

10: UTILITIES AND ENERGY

POLICY U 2

Telecommunications

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Orange Personal Communication Services Limited	586	1	O	
Vodafone Ltd	822	610	O	

OBJ NO	SUMMARY OF OBJECTION
1	The policy should emphasise that operators have a statutory duty to provide a service.
610	Criteria (b) needs minor amendment. The linkage between telecommunications and transport should be taken into account in the text accompanying the policy.

Main Issues

- 10.1.1 i) Whether criteria (a) implies the Council will assess the need for a facility.
 ii) Whether there needs to be alterations to criteria (b) to give it clarity
 iii) Whether there needs to be amplification of the text to recognise the linkage between telecommunications and transport.

Conclusions

- 10.1.2 **In respect of the first issue**, the draft deposit policy at criteria (a) said that telecommunications development would be permitted where there wasan operational need for the development..... The Council agreed with the objector that this might appear as if they were questioning the need for a service and consequently in the revised deposit draft of the plan amended criteria (a) to exclude reference to the need for a facility. To my mind this removed the ambiguity in the original version of the policy and I consider no further changes are required to clarify the policy in this respect.
- 10.1.3 **Turning to the second issue**. As written at the moment I consider there is a basic conflict between criteria (b) and (c) which both deal with the impact of development. Criterion (c) reflects the wording in PPG8 which says that the impact of telecommunications development should be minimised. It therefore accepts that such developments will have a degree of impact on their surroundings and implicit in that is that the impact could be adverse. Criterion (b) on the other hand requires absolutely that there be no damage to the appearance of the surroundings or the enjoyment of buildings. It is not entirely clear whether the Council consider damage would be far more serious than impact or not.
- 10.1.4 In their statement the Council say that replacing *damage* with *serious risk*, as suggested by the objector, would reduce the protection the policy offers, but I am not sure what would constitute damage in these circumstances or indeed serious risk. It seems to me that it would be preferable if the terminology in the 2 criteria were similar. I consider it would be clearer for the policy to be amended by including the words *no unacceptable impact* in criterion (b). In my view this would at (b) make it clear that development which would result in serious visual impacts/damage will not be permitted and at (c) that in any event visual impact must be minimised.
- 10.1.5 **In response to the third issue**, in the revised deposit version of the plan the Council added a new paragraph highlighting, as suggested by the objector, the linkage between

telecommunications and transport. I consider no further modification is required in this respect.

Recommendation

10.1.6 I recommend that criterion (b) of policy U2 be modified to read *There is no unacceptable impact on the appearance and amenity of buildings or on townscape or on the countryside, and*

POLICY U 3

Water Services for Development

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
United Utilities - Service Delivery	814	709	O (rd)	Yes
Environment Agency	279	247	S	
English Nature	277	669	S (rd)	

OBJ NO	SUMMARY OF OBJECTION
709	It should be made clear that United Utilities policy is not to adopt any SUDs structures.
247	Support the principle of the policy where it promotes or protects Environment Agency interests.
669	Support the policy as it encourages the use of sustainable drainage systems.

Main Issue

10.2.1 Whether there should be specific mention of the objector's policy of non adoption of SUDs structures.

Conclusions

10.2.2 The Council have taken on board the principle of this objection and, in the non advertised changes which have been produced, propose to alter the plan at the modification stage by making specific reference to United Utilities policy in respect of SUDs. The changes proposed are an addition to the last paragraph of the policy saying *This is subject to satisfactory arrangements being made for on-going maintenance of the structures involved.* And an additional paragraph to the end of the text accompanying the policy to read *The current policy of United Utilities (the company responsible for water services infrastructure in the North West) is not to adopt any SUDs structure including swales, impermeable pavements and ponds. United Utilities will only consider the adoption of surface water sewers draining to a balancing pond (as opposed to any other SUDs structure), providing the following conditions are met: the Local Authority takes responsibility for the maintenance of the pond; the freehold of the land on which the pond lies is transferred to the local authority; United Utilities is provided with a deed of Grant of Rights to discharge into the pond in perpetuity; that measures have been taken to prevent flooding of properties; and that a legal agreement is in place between all parties.*

10.2.3 United Utilities have indicated by letter of the 2 September 2002 that they are satisfied that these proposed changes are sufficient to meet their objection.

- 10.2.4 With regard to the policy change itself, it seems to me that it would be more positive and more supportive of SUDs if it were reworded to read *The Council will expect satisfactory arrangements to be made for the on-going maintenance of the structures involved*. This phraseology would emphasise the Council's commitment to the inclusion of such systems which are promoted in national policy guidance in PPG25.

