

# **OPPORTUNITIES IN THE RURAL AREA: MINERALS**

## **A presentation for the Staffordshire Rural Forum**

**22 September 2010**

### **ATB's introduction**

The theme of this conference is to consider how to develop and maintain sustainable rural communities with the emphasis being on the planning system. We have heard about the comprehensive work undertaken by the Foresight Project, looking ahead to the next 50 years for the rural area, and the Rural Coalition's detailed prospectus.

In addition the Commission for Rural Communities recently published its "Agenda for Change" (7 September 2010). Its focus is slightly different as it talks of releasing the economic potential of England's rural areas and acknowledges the contribution of rural England to the nation's economic recovery.

"Agenda for Change" accommodates the Governments "Big Society" agenda. One of the questions highlighted for to-day is whether we need to overhaul the planning system to breathe life into the countryside. That overhaul is taking place; "localism" is the "buzz" word: some appear to suggest that this is how rural communities will be given the opportunity to thrive once again; by making their own choices about what happens in their area.

Rob and I will explore this idea to-day. Housing and where it is located receives most press, and so we have chosen to look at this in the context of two other forms of development; what might be termed controversial forms of development, particularly in rural areas : renewable energy and minerals. The latter has long been recognised in national policy; the policy in relation to the former is emerging. As a "hot topic" our presentation on renewable energy will be longer than that on minerals.

This presentation will look at the following:

- Background: facts and figures; national policy.
- What's changing: how Government's "Big Society" relates to minerals.
- How and why rural areas shall engage positively in the process of change.

### **BACKGROUND: FACTS AND FIGURES**

It is useful to get a feel for what we're talking about in terms of categories of mineral and their use.

The data set out below is from the British Geographical Survey

- 261.2 mt land-won minerals extracted for sale 2008:
  - 218.5 mt construction 83.7%
  - 23.3 mt industrial 8.9%
  - 18.1 mt coal 6.9%
  - 1.3 mt oil and gas 0.5%

You can see from the figures that the vast majority goes in to the construction sector: whilst I don't have the precise definition this will be, for example, for our infrastructure such as roads/rail; for brick, concrete, cement... and so on, ie aggregates.

Staffordshire has a key role to play in mineral provision. Indeed the Annual Monitoring Report 2009, produced by SCC, states that it is one of the most important mineral producing counties in England.

- In 2007 Staffordshire accounted for just less than 10% of England's land won sand and gravel sales.
- In 2007 Staffordshire produced 8.6% of the clay used for brick, tile and pipe manufacture in England.
- The cement works in Staffordshire, fed by limestone and shale from local quarries, produces approximately 8% of the UK capacity for producing cement.
- The county also produces anhydrite and gypsum, limestone (crushed rock), silica sand and building and dimension stone.
- Approximately 75% of the land area of Staffordshire is rural.

## **BACKGROUND: NATIONAL POLICY**

The following are all statements from Mineral Policy Statement 1 which is the overarching national planning policy document for all minerals in England.

*"Minerals are essential to the nations prosperity and quality of life not least in helping to create and develop sustainable communities";*

*"It is essential that there is an adequate and steady supply of material to provide the infrastructure, buildings and goods that society industry and the economy needs, but that this provision is made in accordance with the principles of sustainable development".*

*"Minerals development is different from other forms of development because minerals can only be worked where they naturally occur. Potential conflicts can therefore arise..."*

This first paragraph of MPS1 also explains the role of minerals planning in delivering the adequate and steady supply of minerals which is required.

So national planning policy for minerals recognises the economic and social contribution of minerals development; and the need for such development to be undertaken in a sustainable manner. Development in one area might clearly be needed to benefit(supply) another area.

## **BACKGROUND: LANDBANKS AND MANAGED AGGREGATES SUPPLY SYSTEM**

For those that are not aware in order to provide for an adequate and steady supply of minerals national policy generally provides that landbanks of varying length should be maintained; a landbank representing the length in years permitted reserves will last.

For aggregates the volume of land won mineral required has, to date, been set by the Government, in a "top down" approach, currently for the period to 2020 in 2009 guidelines, on a regional basis.

The guidelines take into account the contribution made by recycled/secondary aggregates and marine won aggregates.

MPS1 Annex 1 details the process for "assigning" that regional apportionment to individual counties by regional bodies with advice from the Regional Aggregate Working Parties, through Regional Spatial Strategies, with the individual counties then making provision in their minerals plan.

MPS1 (and other minerals policy statements) detail the length of landbank which is to be maintained.

- Landbank indicator of when new permission for aggregates likely to be needed:
  - At least 7 years for sand and gravel
  - At least 10 years for crushed rock

This system for aggregates supply has operated since the mid 1970's.

