



# The Protocol for Public Engagement with Proposed Wind Energy Developments in England

A report for the Renewables Advisory Board and DTI

**MAY 2007**



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Centre for Sustainable Energy  
with BDOR and Peter Capener



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\* Report published May 2007. Project completed October 2006, changes since this will not be reflected in the text.



## **Foreword from Lord Truscott, Parliamentary Under Secretary for Energy**

I am pleased to endorse this report, part of a suite of reports, commissioned by the Renewables Advisory Board (RAB) on community involvement in wind energy developments.

The 'Protocol for Public Engagement with proposed Wind Energy Developments in England' provide a clear process for putting the principles of public engagement into practical effect. Along with my colleagues from Communities & Local Government (CLG) and the RAB I recommend this report to you.

The other reports, being published alongside this one, are:

- The Protocol for Public Engagement with proposed Wind Energy Developments in Wales;
- Bankable Models which enable Local Community Wind Farm Ownership; and
- Delivering Community Benefits from Wind Energy Development – A Toolkit

They provide useful and practical guidance for local planning authorities, communities and wind energy developers. The reports are available from the DTI website via the following link –

<http://www.dti.gov.uk/energy/sources/renewables/policy/renewables-advisory-board/planning/page34406.html>

All of these reports should assist local planning authorities, developers and communities in making the most of the opportunities that the development of wind farms present.

Working together we can make our renewable energy targets a reality.



**Lord Truscott**  
**Parliamentary Under Secretary for Energy**  
**Department of Trade & Industry**



# The Protocol for Public Engagement with Proposed Wind Energy Developments in England

## The need for effective public engagement

Effective engagement between a developer, the local authority, statutory consultees and the local community can help to ensure that proposals for developments in a locality are better, in the sense that they are likely to:

- reflect more accurately an understanding and appreciation of local interests and concerns;
- provide a higher quality and more active and well-timed consideration of evidence of the potential benefits and impacts of the proposal (enabling better and prompt decision-making in the planning process, focused on the material issues), and;
- ensure that, if the proposal does go ahead, local communities, the local authority and other consultees have had opportunities to shape how the development is actually realised and the continuing relationship they may have with it.

Supporting effective engagement is not therefore about being in favour or against a particular proposed development. It is about trying to make sure that: (a) decisions made in the planning system are as well-informed, evidence-based and timely as possible, and; (b) any development that is permitted reflects an understanding of local interests and opportunities for positive local gain.

## The principles of effective public engagement

In line with government policy and guidance and good practice from many areas of planning, a high quality approach to public engagement can be summarised by five key principles that show the importance placed on public engagement by key stakeholders:

- 1 Access to information**
- 2 The opportunity to contribute ideas**
- 3 The opportunity to take an active part in developing proposals and options**
- 4 The opportunity to be consulted and make representations on formal proposals**
- 5 The opportunity to receive feedback and be informed about progress and outcomes**

Within the English planning system, local planning authorities (LPAs) are now required to embed these principles within their own 'Statements of Community Involvement' (SCI). These SCIs describe how LPAs will engage with local communities within their areas in relation to planning policy. SCIs also provide general guidance to developers on the public engagement – or 'community involvement' – which they are encouraged (but cannot be required) to undertake, especially for significant applications.

For renewable energy, government policy states explicitly that:

*"LPAs, regional stakeholders and Local Strategic Partnerships should foster community involvement in renewable energy projects and seek to promote knowledge of and greater acceptance by the public of prospective renewable energy developments that are appropriately located. Developers of renewable energy projects should engage in active consultation and discussion with local communities at an early stage in the planning process, and before any planning application is formally submitted."*<sup>1</sup>

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<sup>1</sup> Planning Policy Statement 22: Planning for Renewable Energy, ODPM, 2004. See <http://www.communities.gov.uk/index.asp?id=1143908>

## A Protocol for public engagement with proposed wind energy developments

This Protocol takes forward these principles and generic approaches to public engagement. It incorporates much of what local planning authorities may have already built into their SCIs<sup>2</sup> And shows how it applies practically to the specific case of proposed wind farm developments. It also seeks wider, advance commitment to effective public engagement from the developer and other stakeholders, alongside the local planning authorities.

- This Protocol is designed to advance effective public engagement of stakeholders with proposed wind energy developments in England. Stakeholders include the wind energy developer, the local authority (principally as the planning decision-maker), local communities and their representatives such as Parish Councils, the land owner, statutory consultees, and special interest groups.
- This 'public engagement' is the dialogue and information flows between stakeholders during the development of a wind energy project. The process may involve discussion of the site, the wind development itself, how local impacts may be mitigated, and the potential benefits to the local area and more widely and how such benefits may best be secured.
- The Protocol therefore outlines a series of commitments to be made by these stakeholders. In combination these undertakings create a clear process which puts the principles of public engagement into practical effect for a wind energy development proposal.
- Many of the commitments are reciprocal; the Protocol will be that much more successful in delivering effective public engagement if each party 'does their bit'. The commitments also provide for flexibility so that practice can reflect specific local needs and existing SCIs and are appropriate to the scale of a proposed development.
- There are common commitments for all groups of stakeholders to early and constructive engagement and to making evidence available for verification.
- However, each stakeholder need not wait for other stakeholders to commit to the Protocol. Developers, for example, can demonstrate their commitment to effective public engagement through unilateral commitment to, and application of, the Protocol. Local planning authorities may well have already made similar relevant commitments to public engagement within their SCIs which developers and other stakeholders can acknowledge in their approaches to this Protocol.
- The Protocol outlines commitments which can be considered, in the round, to represent, 'good practice' for public engagement. It should be noted that in the case of some of the commitments, they represent activities which are now required by statute or policy. This is particularly the case for developers in relation to their Environment Impact Assessment<sup>3</sup> and for local authorities in relation to securing community involvement and their SCIs.
- This Protocol deliberately does not distinguish between current statutory requirements and 'voluntary' good practice since its value and impact is in the overall approach. It is not designed to be 'cherry picked'; it is intended to stimulate practice which is better than the statutory minimum.
- Signing up to the Protocol for local authorities or community organisations or special interest groups does not imply support for wind energy. It does however provide stakeholders with the opportunity to state, in general and in advance of any specific project, their commitment to engagement that is inclusive, transparent, accessible and accountable, in line with government, regional and local policy and for the benefit of all stakeholders.
- Widespread adoption and application of the Protocol will lead to consistency and predictability in the wind farm development process. Designing and delivering effective public engagement in these increasingly familiar terms will help clarify stakeholders' expectations of how and when to get involved; it will also develop their confidence that their views and opinions will be heard and that decisions will be prompt and well-informed.

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<sup>2</sup> Or which LPAs can build into their SCIs if they are still to be drafted or if, at some point in the future, the SCIs are being reviewed.

<sup>3</sup> Most recently in the light of the Aarhus Convention.



