendent Baines

Mr Colin Vaughan

Severine Cochard

Ms I Dixon

Mr D Bramwell (Chairman)/ Harold Nield

Ms A Gee

Ms E Longden (District Commissioner)

Ms J Tennant (Secretary)

Mr Bryan Hough

Mr F Smith

Mr M Marshall

Mr Phil Mayers

Mr Francis Comyn

Mr Glenn Routledge

Mr Walter Dooley

Ms Anne Greatrex

Mr David Chadderton

Mr Clive Sproule

Ms Robina McNeil

Ms Sandra Mavro-Michaelis

Ms Margaret Rawlins

Ramblers Association

Greater Manchester Police

Greater Manchester Waste Disposal Authority

Groundwork Oldham and Rochdale

Saddleworth Tourist Information Centre

Saddleworth Outdoor Pursuits Association

British Horse Society

Saddleworth Pony Club

West Pennine Bridleways Association

Representative of the Dry Stone Walling Assoc

Huddersfield Canal Society

British Waterways

Dovestones Sailing Club

Rochdale Metropolitan Borough Council

Tameside Metropolitan Borough Council

Manchester City Council

Greater Manchester Ecology Unit

Saddleworth Archaeological Trust

Greater Manchester Geology Unit

GM Archaeology Unit

Friezland Residents Association

Dobcross Village Community

Mr E Barker	Dobcross Village Community
Mr Paul Roberts	Denshaw Community Association
Mrs Pam Byrne	Uppermill Residents Association
Mr Philip Webber	Kirklees Metropolitan Borough Council
Kam Sing	Calderdale Metropolitan Borough Council
Miss Jill Read	Greenfield and Grasscroft Residents Assoc
Mr Les Morgan	Standing Conference of South Pennine Authorities
Mr R Wilcock	Saddleworth Parish Council
Mr M Porter	Shaw and Crompton Parish Council
Mr John Siddiqi	Friends of the Earth
Ms Dot McGahan	CPRE
Councillor H Sykes	Oldham MBC
Councillor J Sutcliffe	Oldham MBC
Councillor K Pendlebury	Oldham MBC
Councillor J McArdle	Oldham MBC
Mr Alan Higgins	Director of Public Health
Councillor J W Greenwood	Chair of Chadderton Area Committee
Councillor M Masud	Chair of East Oldham Area Committee
Councillor G R Currie	Chair of Failsworth and Hollinwood Area Committee
Councilor I McInnes JP	Chair of Saddleworth and Lees Area Committee
Councillor R M Blythe	Chair of Shaw and Royton Area Committee
Councillor M Azam	Chair of West Oldham Area Committee
The Editor	The Oldham Evening Chronicle
Mr E Stacey	Oldham Chamber of Commerce
Mr B Greenhalgh	North West Development Agency
Ms Selina Hill	English Nature
Mr Tim Barwood	Greater Manchester North
Mr Andrew Brunt	North West Regional Assembly
Mr Tim Hill	North West Regional Assembly
Mr Peter Fox	Environment Agency
Ms Carol Davenport	Countryside Agency
Ms Carol Matthews, Chair of OHIP	C/O Northern Counties Housing Association
Ms Julie Davies	CPRE Lancashire Branch
Mr David W Raper	Atmospheric Research and Information Centre
Mr Andrew Rothwell	National Farmers Union
Ms Vivian Dawson	Saddleworth Tourist Association
Mr Jackson	Brierstone Properties
Mr Robert Bottomley	Advertiser Newspaper
Mr Richard Dean	Bellway Urban Renewal
Mr J Dodgson	Country Landowners Association
P W Clancy	Partington Homes Limited
Mr P Wiggett	Wiggett Construction Limited
Mr John Hurst	Acting Executive Director, Environment and Transportation
Mr Ian Hughes	Acting Executive Director, Operational and Leisure Services
Mr Hugh Broadbent	Executive Director, Housing OMBC
Mr John Mitchell	Assistant Director, Economic Development, OMBC
Richard Scott and Annette Heyslop	Baywind Energy Co-Operative
Ms Hayley Myles	Dulas Ltd
Mr John Ainsley	National Wind Power
Mr Ian Bright - Project Manager	Econergy Ltd (Wood Fuel)
Mr Mike Kay	United Utilities Plc