Landbank requirement for other minerals established in other government guidance; eg silica (industrial) sand in Minerals Planning Guidance 15 : at least 10 years for individual sites

Prior to election the "managed aggregate supply system" and in particular the method of apportioning individual counties their share of the regional apportionment, in the RSS was becoming subject to challenge, from conservative led Counties; Staffordshire being one of them.

## **COALITION GOVERNMENT'S BIG SOCIETY AND MINERALS**

Post election the "localism" agenda of the conservative manifesto has been firmly established in the Coalition Government's proposals.

The Programme for Government document produced shortly after the Coalition Government was established makes clear that localism will be taken further in the longer term, so that neighbourhoods will have greater ability to determine the shape of their local areas in accordance with the principles of Open Source Planning; the conservative pre-election manifesto on planning. Both documents referred in addition to all the planning and mineral policy statements being replaced by a simple national planning framework (as in Scotland).

The Queen's Speech announced a bill - the Decentralisation and Localism Bill due this Autumn, which the Government says will return decision making powers on housing and planning to local councils. It will also abolish Regional Spatial Strategies.

Of course, as we all know, Regional Strategies were revoked (although this is the subject of judicial challenges) by the Secretary of State on 6 July of this year. At the same DCLG issued guidance to local planning authorities on what this means for them.

In relation to minerals the need to plan for a steady and adequate supply was reaffirmed; and that this should be done within the longstanding arrangements for minerals planning. Minerals are of course to continue to be dealt with at the county level. There is provision for local authorities to use alternative apportionment figures for planning purposes if they have new or different information and a robust evidence base.

A number of county authorities have stopped work on their mineral development frameworks and are planning investigative programmes in order to provide that information and evidence base; ie they are looking to lower their "apportionment" i.e the amount of mineral their county is to provide.

However, the maxim minerals can only be worked where they are found cannot be overlooked and the Coalition Government has indicated there will be a duty to co-operate between local authorities, for example, where they need to share a resource. The July 6 Guidance indicated that the Government would be working with the industry and planning authorities to agree how minerals planning arrangements should operate in the longer term. It appears from the Guidance that a technical advisory group , such as the Regional Aggregates Working Parties, will remain, but how they will be structured i.e. in relation to what geographic area is unknown.

We are in the midst of comprehensive change: How can we ensure that important minerals development (important too for development in rural areas and for economic benefits such as employment) is not frustrated by "Localism". How can rural areas ensure they benefit from this change in the context of minerals development?

### **CHANGING TIMES: BENEFITS FOR RURAL AREA?**

Whilst already entrenched in our planning system, improved community enforcement will be a key element of the "new" system with the emphasis on "collaboration".

Generally where there is an application for a minerals planning permission, the operator will hold public exhibitions and provide information about proposals prior to submitting a planning application. Proposals may be altered as a result of comments made/information received through such events. If a quarry is already in existence there are often quarry liaison groups involving the mineral planning authority, the quarry operator and local residents and presentations would usually be made to such a group.

However, where there are proposals to promote sites for quarry development in Local Development Frameworks advance consultation by operators is not a prominent feature, due to the way the forward planning system currently works.

In the longer term the Coalition Government has identified that it will alter the development plan system along the lines set out in the Conservative manifesto for planning, Open Source Planning, ie truly local plans built out of a process of "collaborative democracy". This appears to mean that local plans will commence production at a community level with all participating on an equal basis.

At application stage Open Source Planning refers to a presumption in favour of the grant of a planning permission if certain requirements, including effective community engagement, are demonstrated as being fulfilled. In Scotland, I understand, unless the requirements for community engagement can be demonstrated to have taken place pre application, the application will not and cannot be registered and again there was reference in the Conservative manifesto papers to legislating to require pre application community engagement.

Open Source Planning also indicates that it may become possible for "immediate neighbours" and developers to agree "compensation", so as to avoid the need for a formal assessment of a proposal where more than a small minority of residential neighbours object. The manifesto indicated an intention to consult on the parameters for such a scheme. It is possible different parameters may be set for different development, but any application of such proposals to a minerals development would likely require a different set of rules.

The idea of financial compensation for quarrying development is not a new one, however. Since 2002 there has been in place an environmental tax on aggregate producing quarries (land and marine) : the Aggregates Levy. This will be £2.10 pt in 2011 (and remembering the figures for land won aggregates in slide 1 namely 218.5 mt to construction) we get a feel for the amount of money involved.

Part of the levy is paid into the Aggregates Levy Sustainability Fund, which then provides for funding for projects. A number of significant research projects have been funded in this way and individual community based projects are also funded.

However, it is reported that in the last 8 years only an average of 11% of the ALSF has gone back to the communities in which the quarries are located. Whilst the trade associations representing aggregates producers do not accept the aggregates levy is necessary, one of the trade associations has recently called for a greater share of the Fund to go back to those communities and for this to be dealt with through the Comprehensive Spending Review.

