

ALL ENERGY '07

PLANNING REFORM – WHAT DOES IT MEAN FOR WIND?

Marcus Trinick
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PLANNING REFORM – WHAT DOES IT MEAN FOR WIND?

SCOPE

- Development Framework
- Hierarchy of Development
- Miscellaneous Changes

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PLANNING REFORM – WHAT DOES IT MEAN FOR WIND?

DEVELOPMENT FRAMEWORK

- National Planning Framework
 - Statement of Priorities and Strategy for Long Term Spatial Planning
 - Prepared by Ministers – 60 days consideration by parliament
 - Designation of 'national' developments (see later)
 - Decisions per NPF subject to other considerations
 - Provision in force – draft NPF Autumn 2007
 - Review every 5 years

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PLANNING REFORM – WHAT DOES IT MEAN FOR WIND?

DEVELOPMENT FRAMEWORK

- Strategic Development Planning
 - Ministers designate groups of Councils
 - Who must prepare a strategic development plan
 - Vision statement and broad spatial strategy
 - Compulsory examination of plan
 - Approval by Ministers
 - In force 2008

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PLANNING REFORM – WHAT DOES IT MEAN FOR WIND?

DEVELOPMENT FRAMEWORK

- Local Development Plans
 - Prepared by individual Councils (but can be joint plans)
 - Consistency with strategic development plans
 - Examination of unresolved objectives
 - Approval by Ministers
 - In force 2008

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PLANNING REFORM – WHAT DOES IT MEAN FOR WIND?

DEVELOPMENT FRAMEWORK

- Supplementary Guidance
 - New statutory concept
 - Will be part of development plan (N.B. S.25)
 - Consistent with SDPs and LDPs
 - Requirement for consultation

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HIERARCHY OF DEVELOPMENTS

- National Developments
 - Designation in NPF
 - Energy projects – could include renewables
 - Decisions in accordance with NPF subject to other considerations

- Major Developments
 - To be defined by Ministers
 - Applications determined by Councils with appeal to Ministers
 - Will likely include onshore wind farms
 - But not S.36 projects

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HIERARCHY OF DEVELOPMENTS

- Local Developments
 - Applications determined by planning officers
 - Appeal to Council
 - Almost no appeal to Ministers

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MISCELLANEOUS

Nothing yet in force

- Notice of initiation and completion of developments (S.6)
- Pre-application consultation – 12 weeks and report (S.11)
- Pre-determination hearings (S.14)
- Powers to decline to determine (S.15)
 - If same or similar proposal dismissed on appeal or refused by Council
 - If no pre-application consultation (if required)

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MISCELLANEOUS

- Variation of applications (S.8)
 - Only if no 'substantial change' in description of development
 - No variation after appeal submitted
 - There may be Regulations

- Scope of Appeals (S.19)
 - No new matters to be raised
 - Unless 'material consideration'.....
 - EIA considered?

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MISCELLANEOUS

- Duration of planning permission (S.20)
 - Now 3 years
 - Can alter by agreement with Council
- Planning permission in principle (S.21)
 - Applies to all works
 - NB. Effect of suspensive condition

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MISCELLANEOUS

- Planning Obligations (S.23)
 - Introduction of unilateral undertakings
 - And a right of appeal if request to discharge or modify obligation refused

- Good Neighbour Agreements (S.24)
 - Made with a 'community body'
 - Can regulate development
 - But cannot require payment of money
 - Relationship to planning obligations?
 - Discharge provisions as for planning obligations