



## 1. SUMMARY

1.1 Supporting the transition to a low-carbon future is a core principle in the new planning regime as indicated in the NPPF (para.17). This reflects the urgent need to reduce greenhouse gas emissions from all sources including the power sector, where the Government is seeking to increase the amount of renewable and low-carbon energy infrastructure.

1.2 There are two separate but related planning consent systems for achieving this aim: one for nationally significant infrastructure (over 50MW) and the other for smaller infrastructure (under 50MW). The new planning regime has placed a greater emphasis on making both systems more accountable. Communities should use this new emphasis to assist in campaigns to protect important landscapes and challenge inappropriately sited developments. Engaging with the different systems requires different campaign techniques, but good evidence about the value of local landscapes will always be crucial.

## 2. TOP TIPS

- Ensure that local plans include strong policies for reducing greenhouse gas emissions with low environmental impact options, (including spatial planning to reduce the need for transport, and to increase energy efficiency in buildings).
- Take advantage of sections in the NPPF that suggest a need to protect important local landscapes and to define the areas best able to accommodate renewable or low-carbon energy.
- Press for studies on local landscape character, quality and capacity. If possible provide your own evidence to encourage and inform such studies.

### PLANNING CAMPAIGN BRIEFING SERIES:

1. Development Plans
2. Green Belts
3. Housing
4. Energy Infrastructure
5. Transport
6. Heritage and Design
7. Light Pollution
8. Rural Economy
9. Economic Development and Town Centres
10. Wider Countryside and Protected Areas
11. Tranquillity

We welcome case studies and feedback to inform future versions of these briefings.

(e mail to [policy@cpre.org.uk](mailto:policy@cpre.org.uk))

## 3. LAW AND POLICY CHANGES AT A GLANCE

PRE REFORM /PPS22	LOCALISM ACT / NPPF
Regional Spatial Strategies (RSS) and related renewable energy targets.	No regional strategies / targets. Duty for local planning authorities (LPAs) to co-operate with relevant parties on local plans.
Infrastructure Planning Commission (IPC) makes decisions on nationally significant infrastructure. National Policy Statements (NPS) guide the development of this infrastructure (Planning Act 2008).	IPC abolished. National Infrastructure Directorate of the Planning Inspectorate established. Final decisions rest with the Secretary of State following Planning Inspectorate inquiry and report.
Very strong policy support for accommodation of renewable energy technologies. Plans should not rule out the development of all, or specific types of, renewable energy.	LPAs to set out opportunities in local plans for energy development and policies on what will or will not be permitted and where. They should identify land where development could be inappropriate, for instance, because of its environmental impact or historic significance (NPPF, paras. 97 -98).

## 4. BACKGROUND

4.1 The purpose of this briefing is to assist understanding of the reforms to the town and country planning system introduced by the Localism Act 2011 and the NPPF (March 2012). It outlines the main changes and the issues to be aware of (Analysis) and advises on specific campaign topics (Campaign Advice).

4.2 The new emphasis on localism is likely to lead to a much wider variety of local planning policies and decisions. These decisions will determine the impact of the planning reforms. CPRE is keen to ensure that our precious countryside continues to be protected and valued, and to highlight significant threats to it where they arise. We will collect evidence of outcomes (good and bad), in the form of cases that illustrate the issues we highlight. We welcome public assistance with this, as well as feedback on the briefing.

## 5. ANALYSIS

5.1 UK energy policy context: Planning constitutes only one tranche of Government policy to facilitate the transition to a low-carbon future. The impetus to develop renewable and low-carbon energy is driven by the EU Renewable Energy Directive 2009 under which the UK has committed to source 15% of its energy from renewable sources by 2020. The Climate Change Act 2008 also introduced a statutory target of reducing greenhouse gas emissions to at least 80% below 1990 levels by 2050. CPRE supports these targets. In 2011, the contribution of all renewables to UK electricity generation was 9.4 per cent.<sup>1</sup> To incentivise the development of more renewable and low carbon energy technologies the Government is providing financial support to make them more attractive to investors and help them compete alongside fossil fuels. These vary for large scale infrastructure and smaller scale infrastructure. LPAs could be encouraged to take advantage of small scale feed-in tariffs and the Renewable Heat Incentive scheme introduced through the Energy Bill 2008 in order to incentivise more decentralised energy generation. CPRE has published a report providing advice on small scale renewable energy technologies (see iii. under ‘CPRE resources’ at the end of this Campaign Briefing).