The Coalition Government does generally appear to want to deal with difficult issues of provision by means of encouragement ie giving local areas benefits if they provide necessary development. In housing this takes the form of the New Homes Bonus Scheme; the precise details and cost to the Treasury of which are still unknown but "substantial extra funding" has been referred to. The Government's first Annual Energy Statement re-affirmed the commitment to allow communities that chose to host wind farms to keep the business rates they generate for 6 years.

Maybe we will see similar incentives for other forms of necessary but unpopular development.

## **BIODIVERSITY**

I cannot give a presentation on opportunities associated with minerals development without mentioning biodiversity. The importance of biodiversity is recognised in national policy and law (and, of course, in and with European law and policy). I have referred to the national policy statement PPS9, but it is accompanied by significant additional guidance. The Foresight Report refers at places to the threat to biodiversity if we do not use our land appropriately. In restoring quarries considerable effort and design work is often used to ensure that biodiversity gains are maximised.

The Nature After Minerals project is an initiative run by RSPB and Natural England with support from the minerals industry. Funding from the ALSF has now enabled employment of full time staff to implement the project on the ground.

The Staffordshire County Council Annual Monitoring Report 2009 reflects the significant contribution which quarrying in Staffordshire has made to biodiversity.

- Local Area Agreement Target for improvement in 2008-9 of sites in positive management slightly exceeded
- One site brought in positive management through minerals planning
- Creation and restoration of 13ha priority biodiversity habitat
- Creation of 20 ponds

We will be hearing more about the site later but Lafarge Aggregates scooped a Restoration Best Practice Award at the European Aggregates' Association's Sustainable Development awards for the National Memorial Arboretum.

## **SUMMARY**

The Foresight Report whilst specifically not claiming to look at all land users does not raise the issue of mineral development in its Executive Summary; nor does the Rural Coalition Prospectus. This is perhaps because minerals development is not seen as important for the rural area rather than it not giving rise to any concerns from either the perspective of supply or the perspective of the communities in which it exists.

The minerals industry do say that security of supply is a concern; they said so pre-election against a background of slow delivery of development frameworks and challenges to apportionments from some county authorities, particularly those counties of historic importance for supply such as Staffordshire.

National policy will continue to support the need for an adequate and steady supply of minerals in a sustainable manner, which supply is equally important for rural and urban areas. Presently the shape of system that will deliver that going forward is unknown. There is now an opportunity for rural areas to engage positively in the process creating the system; which system may result in greater direct benefits for the communities involved.



# Opportunities in the Rural Area

Renewable Energy

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# Introduction



## Some Facts

- Energy Use will double within 20 years
- Need to reduce emissions of carbon dioxide by 60% by 2050
- 30 years oil reserves
- 60 years gas reserves
- 85 years(?) uranium reserves
- Coal Reserves

# Renewable Energy (1)



## Renewable Energy in the Rural Area

- Wind Power - Wind Turbines
- How Does it Work?
- Is planning permission required?
- How can the electricity be used?
- Common Issues of Concern
- By 2030 22.6% RE in EU

# Renewable Energy (1) contd.

## Wind Turbine



# Renewable Energy (2)



## Solar Energy

- Around since 1970's
- Is planning Permission Required?
- How does it work?
- Remains costly
- Several competing technologies
- Other forms of RE

# Renewable Energy (2) contd.

## Solar Panels



# Renewable Energy (3)



A rural context

## Case Study 1

- 18.44m Ground to tip wind turbine proposed on farm
- Recommended for approval but refused by Councillors

# Renewable Energy (4)



## Some More Facts

- EU Renewable Energy Directive
- Increase in RE from 5.5 to 30%
- “*Unlocking Investment to Deliver Britain's Low Carbon Future*” – Green Investment Bank Report
- De-carbonisation works – Scale not seen since Second World War