The Guidance which supports this Protocol is designed to provide more detailed explanation and examples of how the undertakings may be delivered in the specific context of wind energy projects. This too builds on and complements what will probably already be in any local SCI be in any local SCI. The guidance is not intended to be prescriptive but to give the various stakeholders a sense of the range of options which they may seek to apply in the specific circumstances of an individual development proposal.

The Protocol commitments to effective public engagement are outlined below for

1. Wind Energy Developers
2. Local Authorities (principally in their role as Local Planning Authorities)
3. Statutory Consultees (eg Environment Agency, Natural England, English Heritage etc)
4. Other stakeholders (such as parish councils, councils for voluntary service, other community and public interest groups)

## Matching Process to Project Size

Most Statements of Community Involvement suggest different types and degrees of involvement according to the 'significance' of the project. Significance is not necessarily linked to size, so LPAs (and local communities) are likely to consider even quite small wind energy projects to be 'significant' and push for involvement as outlined in this Protocol and Guidance.

- **Smaller developments**

All wind energy development proposals will require some level of consultation. However the process and level of public engagement outlined within this Protocol should be considered necessary for developments of more than 5 MW installed capacity. Clearly the local impacts (and potentially benefits) of these larger developments are more significant and will justify a greater degree of public engagement with local stakeholders as a result. Nevertheless, while recognising that resources available may be more limited, developers proposing projects of less than 5 MW installed capacity are encouraged to commit to this Protocol and (as noted above) may be pressed to do by the LPA. The same would apply to a project being proposed by a local community group (where engagement with the rest of the community remains vital). This would ensure that good practice in public engagement is a feature of all proposed developments, regardless of size or origin.

- **Large developments**

Proposed developments that are in excess of 50 MW require final planning consent from the Secretary of State for Trade and Industry rather than the LPA<sup>4</sup> as a so-called 'Section 36' project. Although the Secretary of State will decide whether the development is acceptable, the LPA will be consulted. Therefore, the process of engaging local stakeholders should be the same and such developments should be informed by the approach detailed in the Protocol and this guidance. This will require effective liaison between the LPAs and the Department for Trade and Industry.

- **Multiple developments**

This Protocol is designed for application to an individual proposed wind energy development. There are occasions and locations where more than one wind developer may be proposing developments and/or where developments span more than one LPA. In these situations, the need for effective public engagement is likely to be even greater; there would be value in developers and LPAs considering opportunities for co-operation with one another in addition to the approaches outlined within this Protocol.

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<sup>4</sup> Under Section 36 of the Electricity Act 1989 consent is required for the construction and operation of an electricity generating station. As this consent does not itself confer planning permission for the development, paragraph 7(1) of Schedule 8 to the Electricity Act 1989 permits the Secretary of State to direct that the planning permission is deemed to be granted under Section 90(2) of the Town & Country Planning Act 1990.

- 1 In signing up to the Protocol, Wind Energy Developers agree to:**
  - 1a Prepare and apply a coherent Engagement Plan in discussion with the relevant Local Planning Authorities and with reference to the relevant Statements of Community Involvement, which will include:**
    - i. Identification of relevant stakeholders*
    - ii. Basic milestones and any specific key target dates, as well as broad agreement on turn-round times for dealing with reasonable requests*
    - iii. Identification of a clear point of contact that will enable a two way flow of information regarding the project*
    - iv. Identification of the range of methods considered appropriate for engaging the relevant stakeholders at specific stages of the Engagement Plan*
    - v. Clarification of the nature and scale of potential local and wider benefits and how these will be consulted upon*
    - vi. The approach the LPAs and the developer will take to Environmental Impact Assessment and to enabling verification of data and information associated with the proposed development*
    - vii. A clear process for reviewing and reporting on the process of engagement, including how it may be updated in the light of new information or circumstances.*
  - 1b Promote at an early stage the contents of the plan for engagement, including the scope of the consultation, the outline plans for the development, company policy on local benefits and opportunities for public participation.**
  - 1c Examine at an early stage the range of potential benefits likely to arise from the project and consult on those which are locally relevant with a view to obtaining a full range of views** (taking care to distinguish between those which are material to planning decisions and those – such as specific community benefits – which are not).
  - 1d Keep all stakeholders and consultees up to date with progress and changes in plans and timescales, giving reasons for changes as necessary.**
  - 1e Ensure feedback is made available on the results of engagement and how it is being used within the development of the project.**
  - 1f Provide information at an early stage on the technical specification, and on the anticipated benefits and impacts of the proposed development which**
    - i. meets nationally recognised standards and/or guidance for the preparation of such data, and;*
    - ii. whilst respecting matters of commercial confidentiality, could be subjected to independent verification.*
  - 1g Participate willingly and openly with the process of establishing and verifying information about the proposed development.**
  - 1h Help all parties to make clear that their engagement with these processes is in no way an indication of support for any application**

## **2 In signing up to this Protocol, Local Authorities agree to**

- 2a Prepare and apply clear planning policy and guidance on wind energy developments in accord with national and regional policy and guidance and the authority's own SCI, through consultation with stakeholders including neighbouring LPAs.**
- 2b Support the development of the developer's Engagement Plan by:**
- i. Establishing a clear point of contact that will enable a two way flow of information regarding the project.*
  - ii. Agreeing basic milestones and any specific key target dates, as well as broad agreement on turn-round times for dealing with reasonable requests*
  - iii. Supporting the identification of key stakeholders and of local communities most affected by the development and helping identify the methods appropriate for engaging them at specific stages in the Engagement Plan.*
  - iv. Contributing to discussions on the approach to establishing local and wider benefits, involving where appropriate officers and/or members outside the planning process to deal appropriately with issues of probity.*
- 2c Provide support<sup>5</sup> in communicating with key stakeholders and help with identifying the full range of community views and representing these to decision-makers.**
- 2d Ensure the sourcing and use of objective information on disputed areas of debate that is reliable and independent and which conforms with appropriate national standards and/or guidelines.**
- 2e Ensure elected Members are fully up to date on general information relating to wind energy in terms of the technology, and local, regional and national policy and the implications for planning.**
- 2f Provide a high quality flow of information within the authority on proposed developments, including regular briefings for Members<sup>6</sup> and other relevant local authority officers, and encourage Members to access objective information sources (as identified in 2d) to inform their engagement with members of the public.**
- 2g Participate willingly and openly with the process of establishing and verifying information about the proposed development.**
- 2h Help all parties to make clear that their engagement with these processes is in no way an indication of support for any application.**

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<sup>5</sup> This may well require the involvement of non planning officers within the local authority.

<sup>6</sup> Contact with Members should be in line with the LPA's procedures for Member involvement.