5.2 CPRE policy context: The NPPF states that LPAs should adopt proactive strategies to mitigate and adapt to climate change in line with the objectives and provisions in the Climate Change Act 2008. CPRE campaigns for low environmental impact measures for reducing greenhouse gas emissions leading to significant reductions in energy consumption. As outlined in our energy policy (see iv. under ‘CPRE resources’), CPRE believes that this can be achieved, in part, through planning, design and transport policies that reduce the need to travel and provide better options for public transport, walking and cycling, together with greater energy efficiency in buildings (something called ‘Smart Growth’ - see Campaign Briefing 1 in this series). It is important to prioritise these measures first as a way of minimising impacts from necessary energy infrastructure developments. Recognising that these measures alone will not go far enough, we support the development of renewable and low-carbon energy from a diverse array of technologies which have low environmental impact. CPRE recognises that onshore wind, for example, can contribute to meeting the UK’s requirements for energy from renewable sources but wind turbines, if inappropriately sited, can also damage the natural beauty of the countryside. In our onshore wind policy we highlight that avoiding landscape harm requires sensitive siting based on appropriate evidence (see i. under ‘CPRE resources’).

5.3 Planning for nationally significant infrastructure: The Planning Act 2008 included new planning procedures for major infrastructure. The aim of these measures was to speed up the planning process for approving nationally significant infrastructure. The regime deals with energy generation plants of a capacity greater than 50 megawatts (50 MW) and electricity

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<sup>1</sup> DECC (2012) Digest of United Kingdom Energy Statistics. London: TSO

networks infrastructure. The 2008 Act established the Infrastructure Planning Commission (IPC) and National Policy Statements (NPSs). The energy NPSs set out national policy against which proposals for major energy projects would be assessed and decided on by the IPC. They form part of the overall framework on national planning policy and are, therefore, a strong material consideration in decisions on planning applications. The purpose of these NPSs is to avoid the protracted debates about Government policy and energy needs that, under the old system, were being replicated in each major application public inquiry. It is important to recognise that as a result, now it will not be possible to make general submissions about the merits of national policy on energy, or the need for the infrastructure, in responding to particular applications. Arguments on individual cases must relate to specific local planning and environmental impacts and issues arising from the specific proposal.

5.4 The Localism Act 2011 amends the 2008 Act system significantly by introducing measures intended to make planning for major infrastructure more democratically accountable. It abolishes the Infrastructure Planning Commission (IPC) and transfers the decision-making role back to the Secretary of State. However, the IPC has now effectively been transformed into the National Infrastructure Directorate of the Planning Inspectorate (PINS). Inspectors conduct inquiries and then make reports and recommendations to the Secretary of State to inform his determination of planning applications for these projects.

5.5 The 2011 Act also abolishes regional planning, and for strategic issues relies on a “duty to cooperate” (see Campaign Briefing 1 in this series). For energy infrastructure proposals this means that any prescriptive regionally based targets will have no relevance once the old Regional Spatial Strategies are formally revoked.