R G Whiteley  
Mr Ken Waddington  
Bruce Langridge  
Dr Dan Davies  
Forestry Commission  
ETSU  
National Grid Company  
Roland Bardsley (Builders) Ltd  
Mr Brian Taylor  
Dream  
Ian Johnson (Architect)  
Mr Steve Kenney  
Mr Bill Edwards  
Mr Alan Griffiths  
Mr Brian Carran  
Mr John McCann  
Mr Steven Lewis

United Utilities Green Energy  
Hall Needham Associates  
Chair of the Biodiversity Group  
Engineering Director  
New England Conservancy  
Harwell  
North West Area  
Globe Square  
Peak District National Park Authority  
C/O Matthew Noone  
Babtie International  
ALMO  
Oldham Environment Forum  
Shaw and Crompton Parish Council  
Shaw and Crompton Parish Council  
Saddleworth and Lees Area Committee  
Saddleworth and Lees Area Committee

## **APPENDIX 2 DOCUMENTS REFERRED TO IN TOPIC PAPER**

The Energy White Paper 'Our energy future – creating a low carbon economy', DTI, February 2003.

Climate Change Draft UK Programme, DETR (now ODPM), 2000.

Planning Policy Guidance Note 22 Renewable Energy, February 1993.

Planning Policy Statement 22 Renewable Energy, ODPM, 2004.

Conservation Issues In Local Plans, English Nature, English Heritage and the Countryside Agency.

Regional Planning Guidance for the North West (RPG13) now referred to as Regional Spatial Strategy for the North West, March 2003 and Partial Review March 2004.

From Power to Prosperity, GO NW, 2001 and its technical report "Renewable Energy in North West England: Investigating the Potential and Developing the Targets", GO NW, March 2001.

Oldham's Community Strategy 2002-2022, Oldham Local Strategic Partnership, 2002.

Oldham Adopted Unitary Development Plan, OMBC, April 1996.

**APPENDIX 3 SUMMARY OF OLDHAM MBC RESPONSES TO MAIN ISSUES RAISED BY OBJECTORS IF NOT COVERED IN MAIN BODY OF TOPIC PAPER**

POLICY/ISSUE	RESPONSE
<p><b>NR3 Energy Generation</b> The policy should retain the reference to improving energy efficiency and conservation, which was deleted at Revised Deposit stage, as this would allow the Council to resist pressure to install wind turbines.</p>	<p>The Council is obliged by national and regional guidance (e.g. PPS22 para. 1 (ii)) to include policies for renewable energy in its development plan. The plan as a whole addresses energy efficiency and conservation through the plan objectives, the locational strategy, which emphasises proximity to basic services and public transport, and the design policies that apply to all developments, particularly D1.1 and D1.2. The policies in the Natural Resources section relate only to renewable energy, as they are aimed at helping to achieve national and regional targets for renewable energy production.</p> <p>There are four supports to the changes made to this policy at Revised Deposit, as against two objections.</p>
<p><b>NR3.1 Renewable Energy Developments</b></p>	<p>Please see main body of the Topic Paper.</p>
<p><b>NR3.2 Wind Energy Developments</b> Concern about the impact of wind turbines on: - Landscape - The Green Belt - The skyline - Aviation safety - Highway safety - Residential amenity - Recreation - Wildlife and wildlife sites - The landscape character of the Peak District National Park - The Pennine Way, and - Saddleworth tourism.</p> <p>The policy should impose a minimum period for wind speed testing prior to an application (objectors suggest 6 months and one year) and a minimum wind speed requirement.</p> <p>Oppose land based wind farms, wind energy is unreliable, other renewables technologies are better, the plan should not include a policy for wind power.</p> <p>Reinstate the criteria from the</p>	<p>The issues of landscape, the Green Belt, residential amenity, wildlife and wildlife sites, public access to the countryside and the Peak Park are addressed in policy NR3.1.</p> <p>The issues of the skyline, aviation safety, highway safety, recreation, and rights of way are addressed in policy NR3.2.</p> <p>There is no evidence to suggest that wind turbines may impact negatively on Saddleworth tourism, provided that they comply with the policies.</p> <p>The policy already requires applicants to include in their statement of environmental effects information about the generation potential of any proposal. Any further detail would be included in a supplementary planning document, the preparation of which is flagged up in paragraph 13.91. A minimum wind speed would be inappropriate because the technology is improving all the time. There is no such requirement in PPS22.</p> <p>PPS22 requires the Draft RUDP to include criteria based policies for renewable energy developments. The evidence available at the moment suggests that wind power is a viable resource in Oldham. The RUDP should therefore provide a framework to guide decisions on any applications for wind power schemes. The plan is equally encouraging of all the renewable energy technologies, indeed, it even requires provision for renewables within major developments, which at present is most likely to be through solar power. The debate about national energy strategy is outside the scope of this plan review.</p>