### **3 In signing up to this Protocol, statutory consultees agree to:**

#### **3a Support the evolution of the developer's Engagement Plan by:**

- i. Establishing a clear point of contact that will enable a two way flow of information regarding the project.*
- ii. Agreeing basic milestones and any specific key target dates, as well as broad agreement on turn-round times for dealing with reasonable requests*

#### **3b Ensure any changes in information requirements or timescales are communicated swiftly to the developer and local authority.**

#### **3c Ensure the sourcing of objective information on disputed areas of debate that is reliable and independent and which conforms with appropriate national standards and/or guidelines.**

#### **3d Enter into constructive dialogue with a view to working towards agreed positions on issues up for negotiation.**

#### **3e Participate willingly and openly with the process of establishing and verifying information about the proposed development**

- 4 In order for these responsibilities to be fully met within individual project developments, other key stakeholders (such as parish councils, councils for voluntary service, energy agencies, other community and public interest groups) agree to:**
- 4a Be clear about the interests and/or people they are representing (and on what basis). Identify clearly and at an early stage the issues which matter most to them in relation to the proposed development and the questions these raise of the developer, local authority or others.**
  - 4b Be prepared to enter into a constructive dialogue with all other parties to examine the issues and make available evidence being used to support their positions.**
  - 4c Assist, where possible, in identifying and engaging all other key stakeholders within the wider community. Acknowledge and respect the rights of all stakeholders to express their views.**
  - 4d Enter into constructive dialogue with a view to agreeing with the developer and local authority a verified set of information about the proposed development.**
  - 4e Acknowledge developer and/or the local authority responses to questions and concerns raised by stakeholders.**
  - 4f Assist, if appropriate to their local role, in identifying the full range of local opinion about the development of local benefits.**
  - 4g Assist, as appropriate to their local role, with the identification of points of contact – local people, places, means of communication – that will facilitate a high quality flow of information within the community.**
  - 4h Help all parties to make clear that their engagement with these processes is in no way an indication of support for any application.**

## Signing up to the Protocol and making it work

Wind energy developers, local authorities, statutory consultees, and public interest and community stakeholders are invited to sign up to the Protocol to demonstrate their intention to pursue effective public engagement with proposed wind energy developments.

In order for the Protocol to be effective in promoting good practice, local authorities, statutory consultees and wind energy developers will need to embed the commitments that they are signing up to within their own organisational practice. This may well already be happening through the application of SCIs, developer company policies, or existing undertakings by statutory consultees. To fit with the Protocol this will need to involve:

- Identifying a contact within the organisation responsible for the effective implementation of the Protocol
- Reviewing the organisation's operations with respect to the responsibilities outlined within the Protocol
- Changing or adapting practice where necessary
- Monitoring any changes to ensure they are embedded within organisational practice

The Protocol is based on a series of reciprocal commitments. Some of the commitments as outlined could be adopted regardless of the position taken by other stakeholders in an area. However, some others will only be able to be applied in practice if both developer and local authorities in particular sign up to the Protocol.

The Protocol represents a statement of commitment by the signatories. The necessary trust implicit within the shared responsibilities outlined within the Protocol will undoubtedly take time to develop through the successful operation of the process.

# The Protocol for Public Engagement with Proposed Wind Energy Developments in England

## SUPPORTING GUIDANCE

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# 1 Introduction

## 1.1 Relationship between Protocol and Guidance

The Protocol sets out the expectations of key stakeholders and a range of commitments they may each make to enable effective public engagement around a proposed onshore wind energy development. The Protocol therefore provides a framework around which a more detailed approach to any proposed development can be built.

This Guidance is designed to provide more detailed explanation and examples of how the undertakings may be delivered in the process of public engagement. It is not intended to be prescriptive but to give the various stakeholders a sense of the range of options which they may seek to apply in the specific circumstances of an individual proposal.

## 1.2 Scope of Protocol and Guidance

The Protocol and Guidance has been developed to apply to wind energy developments in England, where planning permission is sought under the Town & Country Planning Act 1990 or the Electricity Act 1989.

The Protocol and Guidance are specifically designed for a model of wind energy development in which it is the developer who initiates and leads the process. The reason for focusing on the developer-led model is because this is likely to be the most common scenario for wind energy development in England over the next few years. This is also the area where the greatest concerns around public engagement have been raised.

It is recognised that there are other models for wind energy development, for example where a project is initiated and led by the local community. This protocol and guidance makes no judgment as to which type of model is 'best', although the same principles of good practice should be applied consistently, whoever is taking the initiative in the development.<sup>7</sup>

The main focus of these documents is the public engagement process that takes place during the development of individual wind energy developments. The process of public engagement necessary within the development of planning policy is an issue broader than just renewable energy. It is not covered in detail here, although section 3 gives a brief overview.

All wind energy development proposals will require some level of consultation, regardless of size. However the process and level of public engagement outlined within these documents is considered necessary for developments of more than 5 MW installed capacity. The local impacts (and potentially benefits) of these larger developments are likely to be greater and so justify a greater degree of public engagement with local stakeholders as a result.

Proposed developments that are in excess of 50 MW require consent from the Secretary of State for Trade and Industry rather than the local planning authority (LPA). Although the Secretary of State will decide whether the development is acceptable, the LPA will be consulted. Therefore, the process of engaging local stakeholders should be the same and such developments should be informed by the approach detailed in the Protocol and this guidance.

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<sup>7</sup>It is unlikely, for example, that any community-led development will involve an entire community. Such developments would therefore also still need to engage the rest of the community and with the local authority and statutory consultees.

### 1.3 Structure of Guidance

This guidance is made up of five main sections, which are as follows:

- Section 2: The policy framework for public engagement in planning – outlining how planning policy defines and promotes effective public engagement
- Section 3: Policy and guidance on wind energy – considers the policy frameworks for renewable energy in the UK
- Section 4: Scope of public engagement within wind energy developments – setting out the key phases within a wind energy development and describing the scope of public engagement during those phases. This covers the different activities, aims of engagement, stakeholders involved and the levels of engagement with examples.
- Section 5: Delivering effective public engagement – summarising the key phases within the public engagement process and their relationship with the wind development process, and outlining guidance for developers and local planning authorities
- Section 6: Community benefits – providing an overview of the issues relating to the provision of local benefits and how these fit within a public engagement process (and introducing the Community Benefits Toolkit <http://www.dti.gov.uk/energy/sources/renewables/policy/renewables-advisory-board/planning/page35017.html>).

The annexes provide more detailed information on particular issues discussed within the text. A glossary of terms and abbreviations is provided as Annex 4.

## 2 The Policy Framework for Public Engagement in Planning

England has a 'plan-led' planning system. This means that each local planning authority establishes a local plan (known as a Local Development Framework) which provides the context within which decisions on individual planning proposals are made. Planning policy in England is designed to require that the local public are engaged with the development of the Local Development Framework (LDF) and encourage them to be involved in relation to individual planning applications.

This section of the Guidance provides a brief summary of this policy for public engagement, or 'community involvement', and how it is expressed through government policy statements relevant to renewable energy. It then explains how the Protocol fits within this approach, most particularly by establishing a 'pre-agreed' approach between all stakeholders – local planning authority, wind developer, statutory consultee and community and special interest groups – on how they can best act to secure effective public engagement for an individual proposed wind energy development.