5.6 Planning for local infrastructure: Despite the shift in focus to a more localist approach to planning, LPAs are still heavily constrained by national policy priorities. The Planning Act 2008 requires local planning authorities and development plans to make a contribution to climate mitigation and adaptation. Moreover, the NPPF, which replaces Planning Policy Statement 22 (PPS22) on renewable energy, cites the Climate Change Act 2008 as a relevant consideration in decision making (NPPF para.94, footnote 16). Mitigating and adapting to climate change, including moving to a low carbon economy, forms a part of the environmental component of sustainable development (para.7) and constitutes a core planning principle in the NPPF (para.17). The NPPF states that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable and low carbon sources and, therefore, should have a positive strategy to promote policies to maximise the development of energy from low carbon and renewable sources (para.97). As such, the NPPF does not significantly change the Government’s overall commitment to develop renewable and low carbon energy.

5.7 The Localism Act 2011 and the NPPF should, however, enable local communities to have a much greater say on the detail of how LPAs contribute to reducing greenhouse gas emissions and on where new energy infrastructure should go. Planning should be genuinely plan-led, empowering local people to shape their surroundings (NPPF para.17). Each LPA should, therefore, ensure that the local plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area (para. 158). CPRE supports this approach. More information about recommended approaches to evidence based plan making is set out in the Planning and Climate Change Coalition, *Planning for climate change - guidance for local authorities* (see ‘other useful information’ at the end of this briefing).

5.8 Some energy infrastructure projects both generation plant/equipment and transmission systems have major landscape impacts. Evidence on landscape capacity and sensitivity to change is, therefore, of particular relevance to energy infrastructure planning. Such evidence

should be informed by landscape character assessment and associated studies, and followed through in specific and detailed local plan policies. The new neighbourhood plans can add detail on these issues and offer a particular opportunity for rural communities to build their own evidence and policies from the bottom up.

5.9 Identifying appropriate sites for renewable and low-carbon energy: PPS22 stated that renewable energy technologies should be capable of being accommodated throughout England in locations where the technology is viable. This made planning policies that ruled out, or placed constraints on, energy development very difficult to justify. It is still the case that general local plan policies that seek to limit specific types of renewable energy technologies will be difficult to justify. Indeed, CPRE policy does not favour such policies, as the pressing need to find and use more environmentally benign methods of energy production means that blanket restriction is not justified. However, the NPPF does clearly offer the prospect of an increased role for local communities in determining appropriate and inappropriate areas for development. Local plans should set out the opportunities for development and include clear policies on what will or will not be permitted and where (NPPF para.154). Moreover, local plans should identify land where development would be inappropriate, for instance because of its environmental or historic significance (para.157). With regard to renewable and low carbon sources, planning authorities should also consider identifying suitable areas where the resource can be exploited (para.97).

5.10 Wind turbine development is a particularly controversial issue for CPRE because it has a high landscape impact. When assessing the likely impacts of potential wind energy development and identifying suitable areas in local policy, the NPPF (para.97, footnote 17) specifically suggests that planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure (EN-3) (read in conjunction with relevant sections of the Overarching National Policy Statement for Energy Infrastructure (EN-1) which includes information and advice on landscape impacts). Plans which identify areas as suitable for renewable and low-carbon energy should make clear what criteria have determined their selection, including for what size of development the areas are considered suitable. Once suitable areas for renewable and low carbon energy have been identified in plans, subsequent applications for commercial scale projects outside these areas should demonstrate that the proposed location meets the criteria used in identifying suitable areas (para.98). Importantly, there is also provision in the NPPF for local planning authorities to ensure that adverse impacts such as cumulative and visual impacts are addressed satisfactorily (para.97).

5.11 Landscape protection forms an important part of conserving enhancing the natural environment in the NPPF. It states that the planning system should protect and enhance valued landscapes (NPPF para.109). Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty (para.115). Importance is also attached to maintaining the character of the undeveloped coast and protecting and enhancing its distinctive landscape, particularly areas defined as Heritage Coast (para.109). Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. This should include an assessment of any detrimental effect on the landscape (para.116). as well as consideration of the impacts on tranquillity, which has been included in national planning guidance for the first time. Local Plans are now able to identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their amenity value (para.123).

