

## Pendle Local Plan Part 1: Core Strategy – Examination

### Main Modifications: MM095-MM098: Policy ENV3 – Renewable and Low Carbon Energy

Deleted text is marked with strikethrough e.g. ~~Core Strategy~~. New text is marked with underline e.g. Core Strategy

This Schedule presents the revised Main Modifications to Policy ENV3 following the public consultation which was carried out for six weeks between Friday 7<sup>th</sup> August 2015 and Friday 18<sup>th</sup> September 2015. The changes to the modifications take account of some of the concerns raised in the consultation comments and also the recent High Court judgement relating to Written Ministerial Statements and their status as government policy.

Modification Number	Page	Paragraph/ Policy	Mod type (M/A)	Change	Comment
<b>Chapter 8 – Our Foundations for a Sustainable Future: Improving the Environment We Live In</b>					
MM095		8.83	M	<del>“The Government has introduced changes to the procedures for determining wind energy applications. These require the identification of suitable areas for wind turbine developments and evidence that they have the backing of the local community.”</del>	Delete this Main Modification.
MM096		8.86	M	Delete paragraph 8.86: “The study concludes that to achieve such will require a significant amount of commercial wind development. Maps plotting local wind speeds, but excluding areas where there are known constraints, identify broad areas in the north and east of the borough where commercial scale wind developments may be feasible. The study sees a smaller role for biomass, small scale wind, solar pv and hydropower to contribute towards the RLC mix for generating electricity. In terms of generating heat from RLC sources, it identifies that there is potential for solar hot water heating and for ground source heat pumps, particularly in new developments and rural areas without mains gas connections. The study also considers the role of on-site RLC energy generation, identifying this as an area which can be directly influenced by planning policy and the granting of planning permission, more so perhaps than stand alone energy developments.”	No change to this Main Modification – retain.
MM097		8.90	M	Amend paragraph 8.90 to read: “No blanket restrictions will be placed on the use of specific RLC technologies in the borough, in order to encourage the use of the most appropriate technology following careful consideration of all known constraints including landscape sensitivity and residential amenity. <del>For wind energy development it will be necessary to define suitable areas which have community support. Future</del> <u>Local and Neighbourhood Plans will consider the need to define suitable areas for wind energy development.</u>	Make an amendment to this Main Modification to better reflect the requirements of the NPPF and NPPG and to address concerns raised during the consultation regarding the interpretation of the Written Ministerial Statement.

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				The use of less intrusive technologies such as ground and air source heat pumps can reduce visual impacts in areas of high sensitivity such as the Forest of Bowland AONB and conservation areas in comparison to other RLC technologies. Building mounted technologies such as solar panels should respect the architectural merits of a building, particularly on Listed Buildings or in areas designated for the value of their landscape or built heritage. Small-scale technologies can play an important role in serving isolated, 'off-grid' properties where mains gas or electricity is not readily available and occupants have previously been restricted to the use of expensive, and finite fossil fuels to power boilers. By providing a greener and cheaper source of energy they can also help to reduce fuel poverty, particularly in rural areas. Many small scale renewable technologies are now allowed under permitted development rights; the Design Principles SPD gives further guidance."	
MM098		Policy ENV3	M	<p>Amend Policy ENV3 to read:</p> <p><del>"To help reduce our carbon footprint, increase energy security and reduce levels of fuel poverty the</del> The Council will encourage new developments that are appropriate to their setting and make a positive contribution towards increasing levels of renewable and low carbon energy (RLC) generation in Pendle.</p> <p>By supporting a mix of appropriate schemes the Council will aim to achieve the following generation figures by 2020<sup>1</sup>:</p> <ul style="list-style-type: none"> <li>• 15.4 MW of electricity</li> <li>• 11.8 MW of heat</li> </ul> <p><del>Applications for the installation of wind turbines will be assessed against national planning policy. For all other Renewable and Low Carbon technologies, the</del> The Council will support proposals for all RLC technologies where the proposal is for RLC technologies that are of an appropriate scale for its <u>their</u> setting, and where the development <del>will not result in an unacceptable impact on:</del></p> <ul style="list-style-type: none"> <li><del>• have an unacceptable level of impact on the landscape and visual character of an area, either on its own or cumulatively, or</del></li> <li><del>• result in an unacceptable impact on the value of any ecological or heritage assets, or to residential amenity.</del></li> <li>• <u>Meets the relevant national policy and guidance tests<sup>2</sup>; and</u></li> <li>• <u>Does not have an unacceptable impact on:</u> <ul style="list-style-type: none"> <li>• <u>A recognised designation (Policy ENV1);</u></li> <li>• <u>The landscape and visual character of an area, either on its own or cumulatively;</u></li> </ul> </li> </ul>	Make an amendment to this Main Modification to better reflect the requirements of the NPPF and NPPG and to address concerns raised during the consultation regarding the interpretation of the Written Ministerial Statement.