# Renewable Energy (5)



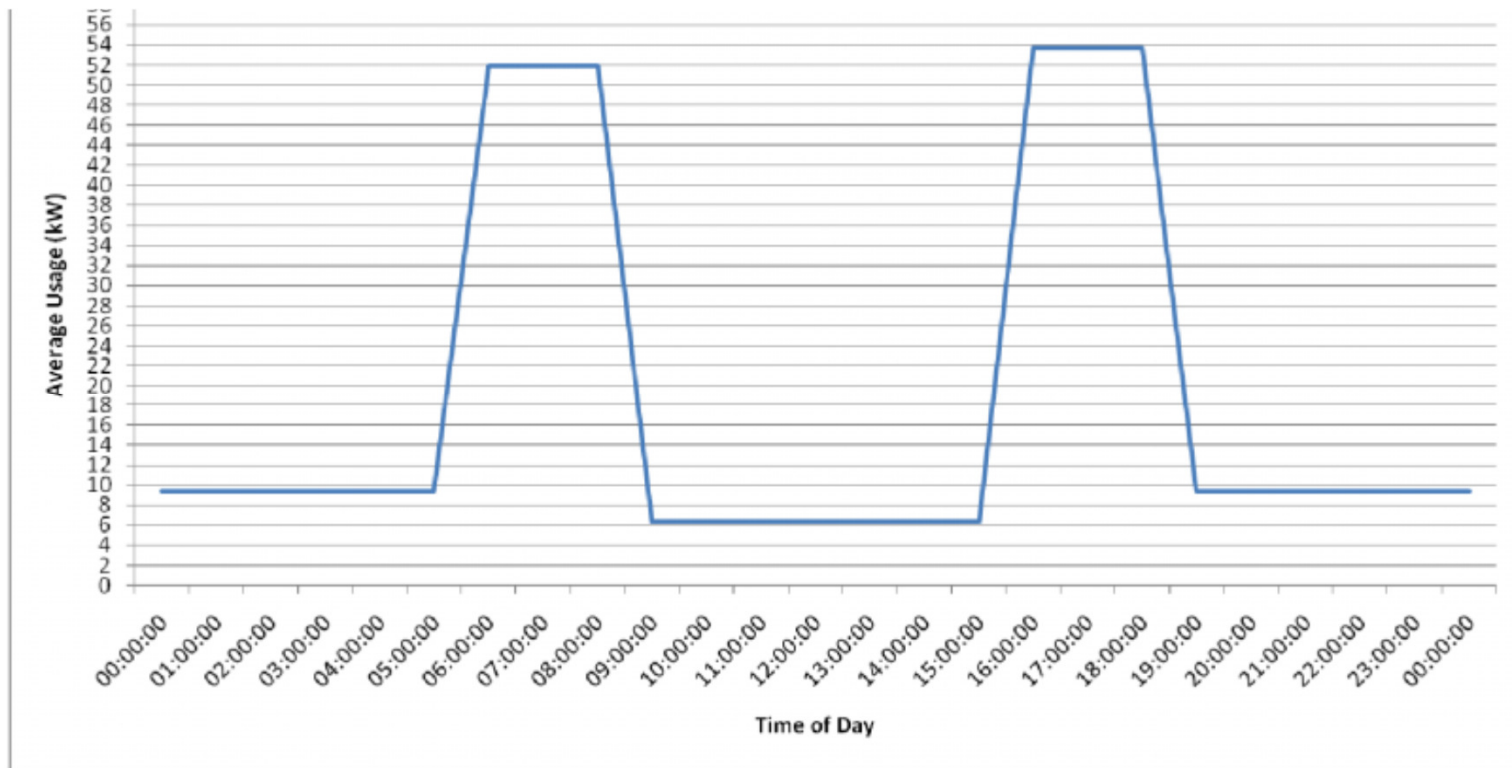
- Abolition of Infrastructure Planning Commission
- Major Infrastructure Planning Unit
- National Policy Statements
- 18<sup>th</sup> August 2010 LA's sell renewable energy
- Delivery of Projects?

# Renewable Energy (6)



## Case Study 2

- Dairy Farmer – 650 dairy cows
- Large electricity bill- proposed wind turbine
- 15% chance of success
- Other forms of renewable energy discounted
- Typical scenario



The sites 24 hour consumption varies between circa 6kW and 54kW  
Total annual consumption estimated at 183 MWh.

# Renewable Energy (7)



## Case Study 2 contd.

- Whole Site Approach
- Solar and Wind
- Difficulties and Hurdles to Overcome
- Attitude of Local Planning Authorities
- Strong Legal Presumption in Favour of Renewable Energy Development

# Renewable Energy (8)



- Planning Policy currently “*Not fit for Purpose*”
- Rural Areas – Vast Resource
- New Rural Industry
- Education and Information
- The Role of Local Communities
- Promotion of Schemes and Investment

# Conclusion



- Unique Challenge to enable the UK to meet its EU Obligations and move towards a carbon free economy
- Massively Scaled Up Government Intervention Required

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# Opportunities in the Rural Area Minerals

22 September 2010  
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# Background: UK Mineral Statistics



- 261.2 mt land-won minerals extracted for sale 2008:
  - 218.5 mt construction 83.7%
  - 23.3 mt industrial 8.9%
  - 18.1 mt coal 6.9%
  - 1.3 mt oil and gas 0.5%

# Background: Staffordshire Statistics



- Staffordshire is an important mineral producing county in England
- In 2007 Staffordshire accounted for just less than 10% of England's land won sand and gravel sales.
- In 2007 Staffordshire produced 8.6% of the clay used for brick, tile and pipe manufacture in England.
- The cement works in Staffordshire, fed by limestone and shale from local quarries, produces approximately 8% of the UK capacity for producing cement.
- The county also produces anhydrite and gypsum, limestone (crushed rock), silica sand and building and dimension stone.
- Approximately 75% of the land area of Staffordshire is rural.