### 2.1 Key Drivers for Public Engagement as Part of the Planning Process

The planning system in England provides many opportunities for public engagement during the planning process. The Government has recently been reforming the planning system to make it more flexible and responsive and more focused on sustainable development.

Strengthening community involvement has been a key part of that programme. In the government's view *"an accessible and transparent planning system, which provides continuing opportunities for local people to participate, is essential to deliver our objective of creating inclusive, accessible, safe and sustainable communities"*.<sup>8</sup>

The Government has outlined its principles for community involvement which it has now embedded in various planning policy statements and guidance documents:

- i. community involvement that is appropriate to the level of planning. Arrangements need to be built on a clear understanding of the needs of the community and to be fit for purpose;*
- ii. front loading of involvement. There should be opportunities for early community involvement and a sense of ownership of local policy decisions;*
- iii. using methods of involvement which are relevant to the communities concerned;*
- iv. clearly articulated opportunities for continuing involvement as part of a continuous programme, not a one-off event;*
- v. transparency and accessibility; and*
- vi. planning for involvement. Community involvement should be planned into the process for the preparation and revision of local development documents.*<sup>9</sup>

These principles underpin the process which each local planning authority (LPA) is expected to follow to develop its own local planning policy and guidance.

<sup>8</sup> ODPM (2004), *Community Involvement in Planning: The Government's Objectives*, HMSO, 2004  
<http://www.communities.gov.uk/index.asp?id=1505473>

<sup>9</sup> See, for example, ODPM (2004), *PPS12: Local Development Frameworks*, HMSO, 2004  
[www.communities.gov.uk/pub/848/PlanningPolicyStatement12LocalDevelopmentFrameworksPDF1400Kb\\_id1143848.pdf](http://www.communities.gov.uk/pub/848/PlanningPolicyStatement12LocalDevelopmentFrameworksPDF1400Kb_id1143848.pdf)

### 2.1.1 The Planning and Compulsory Purchase Act 2004

The Planning and Compulsory Purchase Act 2004 sets the legal framework to strengthen the plan-led nature of the planning system and to increase its flexibility and responsiveness. The Act requires local planning authorities in England to develop Local Development Frameworks (LDFs) by March 2007. These will replace existing local or unitary development plans.

One key aim of the Act is to increase the effectiveness and quality of community involvement at a regional and local level. In particular, at local level each LPA is required to prepare a Statement of Community Involvement (SCI) which will outline its policy for involving interested parties, local communities and the public in preparing and revising the Local Development Framework and associated documents and for consulting on individual planning applications.

The Government's Planning Policy Statements (PPS) – particularly PPS1 and PPS12 – and associated guidance documents explain how this legal framework is expected to work in practice. They place a considerable emphasis on the importance of effective community involvement in the development of local policy and in the consideration of planning applications.

### 2.1.2 Planning Policy Statement (PPS) 1: Delivery Sustainable Development

PPS1 sets out the Government's vision for a culture change in planning, and the key policies and principles which underlie the new system. These are built around three key themes, namely:

- Sustainable development – the purpose of the planning system
- The spatial planning approach
- Community involvement in planning

PPS1 promotes the need for positive planning to achieve sustainable development objectives and proactive management of development, rather than simply regulation and control. It also stresses the need for the planning system to be transparent, accessible and accountable, and to promote participation and involvement. It is unequivocal on the last of these points:

*“Local communities should be given the opportunity to participate fully in the process for drawing up specific plans or policies and to be consulted on proposals for development. Local authorities, through their community strategies and local development documents, and town and parish councils, through parish plans, should play a key role in developing full and active community involvement in their areas.”<sup>10</sup>*

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<sup>10</sup> ODPM (2004), PPS1: Delivering Sustainable Development, HMSO, 2004  
[www.communities.gov.uk/pub/806/PlanningPolicyStatement1DeliveringSustainableDevelopmentPDF474Kb\\_id1143806.pdf](http://www.communities.gov.uk/pub/806/PlanningPolicyStatement1DeliveringSustainableDevelopmentPDF474Kb_id1143806.pdf)

### 2.1.3 PPS 12: Local Development Frameworks

PPS 12 outlines how local planning authorities should go about drawing up their Local Development Frameworks and stresses the role of the SCI:

*“The Statement of Community Involvement (SCI) sets out the standards to be achieved by the local authority in involving the community in the preparation, alteration and continuing review of all local development documents and planning applications. The statement should be a clear public statement enabling the community to know how and when they will be involved in the preparation of local development documents and how they will be consulted on planning applications.”*

The SCI is a key document in any locality, shaping both the way in which members of the public locally get be involved in shaping local planning policy and how they will be consulted on individual applications.

### 2.1.4 Environmental Impact Assessment

Wind energy developments which are considered by either the Secretary of State for Trade and Industry (for Section 36 applications) or the LPA (for planning applications) to be likely to have significant environmental effects are required to undergo a process known as Environmental Impact Assessment (EIA). This legal process is defined for Section 36 applications by the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000<sup>11</sup> and for planning applications by the Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.<sup>12</sup>

Environmental Impact Assessment (EIA) is a process intended to ensure that permissions for developments which are likely to have significant effects on the environment are granted only after prior assessment of the likely significant environmental effects has been carried out. The assessment must be carried out on the basis of information supplied by the developer, in the form of an Environmental Statement, which is supplemented by information received following consultation with statutory consultees, other bodies and members of the public.

The EIA Regulations provide a voluntary framework to enable a developer to consult with the LPA and statutory consultees on the scope of the Environmental Statement. The LPA is required to publicise the receipt of the Environmental Statement and any further information which is submitted on behalf of the developer at the request of the LPA. The LPA is not permitted to determine the planning application unless and until the consultation process has been undertaken. The LPA is then required to publicise its decision.

In the case of wind energy developments EIA is not required for projects which are outside defined sensitive areas (ie: areas with national designations) where they involve the development of less than 2 turbines or the hub height of any turbine does not exceed 15 metres. For wind energy developments within sensitive areas or in excess of these thresholds the Secretary of State for Trade and Industry or the local planning authority (as the case may be) are required to consider whether environmental effects are likely to be significant. The EIA Regulations list the criteria to be taken into account and further guidance is provided for planning applications in DETR Circular 02/99 which suggests that EIA is more likely to be required for commercial developments of 5 or more turbines, or more than 5MW of new generating capacity.

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<sup>11</sup> SI 2000/1927

<sup>12</sup> SI 1999/293 as amended by SI 2000/2867

### 2.1.5 The promotion of public engagement at an early stage

The Government's policy guidance on community involvement makes it clear that it expects applicants and developers, especially those proposing significant developments, to engage with both the local planning authority and the community before an application has been submitted. It also expects this pre-application consultation to be reflected in the SCI.