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				<ul style="list-style-type: none"> <li>• <u>Ecological, biodiversity or geodiversity assets;</u></li> <li>• <u>Heritage assets and their settings (including archaeological remains);</u></li> <li>• <u>Residential amenity.</u></li> </ul> <p>All proposals must be accompanied by appropriate supporting evidence which can include landscape, visual, noise and environmental assessments. Applicants must demonstrate that satisfactory mitigation measures can be employed to offset any potentially negative impacts that are identified, or that the positive benefits of the scheme outweigh these impacts.</p> <p>Footnotes  <sup>1</sup> These are not fixed ‘targets’ but a positive generation aim. There are no minimum or ceiling figures set for individual or collective technologies.  <sup>2</sup> <u>Specific guidance on how wind turbine applications should be considered is contained in the NPPG.”</u></p>	

## Final Proposed Modifications

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<b>Chapter 8 – Our Foundations for a Sustainable Future: Improving the Environment We Live In</b>			
MM096		8.86	<p>Delete paragraph 8.86:</p> <p><del>“The study concludes that to achieve such will require a significant amount of commercial wind development. Maps plotting local wind speeds, but excluding areas where there are known constraints, identify broad areas in the north and east of the borough where commercial scale wind developments may be feasible. The study sees a smaller role for biomass, small scale wind, solar pv and hydropower to contribute towards the RLC mix for generating electricity. In terms of generating heat from RLC sources, it identifies that there is potential for solar hot water heating and for ground source heat pumps, particularly in new developments and rural areas without mains gas connections. The study also considers the role of on-site RLC energy generation, identifying this as an area which can be directly influenced by planning policy and the granting of planning permission, more so perhaps than stand alone energy developments.”</del></p>
MM097		8.90	<p>Amend paragraph 8.90 to read:</p> <p>“No blanket restrictions will be placed on the use of specific RLC technologies in the borough, in order to encourage the use of the most appropriate technology following careful consideration of all known constraints including landscape sensitivity and residential amenity. <u>Future Local and Neighbourhood Plans will consider the need to define suitable areas for wind energy development.</u></p> <p>The use of less intrusive technologies such as ground and air source heat pumps can reduce visual impacts in areas of high sensitivity such as the</p>

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MM098		Policy ENV3	<p>Amend Policy ENV3 to read:</p> <p><del>"To help reduce our carbon footprint, increase energy security and reduce levels of fuel poverty the</del> <u>The</u> Council will encourage new developments that are appropriate to their setting and make a positive contribution towards increasing levels of renewable and low carbon energy (RLC) generation in Pendle.</p> <p>By supporting a mix of appropriate schemes the Council will aim to achieve the following generation figures by 2020<sup>1</sup>:</p> <ul style="list-style-type: none"> <li>• 15.4 MW of electricity</li> <li>• 11.8 MW of heat</li> </ul> <p>The Council will support proposals for all RLC technologies <del>where the proposal is</del> <u>that are</u> of an appropriate scale for <del>its</del> <u>their</u> setting, and where the development <del>will not:</del></p> <ul style="list-style-type: none"> <li><del>• have an unacceptable level of impact on the landscape and visual character of an area, either on its own or cumulatively, or</del></li> <li><del>• result in an unacceptable impact on the value of any ecological or heritage assets, or to residential amenity.</del></li> <li>• <u>Meets the relevant national policy and guidance tests<sup>2</sup>; and</u></li> <li>• <u>Does not have an unacceptable impact on:</u> <ul style="list-style-type: none"> <li>• <u>A recognised designation (Policy ENV1);</u></li> <li>• <u>The landscape and visual character of an area, either on its own or cumulatively;</u></li> <li>• <u>Ecological, biodiversity or geodiversity assets;</u></li> <li>• <u>Heritage assets and their settings (including archaeological remains);</u></li> <li>• <u>Residential amenity.</u></li> </ul> </li> </ul> <p>All proposals must be accompanied by appropriate supporting evidence which can include landscape, visual, noise and environmental assessments. Applicants must demonstrate that satisfactory mitigation measures can be employed to offset any potentially negative impacts that are identified, or that the positive benefits of the scheme outweigh these impacts.</p> <p>Footnotes</p> <p><sup>1</sup> These are not fixed 'targets' but a positive generation aim. There are no minimum or ceiling figures set for individual or collective technologies.</p> <p><sup>2</sup> <u>Specific guidance on how wind turbine applications should be considered is contained in the NPPG."</u></p>