5.12 We are currently in a period of transition between planning regimes. There remains a significant tension between the national need to reduce greenhouse gas emissions, by increasing the production of low carbon and renewable energy, and landscape protection. These tensions are increasingly being played out in local planning inquiries. The new regime should offer more

opportunities to press for landscape protection from a local perspective. CPRE will monitor how LPAs and Planning Inspectors interpret new legislation and policy guidance to see what important they attach to local landscape designations under the new regime.

## 6. CAMPAIGN ADVICE

6.1 Low carbon and renewable energy infrastructure is necessary as part of our move to a low-carbon economy, but it can be highly controversial, especially when it is inappropriately sited (see ii. under ‘CPRE resources’). The new planning regime appears to better recognise the need for transition to a low carbon future, while also protecting local landscape quality and distinctiveness. There are two parallel systems for larger and smaller infrastructure, and they have been made more accountable particularly by transferring power to the Secretary of State and local communities respectively. This provides more campaigning opportunities, but the emphasis of effective campaign work is different in each case.

6.2 The NPPF empowers local communities to use local plans and neighbourhood plans to identify opportunities for renewable and low carbon energy development, and the important limitations imposed by the landscape. So, local communities should first campaign to ensure that local plans and neighbourhood plan policies are based on evidence relating to important landscape areas and include appropriate protective policies. Then it should be easier to ensure that landscape impacts are seriously considered when campaigning on either large or small projects. Some LPAs have already prepared local studies and policy guidance documents on landscape. Some have specific guidance on how they will deal with renewable and low carbon energy (examples of best practice can be found in our recent report, *Generating light on landscape impacts* (see ii. under ‘CPRE resources’). We are also compiling a larger list of examples which will be available on our website). Local policies are often presented as informal guidance or Supplementary Planning Documents and in this form, and alone, they will have limited weight. You could press your LPA to prepare this type of guidance, and that it should be linked to specific local plan policies. This will give any detailed guidance a clear context and greater policy weight (see Campaign Briefing 1 in this series).

6.3 Campaigns concerning smaller energy projects should be directed at ensuring the LPA decisions balance energy needs against evidence on landscape quality. The decisions should do this in the light of a very clear understanding of impact. The locally developed policies will allow more effective defence of decisions at planning appeals, as they will provide a specific counter balance to national energy policy priorities. This was recently seen in a legal challenge in May 2012 against a Planning Inspector’s decision not to overturn the refusal of planning permission for a wind turbine, the High Court ruled that an Inspector was not required to give primacy to national policy over local policy.<sup>2</sup>

6.4 At the national infrastructure level decisions are being judged against National Policy Statements, but the development plan is also a material consideration. In an individual case arguments that national policy is wrong or there is no need for the infrastructure will not succeed and will result in a waste of campaigning resources. It is far better to work on specific issues concerning local impact and, if possible, to find common ground with the LPA on such points. The LPA will be making its own submissions to the Planning Inspectorate and you should try to influence these or add emphasis to their case. Often LPAs will struggle to provide the resources needed to participate fully and effectively in a national infrastructure case. Try to counter any inadequacies in this regard by stressing their role in defending local environmental interests and achieving suitable mitigation of damaging impacts. Use the formal consultation procedures LPAs are required to participate in to ensure there is good appreciation of the issues

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<sup>2</sup> Sea & Land Power & Energy Ltd vs Secretary of State for Communities and Local Government & another [2012] EWHC 1419 (Admin) (<http://www.bailii.org/ew/cases/EWHC/Admin/2012/1419.html>)

at stake and the opportunities to use local evidence to influence decisions. If the local plan already incorporates good landscape evidence and policies it will make it easier to press the LPA to make strong submissions on major infrastructure applications. Local campaigns can then support or build on the LPA submissions.