<p>First Deposit draft of the policy.</p> <p>The policy should include reference to regional nature conservation sites (SBIs) and protected species.</p> <p>Areas of search should be about more technologies than just wind power.</p> <p>Wind power causes the industrialisation of the countryside.</p> <p>The policy should include the same criteria as Kirklees' UDP.</p> <p>The policy should include reference to landscape character, PPS22, national sustainability objectives and the benefits of renewable energy projects.</p> <p>Objection to the weighing of benefits of wind turbines against harm and questioning who will do it.</p> <p>Reference to nature</p>	<p>Designated habitats and the Peak District National Park (former criterion c.) are covered by criteria in policy NR3.1. The main body of the topic paper explains why a buffer distance is now considered inappropriate. The reasoned justification to policy NR3.1 explains that that policy also applies to wind energy developments.</p> <p>All nature conservation interests are covered by criterion d in policy NR3.1 and therefore to repeat it is policy NR3.2 would be unnecessary duplication. In addition, the relevant policies of the plan still apply – policies OE2.3 and OE2.4.</p> <p>Areas of search are deleted as a proposed pre-inquiry change.</p> <p>The policies provide a framework for the consideration of landscape impacts from wind energy developments. PPS22 advises that the impact of turbines on the landscape will vary depending on the size and location and the landscape in which they are proposed and that the impacts may be temporary if planning permissions are conditioned to require the removal of redundant turbines.</p> <p>The Kirklees UDP policies predate revised PPS22 and also relate to regional planning guidance for Yorkshire and Humberside which may differ from that for the North West Region, which Oldham is part of. Notwithstanding this, the criteria in Kirklees policy EP8 appear broadly similar to those in policies NR3.1 and NR3.2, addressing landscape, Green Belt, amenity, nature, archaeology, highway safety and electromagnetic interference. They do not address impacts on the Peak Park. Any cross boundary issues would be addressed through the SCOSPA Inter Authority Memorandum on Wind Farms.</p> <p>Proposed pre-inquiry changes introduce references to PPS22 in the introductory section and the reasoned justification, and reflect its advice in deleting the areas of search. Landscape character is picked up in criterion b of policy NR3.1, although the policy cannot yet fully reflect the Oldham Countryside Character Study which is still in preparation. The Council intends to prepare a supplementary planning document on landscape character to assist in the implementation of policy OE2.1, once the study is complete. National sustainability objectives are addressed in the plan as a whole through its objectives and the sustainability appraisal that has accompanied each stage of the plan review process. The benefits of renewable energy projects are referred in the introduction to the renewable energy policies and in the reasoned justification, for example paragraphs 13.86 and 13.77.</p> <p>PPS22 states that the wider environmental and economic benefits of all proposals for renewable energy projects are material considerations that should be given significant weight in determining whether proposals should be granted planning permission. It also says in relation to landscape that the final decision on the visual and landscape effects of renewable energy developments will to some extent be one made by professional judgement. Ultimately the Council determines planning applications for renewable energy developments, unless they are large scale proposals.</p>