# Background: Mineral Planning Statement 1



*"Minerals are essential to the nations prosperity and quality of life not least in helping to create and develop sustainable communities"*

*"It is essential that there is an adequate and steady supply of material to provide the infrastructure, buildings and goods that society industry and the economy needs, but that this provision is made in accordance with the principles of sustainable development"*

*"Minerals development is different from other forms of development because minerals can only be worked where they naturally occur. Potential conflicts can therefore arise..."*

# Background: Mineral Planning Statement 1 (cont..)



*"Minerals planning aims to provide a framework for meeting the nation's need for minerals sustainably, by adopting an integrated policy approach to considering the social environmental and economic factors of doing so and securing avoidance or appropriate mitigation of environmental impacts where extraction takes place"*

# Landbanks and the Managed Aggregates Supply System



- Pre Coalition Government System for aggregates:
  - National and Regional Guidelines for the provision of aggregates in England 2005-2020, June 2009
  - MPS 1, Annex 1 : Aggregates
  - Regional Spatial Strategies
  - Regional Aggregate Working Parties
  - Provision identified in Local Development Documents

# Landbanks and the Managed Aggregates Supply System (cont..)



- Landbank indicator of when new permission for aggregates likely to be needed:
  - At least 7 years for sand and gravel
  - At least 10 years for crushed rock
- In existence approximately 35 years
- Landbank requirement for other minerals established in other government guidance; eg silica (industrial) sand in Minerals Planning Guidance 15 : at least 10 years for individual sites

# The Big Society and Localism



- Programme for Government
  - Longer term radical reform – neighbourhoods to be given far more ability to determine shape of places in which inhabitants live, based on principles in Open Source Planning
  - Simple and consolidated national planning framework
- Decentralisation and Localism Bill
  - Return decision making powers on housing and planning to local councils
- Revocation of Regional Spatial Strategies
  - 6 July 2010. Guidance for Local Planning Authorities following the revocation of Regional Strategies
- Duty to Co-Operate

# Minerals and Community Engagement



- Good practice within minerals industry

BUT

- Open Source Planning : “Truly” local plans – built out of a process of collaborative democracy
- Incentives for community engagement
  - presumption in favour of sustainable development
  - voluntary agreements between developers and residents in immediate vicinity to avoid formal consideration of application?

# Minerals and Financial Benefit Schemes



- Aggregates Levy Sustainability Fund
  - Aggregates Levy introduced in 2002; £2.10 per tonne in 2011
  - Land and marine won aggregates
  - ALSF aims to reduce environmental impacts of extraction of aggregates and to deliver benefits to areas subject to these impacts
  - Scope to increase amount of funding delivered to local communities – 11% over 8 years : Comprehensive Spending Review?

# Minerals and Financial Benefit Schemes (cont..)



- Possibility for other incentive schemes as per New Home Bonus Scheme; proposal for wind farm business rates to be retained by local authority (Open Source Planning)?

# Minerals and Biodiversity



- Planning Policy Statement 9 : Biodiversity and Geological Conservation
- Staffordshire County Council Annual Monitoring Report 2009
  - Local Area Agreement Target for improvement in 2008-9 of sites in positive management slightly exceeded
  - One site brought in positive management through minerals planning
  - Creation and restoration of 13ha priority biodiversity habitat
  - Creation of 20 ponds
- Nature After Minerals : [www.afterminerals.com](http://www.afterminerals.com)

# Summary



- Security of minerals supply a concern?
- Rural area primary contributor of land-won mineral.
- National policy continues and will continue to endorse this.
- Opportunity to shape delivery system (as for planning generally) but minerals planning to remain separate
- Localism = incentives?

## **Opportunities in the Rural Area: Renewable Energy**

According to the International Energy Agency, worldwide overall energy use will at least double within 20 years and that most of that expansion will be powered by growth in fossil fuels.

On the other side of the coin climate scientists tell us that we will need to reduce emissions of CO<sub>2</sub> and other greenhouse gases by at least 60% by 2050 to reduce the risk of catastrophic climate change.

Today there is enough oil to provide for present demand for around 30 years with gas reserves for about 60 years.

The fuel required for nuclear power is itself not unlimited with Uranium reserves possibly lasting for up to 85 years.

On the other hand coal reserves are significant and would probably last for many hundreds of years.

