

Planning Biomass CHP and Electricity Generation



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Introduction

- Major infrastructure – Development Consent Orders
- Changes in planning permission regime
- Potential pitfalls

Major Infrastructure: Development Consent Orders

- Nationally Significant Infrastructure Project
 - Above 50MW or extension to existing plant above 50MW
- National Infrastructure Planning – new form of development consent
- National Policy Statements EN-1 and EN-3

The New Development Consent Regime

- New all encompassing (almost) form of permission
- Application is made direct to PINS (IPC abolished and absorbed into PINS)
- Duty to consult before the application is made – front loaded process
- “Deals” concluded before going to examination
- New consent can authorise various aspects of the project, including compulsory purchase
- Only one biomass project in system – Port Blyth
- 50MW threshold

National Policy Statement for Renewable Energy EN-3

- Policies on transport; health; visual impact; air quality and emissions; noise; water quality and resources
- Sustainability of fuel supply
- Comparison to NPS for Nuclear Energy EN-6
- CHP to be provided or fully explored
- Need for new generating stations established in Energy NPS EN-1
- Other national policy – UK Bioenergy Strategy 2012 – supportive of co-firing and conversion of coal fired stations

Planning Permission

- Big Society and Localism



Changes to Planning Permission System

- Abolition of Regional Strategies and regional all technology renewables targets
- National Planning Policy Framework (NPPF) and presumption in favour of sustainable development

NPPF

- Presumption in favour – who gets the benefit?
 - Sites allocated in a development plan
 - Development plan is absent/silent/out of date
- “Sustainable” Development?
- Contrast to PPS22 – ‘suitable sites’ and plan-led system

97. 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 or low carbon sources. They should:
- have a positive strategy to promote energy from renewable and low carbon sources;
 - design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
 - consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;¹⁷
 - support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and

- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

98. When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application¹⁸ if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Positive Planning

- Criticised as a NIMBY charter
- NPPF mentions “positive” 31 times
- NPPF as a material consideration – weight of other considerations? incl. health and air quality
- Best chances of success – in development plan; good access to strategic highway network; identified fuel source; high standard of design; genuine CHP potential

Pitfalls

- Description of Development
 - “a power generating station”
- EIA and parameters
- Planning for the whole project – pipelines; roads etc

Combined Heat and Power

- CHP – relevance to planning?
- Policy support?
- Sustainability
- Off-takers: Real Estate and other issues
- CHP associated with new development
 - Residential schemes
 - Multiple developments to provide critical mass
 - Implemented but not operated

Conditions

■ CHP

- Example: “the design of the plant shall incorporate suitable valves and pipe work to facilitate the off-take of heat and should a potential user be identified in the future”
- From consent for Twinwoods 2012 consent:

31. Prior to commissioning of the ERF plant hereby permitted, a Combined Heat and Power (CHP) Feasibility Review, assessing potential commercial opportunities for the export of heat from the plant, shall be submitted to and approved in writing by the Local Planning Authority. The Review shall provide for the ongoing monitoring and full exploration of potential commercial opportunities to use heat from the plant as part of a good quality CHP scheme (as defined in the CHPQA Standard issue 3 January 2009 which sets out the definitions, criteria and methodologies for the operation of the UK’s CHP Quality Assurance (CHPQA) programme), or any superseding or amending standard, and for the provision of subsequent reviews of such commercial opportunities as necessary.

Other conditions

- Proximity limitations
- Fuel type limitations
- Transport type limitations

Contaminated Land and Environmental Permitting

- Building on dirty sites
 - Considerations

- Environmental Permitting
 - In conjunction with planning process
 - Environment Agency if over 50MW or 3MW if waste as a fuel; Local Authority if above 20MW
 - Matters to be considered under EP regime

Conclusions

- Seek path of least resistance
 - Local authority that “gets it”
 - Rural location/without NIMBYs
 - Allocate in Development Plan
 - Plan to keep application and consent flexible
 - Co-ordinated approach with property, planning and permitting

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