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# Planning Policy and Biomass developments

Grampian Biomass Working Group - 11th July 2017

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Aberdeenshire Council  
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## Structure of presentation

Range of developments:

- Permitted Development requirements
- Planning Consent required key policies

Background

- Range of biomass renewable technologies
- Scale of proposed development



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## **Biomass Development and Planning**

- Not all forms of development require planning permission, some are permitted development
- Permitted development was extended to Non-Domestic Microgeneration under powers conferred by the Town and Country Planning (Scotland) Act 1997 through Statutory Instrument the Town and Country Planning (General Permitted Development) (Non-Domestic Microgeneration) (Scotland) Amendment Order 2011
- Development is permitted where it meets certain specifications, however it does require “Prior Notification from the Planning Authority”
- A Prior Notification cannot be dealt with retrospectively
- Prior Notification forms are available via Council Website
- The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the GPDO”) identifies Class 6K as Agriculture and Class 6L as Forestry and these are referred to in the Statutory Instrument



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## Use of Prior Notification set out by Government

- Prior notification is a procedure whereby a developer must notify the planning authority of proposals before exercising permitted development rights. This procedure will not result in planning permission, but instead determines whether prior approval is or is not required.
- Government reasoning behind prior notification is explained broadly as:
  - Requiring planning applications in circumstances where the planning system can add little, or no value imposes unnecessary costs and causes delays to development. Equally however, if permitted development rights are set too widely, there is a risk of “inappropriate” development taking place.
- Prior notification has 28 day decision timescale, £78 fee
- Development should not commence until either of the following:
  - Written notice from PA that prior approval not required
  - Notice given that prior approval required and given by PA
  - Expiry of 28 days and no notice received.



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## When Prior Approval given

- the development must be carried out in accordance with details submitted with the prior notification including where prior approval is identified as not required.
- Development should be carried out within a 3 year period from the date the planning authority gave approval or in the case where the planning authority did not respond, within a 3 year period from the date the planning authority were given the application for prior notification.



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## Planning Consent is required

Planning permission is required for the following types of development:

- Where biomass boilers and/or required structures already erected ground area covered by structure, erected or extended  $>465$  sq.m
- The height of any part of biomass boiler structure (including flue) is greater than 3 m and within 3 km of perimeter of an aerodrome
- development is on a farm holding of less than 0.4 hectares;
- Located within 25 metres of a classified road
- Located within 400 metres of the curtilage of a protected building (e.g. a dwelling not part of the agricultural unit)
- Electricity generated is  $> 50$  kW or heat produced is  $> 45$  kW thermal
- The land is within an air quality management area (AQMA)
- More than 1 flue or if the flue or replacement is  $>500$  mm diameter



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## The Local Development Plan policies responding to the issue of Climate Change

- Policy C1 Using resources in buildings
- Policy C2 Renewable Energy
- Policy C3 Carbon sinks and stores
- Policy C4 Flooding

Policy C2 on Renewable Energy development is a key policy for the consideration of biomass proposals

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However Policy P1 - Layout, Siting and Design is important;

Policy P4 – Hazardous & potentially polluting developments & contaminated land are key issues to consider of energy generation proposals.



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## Policy C2 - Renewable energy and others

- Policy C2 – “Renewable Energy” We will support developments which are on appropriate sites and of the right design;
- We expect renewable energy developments to relate well to the source of the renewable energy required for operation and that satisfactory steps are taken to mitigate any negative impacts on occupiers of nearby properties;
- We can treat biomass schemes as an industrial processes suitable for business land when in the right location
- However other key relevant policies are:
- Policy P1 – “Layout, siting and design” – appropriate design / landscape fit
- Policy P4 – Hazardous and potentially polluting developments and contaminated land – Issue if there a risk that it could cause significant pollution, create a significant nuisance, or present an unacceptable danger to the public or the environment.
- Transport and suitable access routes will be further considerations.





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## Contacts for the Planning Authority

If you are proposing a biomass development, please ensure that you always contact the relevant Development Management Team

### Area offices:

Banff & Buchan – E-mail: [bb.planapps@aberdeenshire.gov.uk](mailto:bb.planapps@aberdeenshire.gov.uk) Tel: 01261 813210

Garioch – Email: [ga.planapps@aberdeenshire.gov.uk](mailto:ga.planapps@aberdeenshire.gov.uk) Tel: 01467 534333

Buchan – Email: [bu.planapps@aberdeenshire.gov.uk](mailto:bu.planapps@aberdeenshire.gov.uk) Tel: 01779 483724

Formartine – Email: [fo.planapps@aberdeenshire.gov.uk](mailto:fo.planapps@aberdeenshire.gov.uk) Tel: 01358 726429

Kincardine & Mearns – Email: [km.planapps@aberdeenshire.gov.uk](mailto:km.planapps@aberdeenshire.gov.uk) Tel: 01569 768300

Marr: Email – [ma.planapps@aberdeenshire.gov.uk](mailto:ma.planapps@aberdeenshire.gov.uk) Tel: 01569 768300



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## In conclusion

- Aberdeenshire Council supports biomass developments of appropriate technology, appropriate scale and in the right location
- This is consistent with Government policy which asks for the right development in the right place