At present wind power is the main source of renewable energy followed by the generation of electricity from the sun. Of all renewable forms of energy wind is the most developed and on very windy sites can produce energy at costs comparable to traditional generators.

The UK is the windiest country in Europe so much so that Renewable Energy UK (the country's leading renewable energy trade association) has estimated that we could power our country several times over using this free fuel.

Wind turbines come in a variety of forms and can be free standing, pole mounted or attached to buildings and vary from small scale domestic turbines to large wind farms. Turbine blades can either be mounted on a horizontal or vertical axis. The most common design is three blades mounted on a horizontal axis.

How does it work? The blades turned by the wind drive a shaft that powers a generator to produce electricity.

How can the electricity be used?

1. To charge batteries
2. To feed directly into a buildings electricity supply
3. To be exported back to the mains grid with any electricity used on site offset against that generated by the turbine.

As of today there are 266 wind farms in the UK comprising 2973 wind turbines which provide enough electricity to power 2,659,561 homes.

In the main, all wind turbines require planning permission although it is expected that the Government will eventually amend permitted development rights to enable small wind turbines to be roof mounted or erected on a free standing basis at detached properties not in conservation areas.

The sorts of issues which commonly arise in a planning application relate to visual impact, noise, vibration, electrical interference (i.e. TV Ariel's), shadow concerns, safety concerns and impact on wildlife.

Over the next decade or so it is likely that wind power will make the greatest contribution to renewable energy. In the EU it has recently been estimated that by 2030 22.6% of all energy requirements will be met this way.

On 7<sup>th</sup> September it was announced by Scottish Power Renewables that by 2012 they are to add another 75 wind turbines to Whitelee Wind Farm on Eaglesham Moor which situated south of Glasgow. This site is located on open high ground measuring 7.2 miles by 4.3 miles and planning permission was originally granted in 2006 by the Scottish Government despite strong objections relating to impact on landscape and air traffic radars. The planned expansion will bring the number of turbines on site to 215 enough to power 300,000 homes and provide around 200 jobs in what is the largest inshore wind farm in Europe.

Solar panels have been around since the 1970's.

Planning permission is not always required particularly if they are sited on existing buildings but may be, dependant upon the extent of the coverage, the impact they have on the visual appearance of the building and whether or not they are ground based.

In brief as matters stand at the moment panels erected on dwellings below the ridgeline of a roof which project outwards by no more than 200mm (roof or wall) are unlikely to require planning permission. If the property is listed or is a conservation area then consent is probably required. Currently this does not extend to commercial buildings.

How does it work – In its most common form a solar cell or photovoltaic (PV) cell converts light into an electrical current.

It remains fairly costly at the moment and there are a number of competing technologies offering up different types of solar panels.

There are other forms of renewable energy production including:-

1. Biomass where organic materials or industrial, commercial, domestic and agricultural products are burnt to produce heat or hot water.
2. Ground source heat pumps
3. Hydro-electricity
4. Anaerobic Digestion – where food waste and other organic materials is biologically broken down to produce biogas (methane and carbon dioxide) which is captured and used as a fuel usually in a combined heat and power unit or CHP.

Renewable energy proposals are now coming forward with increasing regularity within rural areas, however I'm not sure that the words opportunity and rural make particularly good bed fellows.

Very often it is extremely difficult to promote any form of development in the rural area unless it is related to forestry or agriculture or a robust farm diversification scheme. In part this is of course due to the fact that restrictive planning policy at a number of different levels applies to the countryside.

There is no doubt that over the last four or five years Government has sought to place climate change and sustainable development at the heart of the planning system in a variety of ways however there is still a great deal more work which needs to be done as I think can be demonstrated by Case Study 1.

Last week I was at a planning committee where an application was made on behalf of a farmer who was farming 53 acres of land for an 18m (ground to tip of blade) domestic wind turbine.

The officer report to committee recommended approval notwithstanding that there would be some limited visual harm to the green belt due to renewable energy benefits. There was no question other than that the wind turbine would generate electricity which would go into the national grid, reduce the energy costs of the farmer possibly with a small amount being able to be sold back.

The parish council objected on the basis that it was in green belt, that it would harm the landscape, that it would be noisy and that the District Council had no development policies which dealt with the construction of wind turbines. There were on other third party objections. Nearby local residents seemed to be behind the scheme.

It became very clear as soon as the debate started that a number of the Councillors disliked the application and that they saw wind turbines as some sort of blot on the landscape.

The application was refused.

If I was acting for the farmer I would in that case be advising that he had good grounds for an appeal as well as a possible JR challenge on the basis that some of the comments made by the Councillors could be said to demonstrate that they were biased or had predetermined the application.

I mention this particular application for two reasons.