Although engagement cannot be legally required, the guidance goes so far as to warn that *"failure by the developer to consult could lead to objections being made which could be material to the determination. The aim of the process should be to encourage discussion before a formal application is made and therefore to avoid unnecessary objections being made at a later stage"*.<sup>13</sup>

### 2.1.6 PPS22: Planning for Renewable Energy

PPS22 outlines the Government's approach to planning for renewable energy (see Section 3 for more detail). This is driven by the same over-arching principles and priorities which shape planning policy and which are described above. PPS22 and its supporting guidance therefore include a strong emphasis on the importance of community involvement and early stage consultation:

*"Local planning authorities, regional stakeholders and Local Strategic Partnerships should foster community involvement in renewable energy projects and seek to promote knowledge of and greater acceptance by the public of prospective renewable energy developments that are appropriately located. Developers of renewable energy projects should engage in active consultation and discussion with local communities at an early stage in the planning process, and before any planning application is formally submitted."*<sup>14</sup>

This applies to both individual developments and to the development of the local authority's planning policy in relation to renewable energy (as part of its LDF).

## 2.2 Where this Protocol fits into English planning policy

The policy framework outlined above shows the importance attached by the Government to the process of public engagement in the planning process. It also shows how this priority has been embedded within policy and guidance to local planning authorities.

However, the policy and associated guidance gives little detail on how this public engagement priority might apply to individual applications (as opposed to policy development). Also, it does not apply this approach to specific types of development such as wind farms.

Perhaps most importantly, the government's policy and guidance to LPAs has not been designed to give significant detail on: (a) what it might mean for a developer to participate actively in public engagement, or; (b) the approach which community representatives could usefully take to maximise the effectiveness of the engagement process.

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13 Community Involvement in Planning, the Government's objectives, ODPM, 2004, (see footnote 8)

14 ODPM (2004) PPS22: Planning for Renewable Energy, HMSO, 2004 [www.communities.gov.uk/index.asp?id=1143908](http://www.communities.gov.uk/index.asp?id=1143908)

This Protocol and the supporting Guidance is designed to fill this gap. It aims to build on the national policy and guidance framework and existing local SCIs to develop a practical model of how public engagement can work for an individual proposed wind energy development.<sup>15</sup>

By defining the approach expected of each group of stakeholders, the Protocol recognises the roles and responsibilities of all parties in achieving effective public engagement. It also creates the possibility of 'pre-agreeing' the approach that will be taken by all parties, reducing the risk of opaque 'ad hoc' approaches and of inefficiency associated with starting from scratch with each individual application.

It should also be noted that, in relation to public engagement, there has been a trend towards embedding as statutory requirements what has previously been considered 'good practice'. This trend is likely to continue, particularly with the introduction of the EU Public Participation Directive (the Aarhus Convention) which is driving a review of requirements for public consultation within Environmental Impact Assessment.

### 2.2.1 Linking the Protocol to the principles of public engagement

The Protocol embodies the principles underpinning high quality public engagement as referred to in Government policy (see 2.1.1 above):

*i. community involvement that is appropriate to the level of planning. Arrangements need to be built on a clear understanding of the needs of the community and to be fit for purpose;*

The Protocol describes how this principle applies in the case of a proposed wind energy development. It also carefully sets out the responsibilities of community representatives (and others) to be constructive and clear about their needs and perspectives.

*ii. front loading of involvement. There should be opportunities for early community involvement and a sense of ownership of local policy decisions;*

The Protocol explicitly seeks commitment to early and constructive engagement from all parties, recognising this as a key contributor to reducing mistrust and suspicion and to enabling the planning process to address concerns in an efficient and timely manner.

*iii. using methods of involvement which are relevant to the communities concerned;*

*iv. clearly articulated opportunities for continuing involvement as part of a continuous programme, not a one-off event;*

*v. transparency and accessibility*

The Protocol requires developers, with input from the local authority and (ideally) key community interests, to draw up a coherent plan and programme for consultation and engagement which identifies relevant stakeholders and a range of appropriate methods and opportunities to be engaged at various stages.

The Protocol also ensures there are clear points of contact for each party and that participants are kept up to date on progress and are given feedback on the results of consultation activities and how they are being used within the development of the project.

- Many of the SCIs produced to date by Local Planning Authorities outline further detail on the above points; it will therefore be important in any particular case to show how the Engagement Plan relates to what is in each LPA's SCI and neither conflicts with it nor duplicates it.

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<sup>15</sup> It should be noted that this Protocol is not designed to apply to the process of public engagement by the LPA in the development of those elements of the LDF which relate to renewable energy or wind energy. However, as technical guidance supporting PPS22 points out, the LPA should be seeking to engage the public and other stakeholders early in the LDF process as well, so as to enable them to understand and shape the local plan which will form the backdrop to future decisions on individual planning applications.



### 3 Policy and Guidance for Wind Energy

Section 2 examined national policy and guidance with respect to the prominence given to public involvement in planning policy development and individual planning applications. This, and the good practice it represents, provides the underpinning rationale for much of the approach described within the Protocol.

This section examines the national policy ambitions and the planning policy and guidance for renewable energy – and wind energy in particular.

As mentioned in Section 2, national planning policy on renewables (as stated in PPS22) clearly endorses effective public engagement in renewable energy policy development and in renewable energy project proposals. However, the policy outlined in PPS22 goes further than this in terms of the importance which it expects regional policy makers and local planning authorities to give to the wider benefits of renewable energy.

As PPS22 makes clear, the Government's approach to the development of renewable energy needs to be set in the wider context of reducing carbon dioxide emissions and maintaining reliable and competitive energy supplies:

*"The Government's energy policy, including its policy on renewable energy, is set out in the Energy White Paper. This aims to put the UK on a path to cut its carbon dioxide emissions by some 60% by 2050, with real progress by 2020, and to maintain reliable and competitive energy supplies.*

*The development of renewable energy, alongside improvements in energy efficiency and the development of combined heat and power, will make a vital contribution to these aims."*<sup>16</sup>

#### 3.1 The Renewables Obligation: creating a market for renewable electricity

The Government has set a target that 10% of UK electricity production should be met from renewable sources by 2010. In the Energy White Paper (2003), the Government sets out an aspiration that 20% of UK electricity supply should come from renewable sources by 2020.

A key support mechanism to help deliver this target is the Renewables Obligation, which came into force in April 2002 and which will remain in place until 2027. This is an obligation the Government has placed on electricity suppliers that a certain percentage of their electricity supply each year should come from renewable sources. In 2005/06 this percentage was 5.5% and it will increase to 15.4% by 2015.

While there are various complexities to the operation of the RO, it has created a strong market for the development of electricity generation from renewable sources. With an increasing obligation to source renewable electricity, energy suppliers are willing to offer prices for renewable electricity which encourage new development. This is particularly the case for on-shore wind energy developments, since such projects are amongst the most technically proven and commercially viable renewable energy technologies.

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<sup>16</sup> PPS22: Planning for renewables, ODPM, 2004, page 6 (see footnote 1)



### 3.2 PPS22: creating a positive planning context for renewables

PPS22 makes it clear that the Government intends to support its ambitions to grow the proportion of electricity from renewable sources through planning policies which *“promote and encourage, rather than restrict, the development of renewable energy resources.”*<sup>17</sup>

Indeed, PPS22 advises regional assemblies (through their regional spatial strategies) and local planning authorities (through their LDFs) to develop such policies.