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<p>conservation should be reinstated in paragraph 13.81, and no net loss of habitat should be addressed.</p> <p>Smaller developments should have to satisfy the same criteria as large ones.</p> <p>The policy should require applicants to seek planning permission for ancillary development at the same time as the turbines.</p> <p>Wind developments should not be allowed in the Green Belt.</p> <p>Visual impacts on the Pennine Way should be considered.</p> <p>Reinstate paragraph 13.85</p> <p>Delete paragraphs 13.86 and 13.87</p> <p>Clarify paragraph 13.88</p>	<p>The reference has not been reinstated because nature conservation matters are dealt with in policy NR3.1. NR3.2 adds landscape/visual impact related criteria and therefore it is inappropriate to refer to nature conservation in the reasoned justification. Policy OE2.3 already incorporates the principle of compensation for any harm to designated habitats.</p> <p>There is no size differentiation in the policies as amended by the pre-inquiry changes.</p> <p>Policy NR3.1 already refers to development ancillary to the renewable energy generation itself, therefore this is implicit in the policy. The issue of transmission lines is complicated by the need in most cases for consent from the Secretary of State under the Electricity Act 1989. However in such cases planning permission is also required. Reasoned justification at 13.76 and 13.85 also covers ancillary development.</p> <p>Green Belt matters are covered in policy NR3.1 and the Open Environment Section of the Plan. PPS22 advises that the visual impacts of such developments on the Green Belt have to be considered case by case, and that applicants will need to demonstrate very special circumstances to outweigh any harm to the Green Belt in order for developments to proceed.</p> <p>The policies already address the issues of visual impact, impact on public access to the countryside and nuisance to footpath and bridleway users. Therefore it is not considered necessary to specifically address visual impacts on the Pennine Way as this would duplicate existing criteria.</p> <p>Paragraph 13.85 remains largely intact. The short sections that were deleted at Revised Deposit Stage are picked up elsewhere in the revised wording of the paragraph, therefore to reinstate them would lead to duplication.</p> <p>13.86 simply points out that because of the size, nature and locational characteristics of wind turbines, they will impact to some degree on the landscape – and that may be a positive impact or a negative one. If it is negative then that must be weighed against the wider benefits in accordance with PPS22. Paragraph 13.87 has been deleted through a pre-inquiry change, as Green Belt issues are addressed in policy NR3.1 and do not need to be duplicated.</p> <p>A proposed pre-inquiry change does this.</p>
<p><b>NR3.3 Renewable Energy in Major New Developments</b></p> <p>The requirement should apply to all developments, not just large ones.</p> <p>The percentage of energy from renewables should be higher – suggestions of 20% (Government target for 2020) and 25% (no justification given).</p>	<p>Please refer to Topic Paper.</p> <p>10% was specified because it reflects the national renewable energy target for the year 2010, which is broadly equivalent to the RUDP plan period. In addition, as a new policy, care needs to be taken to pitch the requirement at a level that does not stifle development, particularly of new housing in the HMR areas. The</p>

<p>The clause in 13.95 should be part of the policy.</p> <p>Energy efficiency measures should also count towards the 10% target.</p> <p>The link between CO2 emissions and climate change (paragraph 13.92) is not proven.</p>	<p>2020 target may be more appropriate for a future review of the plan once there is monitoring information available as to the effectiveness of this new policy. No justification is given for raising it to 25%.</p> <p>This would potentially weaken the policy. The threshold already takes into account that it may not be appropriate for all developments.</p> <p>The policies in the Natural Resources section relate only to renewable energy, as they are aimed at helping to achieve national and regional targets for renewable energy production.</p> <p>The Government's Energy White Paper states "Levels of carbon dioxide in the atmosphere, one of the main causes of climate change, have risen by more than a third since the industrial revolution and are now rising faster than ever before" (para. 1.6). This national policy provides the framework for the development of policy at a local level.</p>
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