The first is that no matter how good a case you may have, or may think you have to support a renewable energy project it is by no means certain that you will obtain planning permission. There should be more certainty in the planning process in this area, led by policy at both a local and national level, so that developers know well in advance whether what they want to do is realistic.

The second is that there is clearly a long way to go before general attitudes change such that people start to look at renewable energy proposals much more strategically and with one eye on the benefits that will accrue in the long term over and above any issues relating to impact on landscape.

The United Kingdom has signed up to the EU Renewable Energy Directive which includes a UK target of 15% of energy from renewables by 2020.

This is legally binding under European Law and as part of this target the intention of the last Government was to increase the UK's electricity generation from renewables from 5.5% to 30%.

We are told that this Government will be the greenest Government ever.

The recent Green Investment Bank Commission Report entitled "*Unlocking Investment to Deliver Britain's Low Carbon Future*" advised that over the next 40 years, between £800 billion to £1 trillion of investment is required to replace, upgrade and decarbonise Britain's infrastructure. This equates to an annual requirement of between £40 to £50 billion pounds which the report suggests is on a scale not seen since the reconstruction works which took place after the Second World War.

In infrastructure terms the energy sector will require a dramatic increase in investment in a variety of renewable energy sources with investment required to be at a level which is more than double the rate of investment that has taken place over the previous five years.

A daunting task in the best of economic times let alone a recession.

However if it is to be achieved then it seems to me that the rural area will have a significant part to play.

What is the government doing?

Since the election, the new Government has abolished the Infrastructure Planning Commission which was designed to fast track planning decisions related to strategically important infrastructure projects. It was announced on 29<sup>th</sup> June 2010 that it would be replaced by the establishment of a "Major Infrastructure Planning Unit" within the Planning Inspectorate to continue fast-tracking major projects like "offshore windfarms and nuclear power stations."

Hand in hand with this the Government intends to issue National Policy Statements which will provide the framework and policy justification to help drive through the decisions which will need to be made.

The Government anticipate that "in order to have the strongest democratic legitimacy" the policy documents will be subject to public consultation, scrutiny and "appropriate" local and community engagement and ratified by Parliament before designation.

All of this suggests a lengthy process.

On 18<sup>th</sup> August 2010 the Government did put in place a new initiative which ended the ban on local authorities selling renewable electricity back to the grid and which it is hoped will encourage them to play an active role in helping to deliver renewable energy projects on Council owned land and trying to encourage the widest public support for renewable energy. This is clearly a very helpful step in the right direction but it remains to be seen what the impact will be.

It is clear that the Government needs to urgently re-assess its position in relation to not only the promotion of all forms of renewable energy but how in a practical and common sense way Local Planning Authorities can be encouraged to drive forward a programme of renewable energy development.

If this cannot be achieved then bearing in mind the scale of development which is required it seems to me that eventually the time will come when such decisions may well have to be taken out of the hands of local authorities entirely. In part this could be achieved by expanded permitted development rights applying to renewable energy in both the domestic and commercial sector.

Overall this may involve making some difficult choices but as a starting point the public at large need to be made aware of the scale of the problem and the strategic importance of renewable energy.

To illustrate the difficulties I am at the moment acting for a farmer who has a significant land holding in an area which has a high degree of landscape protection.

He has a dairy herd of some 650 cows and has another 250 cattle.

His electricity bill which is significant essentially relates to two peak periods during the day when he milks his cows. His farm is almost like a small village in terms of the sheds and other agricultural buildings surrounding his farmhouse.

My client is keen to try and move away from conventional forms of electricity generation and towards a renewable energy solution which in an ideal situation would meet his energy needs and also allow a certain amount to be sold back to the national grid.

He is keen if possible to install a wind turbine which for him would offer the simplest and most cost effective solution.

Wind turbines by their very nature tend to be located where there is wind and the windiest locations tend to be found at higher levels, often in visually attractive areas of the country.

Before my involvement, my client had approached a company who specialise in finding and promoting sites for renewable energy projects including wind turbines. They have advised that a large single turbine, some 32 metres in height (250/275kw turbine) on his farm would meet his energy needs (assessed at 183MWh per annum) with a little over to sell back to the national grid.

However they have concluded that he has less than a 15% chance of success in getting a planning approval. In real terms this means that he has no chance whatsoever.

He has approached me to review the proposed planning application.

Based on the current local plan policy applying in this area I have in fact advised that his chance of success is considerably less than 15% (i.e. he has less than no chance) due to the proposed location of the turbine and the impact that it will have in the landscape. Although he may have a slightly better chance on appeal, as matters stand at the moment it is likely that any such appeal would fail.

In their report, his initial consultant also looked at and discounted all alternative forms of power generation including solar, biomass and AD.