As mentioned in Section 2, the development of such policies should be subject to effective community involvement.

Importantly, PPS22 makes it clear that ‘wider environmental and economic benefits’ include: contributions to regional and national renewable energy targets and carbon emission reduction targets; local and regional jobs; land rental payments; increased security of supply; tourist interest; rural diversification; opportunities for community ownership, and; various social benefits:<sup>18</sup>

*“The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.”*<sup>19</sup>

This approach means that, as the policy guidance (published in 2004) filters through into Regional Spatial Strategies and local planning policy documents, all future individual wind energy planning applications should be set in a context of ‘encouraging’ local and regional policies. Across England, Regional Spatial Strategies are establishing regional renewable energy targets (in some cases ‘cascaded’ down to county or district levels) and defining criteria based policies which are intended to create a clear and positive planning framework for renewable energy proposals in the region.

Even where such policies have yet to be developed or formally adopted, the approach outlined in PPS22 is expected to be applied to individual planning applications. The technical guidance accompanying PPS22 provides extensive detail both on how policies may be developed and on the planning and technical issues associated with wind energy (such as noise, landscape impact, shadowflicker etc).<sup>20</sup>

### 3.3 The importance of understanding the technology and ‘agreeing the facts’

Wind energy seems to generate a profusion of often conflicting information and opinions that can cause confusion and misunderstanding. In this setting, it is easy to take the view that there are simply differences of opinion, with no robust evidence or factual basis upon which decisions can be based.

This is not the case and there are a number of sources of reliable ‘tested’ information about wind energy which should be used as the basis for plan development and decision-making. This are being collated and made available in the second half of 2006 through one single ‘portal’ on [www.planningrenewables.org.uk](http://www.planningrenewables.org.uk).

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17 Paragraph 1 (ii) in PPS22: Planning for Renewables, ODPM, 2004

18 See, for example, paragraphs 2.6 – 2.9 in Planning for Renewables: A companion guide to PPS22, ODPM, 2004 [www.communities.gov.uk/index.asp?id=1502772](http://www.communities.gov.uk/index.asp?id=1502772)

19 Paragraph 1 (iv) in PPS22: Planning for Renewables, ODPM, 2004

20 See Technical Annex of Planning for Renewables: A companion guide to PPS22, ODPM, 2004, pp155 – 183

As the guidance supporting PPS22 makes clear:

*“Local planning authorities may wish to consider informing local communities about renewable energy, its potential benefits, and any potential negative impacts before any schemes are submitted for planning permission in their area. Offering a balanced view of the issues to the public before any specific schemes are under discussion can be of benefit at a later stage, as a better-informed public is more likely to ask more pertinent questions of an applicant and to understand better the issues that are relevant to the application.”<sup>21</sup>*

This need not apply just to the ‘local community’. The development of local policy and guidance, as well as the processing of actual wind energy planning applications, will require both officers and members to have an understanding of the technology involved as well as the relevant planning implications.

Delivering dedicated training sessions for officers and/or members and routine technical updates may be particularly helpful in developing the understanding required.

The Protocol captures the value of sourcing objective information and enabling independent verification of data about any proposed wind farm development. This open ‘fact finding’ approach is encouraged amongst all parties within the Protocol. An effective process should ensure that debate focuses on the issues where there are issues which are principally matters of opinion (e.g. the balance between the project’s benefits vs. landscape impact) rather than those where there are testable facts (e.g. noise above background at various distances from the proposed site, or shadow-flicker impacts).

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<sup>21</sup> See paragraphs 4.22 – 4.23 in Planning for Renewables: A companion guide to PPS22, ODPM, 2004

## 4 The Scope of Public Engagement with Proposed Wind Energy Developments

Sections 2 and 3 make clear that there is considerable national policy support and guidance for (a) renewable energy and (b) effective public engagement. This section details what this means in practice for proposed wind energy developments.

This section sets out the scope for public engagement with proposed wind energy developments, i.e. to explain some of the issues likely to be discussed, the levels of engagement, and which stakeholders are involved in what ways. Section 5 provides more detailed guidance regarding how to deliver the engagement outlined within this section.

Public engagement within wind energy developments is required to deliver the following key outcomes:

For the developer to:

- explain and make the case for their project to the local planning authority and local communities
- ascertain from the local planning authority if an Environmental Impact Assessment (EIA) is required and, if so, to receive guidance from the local planning authority (and consultees) on the scope of the Environmental Statement (ES)
- identify the views of local people on the proposal, and collect suggestions as to how the project may be adapted in the light of those views and concerns
- establish a long term relationship with local communities

For the local planning authority to:

- meet statutory requirements on publicising planning applications<sup>22</sup>
- gather sufficient information to make a timely decision on whether or not to grant planning permission for a project
- Consider whether an EIA is required

For the developer, local planning authority and communities to discuss if and how local community benefits may be delivered.<sup>23</sup>

For those local communities affected by the development to gather information from a developer, and others, about the likely impacts and benefits of a project, and to raise any concerns or questions they may have about the project

This protocol and guidance is intended to help define and support the process of delivering these outcomes.

Annex 1 provides a summary of some of the main methods for undertaking public engagement. These methods are referred to throughout this section in relation to the key steps within developing a wind energy project.

Annex 2 defines a spectrum of levels for engagement developed by the International Association for Public Participation<sup>24</sup> and is also referred to within this section.

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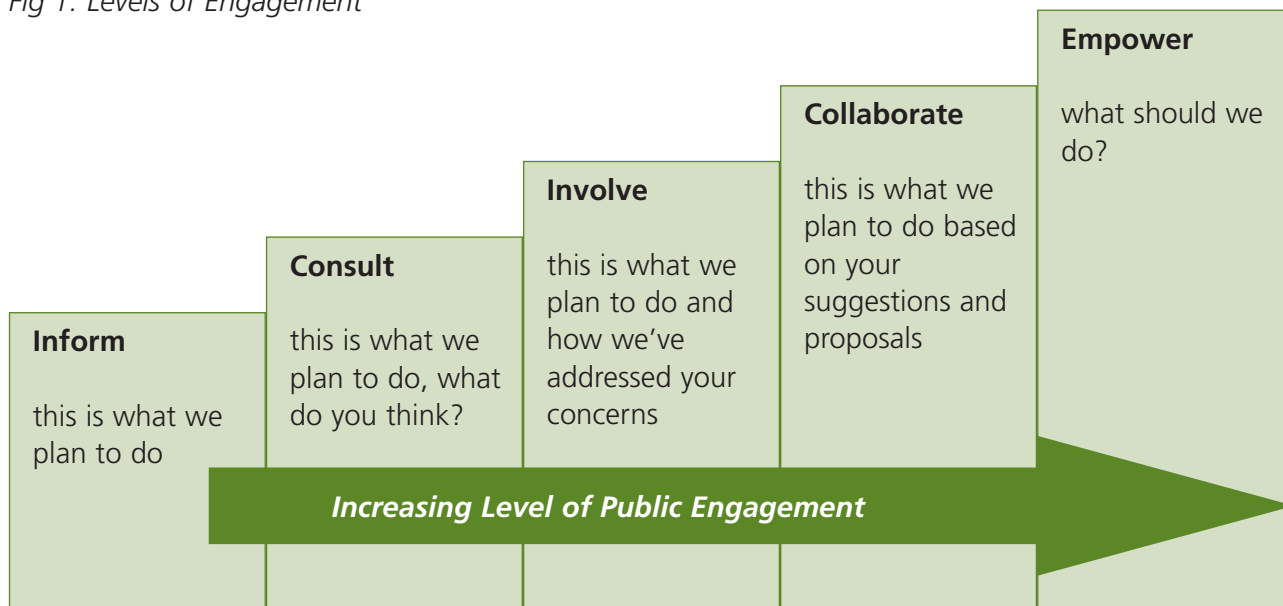
<sup>22</sup> As set out in the Town and Country Planning General Development Procedure Order 1995