Recommendation

10.2.5 I recommend that:

- i) there be an addition to the end of the policy saying *The Council will expect satisfactory arrangements to be made for the on-going maintenance of the structures involved.*
- ii) A new paragraph be included at the end of the accompanying text to read *The current policy of United Utilities (the company responsible for water services infrastructure in the North West) is not to adopt any SUDs structure including swales, impermeable pavements and ponds. United Utilities will only consider the adoption of surface water sewers draining to a balancing pond (as opposed to any other SUDs structure), providing the following conditions are met: the Local Authority takes responsibility for the maintenance of the pond; the freehold of the land on which the pond lies is transferred to the local authority; United Utilities is provided with a deed of Grant of Rights to discharge into the pond in perpetuity; that measures have been taken to prevent flooding of properties; and that a legal agreement is in place between all parties.*

POLICY U 6

Renewable Energy

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
British Wind Energy Association	110	65	O	
Mr M Goodall	325	269	O	
Government Office for the North West	327	331	O	
English Heritage	276	647	O (rd)	
Mr M Goodall	325	677	O (rd)	
English Nature	277	204	S	

OBJ NO	SUMMARY OF OBJECTION
65	Welcome inclusion of the policy but are dismayed by exclusion of wind turbines, contrary to PPG22.
269	The policy needs specificity and a necessary specification is a full sustainability audit
331	The policy should identify broad locations/specific sites for renewable energy installations.
647	Criteria should be added to avoid adverse impact on the historic environment.
677	The policy should exclude wind turbines, which are more sustainable at sea.
204	The policy allows for a range of renewable energy resources to be developed.

Main Issues

- 10.3.1 (i) Whether the plan should identify broad locations/specific sites for various types of renewable energy installations

- (ii) Whether wind energy should be excluded from the policy.
- (iii) Whether there needs to be a criteria specifically dealing with impact on the historic environment.

Conclusions

- 10.3.2 **The first issue.** Part 1 policy 1.13 of the UDP sets out the general findings of the renewable energy study carried out for the North West, *From Power to Prosperity* (2001). However in emerging RPG13 in the text accompanying policy ER13 it says that GONW is updating earlier studies with a comprehensive assessment of the Region's renewable energy potential. It is only after this that the regional assembly will develop longer term targets for grid connected generation with an early review of the RPG to provide a strategic framework for policies and proposals on renewable energy and to define broad locations for its development. In the meantime policy ER13 itself says that amongst other things development plans should identify areas of search with criteria based policies for renewable energy development.
- 10.3.3 So far as I am aware the Council have not of their own accord carried out any survey work to enable it to produce policies in the plan which identify areas suitable for different types of renewable energy installations in line with para 25 of PPG22. Nor does it appear that regional guidance is as yet in a position to provide a framework for such policies. There is therefore no information available on which to base specific policies. Given this situation it would not be realistic for such policies/allocation to be included in the plan at the present time. This means that the plan cannot be specific or accord to the letter of PPG22.
- 10.3.4 PPG12 says at para 3.12 that properly framed criteria policies can help simplify plans and provide flexibility. It seems to me that, although reactive rather than proactive, as written policy U6 starts from the premise that the Council is supportive in principle of renewable energy schemes and goes on to set out what criteria will be used in assessing such proposals. The policy is therefore broadly in accord with PPG12 and the emerging RPG. It would in my opinion be a more appropriate time to review policy U6 and/or add more specific policies once a regional strategy/framework has been produced. I do not consider the plan should be modified in this respect at the present time.
- 10.3.5 **I now turn to the second issue.** The original deposit draft of the plan excluded wind energy proposals from policy U6. It was included in the revised deposit version of the policy as a result of objection at the first deposit stage. PPG22 sets out national policy on renewable energy. It is all inclusive and does not give preference to any one source of energy above others. Whilst it recognises generally that the desirability of exploiting renewable energy resources must be weighed against visual impacts, para 64 makes it clear that planning authorities should always assess and judge the merits of planning applications on a site specific basis. It would therefore fundamentally contradict Government policy for wind turbine development, regardless of scale and location to be totally excluded from a policy on renewable energy.
- 10.3.6 I appreciate the objector considers off shore wind energy to be more efficient and sustainable but an either/or situation is not an option in Tameside, where in any event no attempt has been made to estimate the level of energy which needs to come from renewable sources or what resource is best able to produce that energy. Moreover within the context of this UDP, I have seen no substantive evidence which persuades me that wind based turbines are an unsustainable means of the production of renewable energy which should *per se* be excluded from policy U6.

- 10.3.7 **In respect of the third issue** policy U6 says that renewable energy developments will be tested against the criteria in MW9. Criterion (f) of MW9 requires no unacceptable impact on any listed building or its setting, ancient monument or conservation area, while criterion (h) affords similar protection for local landscape features and archaeological, woodland or geological interests. I consider these criteria are sufficient to protect the historic environment.
- 10.3.8 Insofar as the objection by Mr Goodall refers to the need for a full sustainability audit. This is dealt with in chapter 12 of this report paragraphs 12.6.1-12.6.6.
- 10.3.9 Finally the objection by the British Wind Energy Association was concerned at the exclusion of wind turbines from the policy, suggested separate criteria for wind turbines and a more balanced approach to all forms of renewable energy in the text accompanying the policy. The Council accepted these criticisms and changes along the lines suggested by the objector were incorporated into the revised deposit draft plan. The objector also suggested extensive explanatory paragraphs explaining the UK's position and policy in respect of renewable energy and suggested 5 conditions dealing primarily with wind turbines. I consider these detailed suggested changes are unnecessary in the light of the current wording of the policy and its accompanying text in the revised draft of the plan.

Recommendation

- 10.3.10 I recommend no modifications to the policy as a result of these objections.**