In terms of AD the consultant concluded that, "the site does not have sufficient waste resource to make an anaerobic digestion system suitable" which is indeed the case essentially because much of the waste produced on the farm by his cows is deposited in his fields.

In terms of solar it was simply stated that it would not generate enough electricity.

This scenario is fairly typical in the rural area i.e. a project that looks good but planning permission based upon current plan policy is going to be unattainable.

As a way forward, I have suggested a "whole site" approach is adopted including the use of solar PV cells on the large surface area which is provided by the various buildings clustered together around his farmhouse on the south facing side, together with ground based solar PV panels clustered close to his buildings in an area which will not be visually obtrusive possibly supplemented by two small wind turbines.

A new consultant has been appointed who has confirmed that this will be possible and we are currently working on the detail to try and achieve a workable solution which will on the one hand meet the clients energy needs including a reasonable period over which the facility will provide a return and pay for itself as against on the other hand trying to reduce the impact on the landscape and bring it within a far more acceptable level.

Britain is not renowned for its good weather but its daylight and not direct sunlight which is needed.

It is still a renewable energy source which is available in this country and which due to the size and location of solar panels either does not need planning permission or if it does then it is unlikely to generate the same level of policy and neighbour objection.

Even following a whole site approach with the use of solar panels and other alternative forms of energy it will be very difficult to obtain a planning consent on this site. Although in this case I have now placed his chances of success a little bit higher at 60/40 in favour of refusal. Still by no means a certainty but he does now have a fighting chance if not at first instance then on appeal.

This case hopefully illustrates the degree of soul searching and the possible compromises which have to be made in order to try and reach a solution which may have the potential to obtain a planning consent from a local planning authority.

In my view local planning authorities should both welcome and encourage such applications and have the in-house expertise (perhaps shared across two or three authorities) to be able to advise upon and deal sensibly with the best approach to take in order to achieve a workable renewable energy solution on a particular site.

Further there should almost be a legal presumption in favour of renewable energy development in all but a few of the most sensitive landscape areas which should be identified and assessed as being suitable for protection.

This assessment would probably need to be undertaken by local authorities and in some way independently accredited but in my view it should override any existing landscape designation even including green belt.

It seems to me that planning policy in this country as well as the approach adopted by many local authorities is simply not "fit for purpose" in order to achieve what the Government says that it wants to achieve in terms of renewable energy production. In policy terms it needs to place energy at the very top of the agenda.

The countryside and rural areas present a vast resource which will have to be utilized if the renewable energy targets are to be met.

If handled properly this may well lead to the creation of a whole new "rural industry" concerned with renewable energy production as well the infrastructure required to support it.

Potentially the rewards are great but at the moment it seems to me that we are merely tinkering around the edges. There needs to be a complete sea change in the way we view renewable energy projects.

This will involve education and initiatives to change attitudes and remove prejudice which exists in relation to certain types of renewable energy production.

The Government has talked a great deal about localism and empowering local communities.

In particular they have talked about local communities deciding whether they need housing and if so where it should go.

The same concept should apply to renewable energy initiatives with local authorities and local communities, including residents and business being encouraged to promote community wind turbines and other forms of renewable energy.

This theme has in fact been picked up by a document entitled, "The Rural Challenge – Achieving sustainable rural communities for the 21<sup>st</sup> Century." Sponsored by a rural coalition made of the local government group, RTPI, CPRE and the Country Land and Business Association amongst others.

It is possible to both promote and find the necessary investment for such schemes. There are all sorts of companies which have sprung up to take advantage of the feed in tariffs which have been introduced in respect of renewable energy products i.e. where you get a fixed payment from the Government including reduced electricity costs by the installation of solar panels on your home.

Indeed there are companies who will install solar PV panels on a third party site at no cost to the third party. The deal here is constructed in such a way that the company will claim a proportion of the feed in tariff such that the third party can still benefit from reduced electricity costs.

Other examples include companies who will enter into say a 25 year lease with farmers in respect of suitable land to construct ground based solar panels.

There are a number of options out there however in areas where there may well be a planning related problem then it seems to me that it is only by getting the local community on board that you then reach a position where the circumstances are right to drive forward development.

However at the moment we are a long way from reaching that position and the contortions that I am having to perform in order to give my farmer client a more than reasonable prospect of obtaining a planning permission will continue with the risk that both landowners and investors eventually being "turned off" similar projects and attracted to ones where they see that they will be pushing against an open door.

In conclusion I have two main points to make.

Firstly there is no doubt that the amount of investment required in order to enable the UK to meet its obligations and move towards a carbon free economy represents a unique challenge which is perhaps unprecedented in terms of urgency and what will be required to be developed.

Secondly that without massively scaled up Government intervention across a whole range of areas, including planning, which positively encourages investment, then the challenges which exist are unlikely to be met and overcome in the proposed timescales.