<sup>23</sup> It is important for all parties to appreciate that the provision of local community benefits which are not directly related to the proposed development cannot be taken into account by the LPA in the determination of the planning application. More advice on this is provided in Section 6.2

<sup>24</sup> See glossary for more information

In a simplified form, the different levels of engagement can be characterised as shown in the figure below:

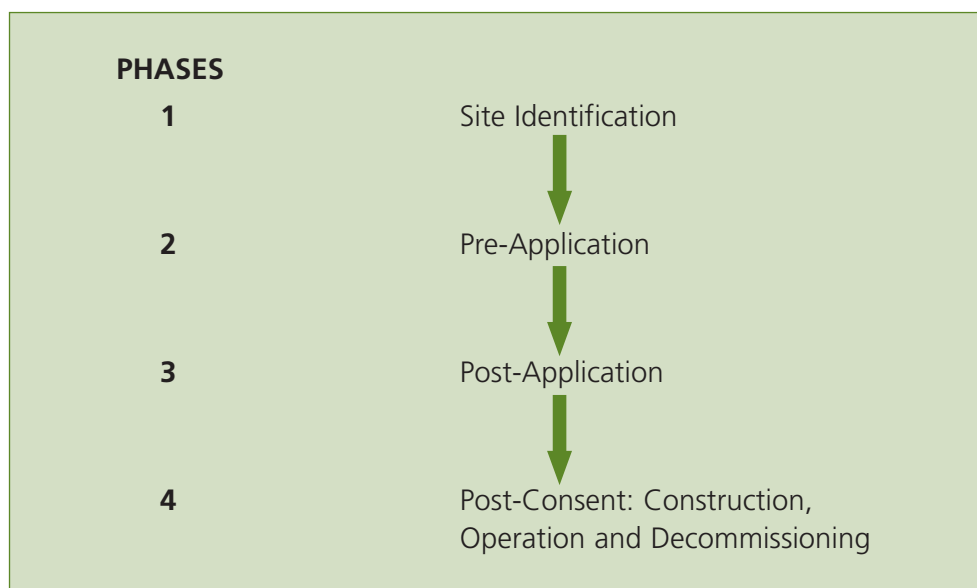
Fig 1: Levels of Engagement



The examples given in this guidance all lie within the range between “Inform” and “Collaborate”. **This guidance does not make any judgement about which types are “best”. Any of the levels may be appropriate at different times, depending on the issues being discussed, available resources, the interests of the stakeholders involved and the nature of the project. See section 5.**

When developing a wind project there are four broad chronological phases during which public engagement takes place, as outlined below:

Fig 2: Phases in developing a wind project



The scope of engagement during each of these phases is presented in more detail below.

## 4.1 Phase 1: Site Identification

In order to identify sites that may be suitable for wind development, developers will carry out a “constraints mapping” exercise. This process will identify potential sites that might be suitable for wind turbines, and would, typically, take into account some or all of the following constraints:

- Annual average wind speed (usually obtained from on-site measurements from a previously permitted wind monitoring mast)
- Proximity/ suitability of electricity grid
- Aspect of the site, e.g. direction that any slope faces
- Construction access – suitability of local roads
- Landowner agreement
- Ministry of Defence/ Civil Aviation Authority constraints
- Telecommunications – e.g. microwave links, TV, radar, radio
- Proximity of residential dwellings
- Visual impact from key points in area
- Proximity of other windfarms
- Landscape designations – e.g. presence of Area of Outstanding Natural Beauty, Heritage Coast, National Parks
- Ecology – e.g. local flora and fauna, bird migration paths, protected species; nature conservation designations such as Sites of Special Scientific Interest (SSSI)
- Archaeological/historical heritage – e.g. presence of listed buildings, conservation areas, archaeological sites

This site identification will also be informed by local planning authority policy on renewable energy. Most commonly, following this exercise, a developer will select a single site in a particular locality and then begin discussions with the local planning authority about that site (i.e. enter into phase 2).

In addition to the above, some developers may hold informal discussions with a planning authority, and possibly other stakeholders, over a choice of two or more sites, to obtain some early guidance as to which site the planning authority may prefer for development. However, there may be some issues with such discussions, namely:

- The developer may not be able to guarantee landowner consents for a range of sites
- The local planning authority and developers may have concerns over such discussions prejudicing any planning decision

## 4.2 Phase 2: Pre-Application

This phase covers engagement after a potential site has been selected up to the point when a planning application for the wind farm is submitted to the local planning authority. The key activities involved include:

- Wind speed data collection
- Screening and scoping opinions for an ES
- Preparation of ES (if required)
- General information provision by developer about the proposed development to the local planning authority and local community
- Stakeholder negotiations on mitigating impacts and the potential for local benefits

Wind speed data collection can also sometimes be considered as part of Phase 1 (site selection). Sometimes a developer monitors a site and then rejects it, as wind speeds are too low. Or they may monitor more than one site, and then choose between them. In this case, this would be part of the site selection process (Phase 1). However, often a developer is reasonably confident that the wind speed at a site is suitable based on existing data. The purpose of wind monitoring then is to gather finer grain data to finalise the choice and size of turbines that will give the optimum energy output for that site. In this case, the monitoring will be part of the pre-application phase (Phase 2).

Annex 3 provides guidance on when an EIA may be required and summarises the issues that may be covered.

Section 6 highlights the important links between the provision of local community benefits and the planning system.

It is at the beginning of this pre-application phase that a developer will begin preparing for public engagement as outlined within section 5.1.

The table below summarises in more detail the normal scope of engagement during this phase. For the examples given, note that not all developers will carry out all of these activities; rather this is an attempt to show a range of examples. The scale of development and therefore the extent of the engagement process will influence the type of activities planned.