#### 6.5 Priorities for influencing local plans include:

- Ensure local plans prioritise low environmental impact options including strong energy efficiency standards for new buildings (see Campaign Briefing 3 in this series) and encouraging demand reduction through better spatial planning which encourages low carbon forms of transport (see Briefing 5 in this series).
- Put pressure on local planning authorities to incorporate adequate, up-to-date and relevant evidence base. This should include identifying local environmental limits (in relation to sustainable development) (see Campaign Briefing 1 in this series). It should also include characterisation of local landscapes and the built environment (including their capacity and sensitivity to change). Natural England has characterised 159 natural areas across England which are defined by a unique combination of landscape, biodiversity, geodiversity, and economic and cultural activity. This resource would be a good place to start (see 'other useful information'). CPRE also has a range of resources on assessing countryside character (see vii. under 'CPRE resources') as well as a toolkit for preparing a community landscape character assessment (see v. and vi. under 'CPRE resources'). CPRE's onshore wind policy sets out the principles for how and when these studies should be used - specifically in relation to onshore wind planning applications (see i. under 'CPRE resources').
- The need to include this evidence can be demonstrated through the Sustainability Appraisal process (incorporating the statutory requirement for Strategic Environmental Assessment (SEA)) (see Campaign Briefing 1 in this series). Local communities should seek to engage with local planning authorities preparing an evidence base for plan making at the earliest possible stage to highlight opportunities for renewable and low carbon development as well as limitations imposed by the landscape.
- Secure the protection of locally important landscapes in local plans from damaging and inappropriately sited infrastructure while also identifying areas which can accommodate renewable and low carbon energy.
- Local planning authorities should also be encouraged to employ the 'duty to cooperate' (see Campaign Briefing 1 in this series) when exploring wider than local issues. A landscape analysis and policy designations of least sensitive areas or protected locations will be more effective when prepared for a wider area through a cooperative process.

6.6 A range of resources to help you plan an effective campaign, communicate your message, and gather people to your cause can be found on Planning Help:

<http://www.planninghelp.org.uk/improve-where-you-live/campaign-tips>

## 7. FURTHER INFORMATION

### CPRE Resources:

[www.planninghelp.org.uk](http://www.planninghelp.org.uk)

- i. CPRE's policy on onshore wind turbines, July 2012 (<http://www.cpre.org.uk/resources/energy-and-waste/climate-change-and-energy/item/2994-policy-guidance-notes-onshore-wind-turbines>).
- ii. Generating light on landscape impacts, how to accommodate onshore wind while protecting the countryside, May 2012 (<http://www.cpre.org.uk/resources/energy-and-waste/climate-change-and-energy/item/2823-generating-light-on-landscape-impacts>).
- iii. Get Generating, A renewable energy guide for rural communities, January 2011 (<http://www.cpre.org.uk/resources/energy-and-waste/climate-change-and-energy/item/1734-get-generating>).
- iv. CPRE's policy on energy, May 2009 (<http://www.cpre.org.uk/resources/energy-and-waste/climate-change-and-energy/item/1989-fieldwork-spring-2011>).
- v. A step-by-step guide to Unlocking the Landscape, How to prepare a Community Landscape Character Assessment, March 2009 (<http://www.cpre.org.uk/resources/countryside/landscapes/item/1927-a-step-by-step-guide-to-unlocking-the-landscape>).
- vi. Unlocking the Landscape, Preparing a Community Landscape Character Statement, March 2005 (<http://www.cpre.org.uk/resources/countryside/landscapes/item/1929>).
- vii. Campaigning for countryside character, June 2003 (<http://www.cpre.org.uk/resources/countryside/landscapes/item/1930-campaigning-for-countryside-character>).

### Case Studies:

Case studies relevant to the briefings and to future national campaigning will be stored on our website.

### Other useful information:

Planning and Climate Change Coalition: planning for climate change - guidance for local authorities, April 2012 ([http://www.tcpa.org.uk/data/files/PCC\\_Guide\\_April\\_2012.pdf](http://www.tcpa.org.uk/data/files/PCC_Guide_April_2012.pdf)).

Natural England, National Character Areas - defining England's natural boundaries (<http://www.naturalengland.org.uk/publications/nca/default.aspx>).