Table 1: Wind Energy Development and Public Engagement – Pre-Application

Activity	Aim of engagement	Stakeholders involved	Level of engagement and examples
<p><b>Wind speed data collection</b></p> <p>Planning permission will be required to erect a monitoring mast.</p> <p>Wind speed data will usually be collected for 6-12 months.</p>	<p>To obtain planning permission for mast.</p> <p>For developer to optimise development of site.</p> <p>The developer is likely to want to keep the wind data confidential for commercial reasons.</p>	<p>Developer</p> <p>LPA</p> <p>Possibly local community, as the planning application for mast is a public document.</p>	<p>Inform</p> <p>Developer may issue press release to explain why mast is going up (Inform).</p>
<p><b>Screening</b></p> <p>The developer applies to the LPA for a “screening opinion” stating whether or not an EIA is required.</p>	<p>For developer to establish with LPA if an EIA will be required.</p>	<p>Primarily between developer and LPA. LPA can consult with statutory consultees on screening opinion.</p>	<p>Inform/consult</p>
<p><b>Clarifying scope of ES</b></p> <p>The developer applies to LPA for a “scoping opinion”, stating what the ES should cover.</p>	<p>For developer, LPA, and other stakeholders to agree on issues to be assessed as part of ES.</p>	<p>Developer</p> <p>LPA</p> <p>Other Statutory Consultees (e.g. English Nature, English Heritage) and non-statutory consultees (e.g. RSPB).</p> <p>In some instances, the local parish council and other community organisations can be involved.</p>	<p>Inform/Consult/Involve</p> <p>Developer may have meeting with LPA to discuss scope of ES (involve).</p> <p>Developer may hold public exhibition and/or use questionnaires, to enable the local community to express their views on the range of issues that the ES should cover (consult).</p> <p>Developer may amend scope/content on basis of feedback received (involve).</p>
<p><b>Preparation and completion of ES</b></p>	<p>For stakeholders to comment on draft content of ES.</p> <p>To disseminate findings of ES.</p>	<p>Developer</p> <p>LPA</p> <p>Local community</p> <p>Other consultees</p>	<p>Inform/Consult</p> <p>Draft may be made available on a website and in local libraries (inform/consult).</p>

Activity	Aim of engagement	Stakeholders involved	Level of engagement and examples
<p><b>General pre-application information provision by developer</b></p>	<p>For developer to inform LPA, local community and other stakeholders about the project plans, and to address concerns people may have.</p>	<p>Developer LPA Local community Other consultees</p>	<p>Inform, and possibly Consult</p> <p>Examples may include:</p> <ul style="list-style-type: none"> <li>• Information mail-out to local community (Inform)</li> <li>• Public exhibition (Inform)</li> <li>• Information on website (Inform)</li> <li>• Project phone line (Inform/consult)</li> <li>• Visits to other operational wind farms for local community and local authority officers and members (Inform)</li> </ul>
<p><b>Stakeholder negotiations on:</b></p> <ul style="list-style-type: none"> <li>• Principle and nature of local benefits</li> <li>• Mitigation of impacts</li> </ul>	<p>For developer and relevant stakeholders to develop shared understandings and proposals around the provision of local community benefits and the mitigation of local impacts.</p> <p>If appropriate (see section 6.2.1 for further information) this stage may involve agreeing a draft planning obligation/section 106 agreement, (known as "Heads of Terms") as a legal mechanism for the LPA to ensure developers follow through on what has been agreed.</p>	<p>Developer LPA Local community</p>	<p>Inform/Consult/Involve /Collaborate</p> <p>Possible examples (all Consult/Involve/ Collaborate):</p> <ul style="list-style-type: none"> <li>• Focus groups/ workshops</li> <li>• Stakeholder committees/ liaison groups</li> <li>• Private meetings</li> </ul>



### 4.3 Phase 3: Post-Application

This phase begins from the point that a planning application, together with a supporting ES, if required, is submitted to the local planning authority (or the Secretary of State under a Section 36 application). It finishes once the planning committee, consisting of elected members, has made a decision on whether or not to grant planning permission for the project. Before the committee of Members makes a decision, the relevant planning officer, having considered the ES, and the comments and submissions of other consultees, will make a recommendation as to whether planning permission should be granted or not. This is also the opportunity for local stakeholders to register support or opposition to the scheme with the planning case officer, and possibly with Members and the local MP.

In terms of public engagement involving the developer, this can include the following:

- Supplying supplementary information, voluntarily or on request, to the LPA
- Responding to objections, support, and/or requests for information from other stakeholders, such as members of the local community, directly and via the LPA

More information on the scope for engagement around each of these is presented in the table below.

Table 2: Wind energy Development and Public Engagement – Post-Application

Activity	Aim of engagement	Stakeholders involved	Level of engagement and examples
<b>Developer supplying supplementary information to LPA</b>	For LPA officers and Members to gather necessary additional information, as required, from the developer about the potential impacts and benefits of a project. This is to assist in making a fully informed planning decision.	Developer LPA officers and Members	Inform For example, developers may provide visits to operational sites for Members, if requested.
<b>Developer responding to requests for information from other stakeholders</b>	For the developer to address stakeholder concerns.	Developer Members of local community Other stakeholders and consultees, e.g. local MP, community and district councillors	Inform As examples, a developer may do some (but by no means all) of the following: provide information packs, hold exhibitions in local parish(es), press liaison/articles, reply to letters from objectors, organise visits to existing wind farms.

#### 4.4 Phase 4: Post-Consent: Construction, Operation and Decommissioning

This phase is only relevant if planning permission is granted. It covers the construction of the wind farm, subsequent operation and decommissioning.

The scope of engagement is summarised in the table below.

Table 3: Wind energy Development and Public Engagement – Post-Consent

Activity	Aim of engagement	Stakeholders involved	Level of engagement and examples
<b>Local Benefits</b>	<p>For developer, LPA and local community to finalise details of local benefits, e.g. Community Fund.</p> <p>In the case of Community Funds, issues for discussion may include: what fund can be spent on, who will manage fund, and who will be eligible to benefit from the Fund.</p>	<p>Developer</p> <p>LPA</p> <p>Local community</p> <p>May involve other stakeholders – e.g. existing Trusts, re: management of a community fund.</p>	<p>Consult/Involve/ Collaborate</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Public meeting</li> <li>• Focus groups/ workshops</li> <li>• Stakeholder committees/ liaison groups</li> </ul>
<b>Construction</b>	<p>For developer to keep LPA and local community informed about timings of construction work and any potential disruptions – e.g. road traffic, road closures when delivering turbine blades, etc.</p> <p>To encourage local contracting.</p> <p>Developer to demonstrate to LPA and local community that planning conditions have been met prior to construction (e.g. completion of archaeological survey).</p>	<p>Developer</p> <p>LPA</p> <p>Local community</p>	<p>Inform</p>
<b>Operation</b>	<p>For developer to demonstrate to LPA that any planning conditions are being met and to deal with any operation &amp; maintenance issues.</p>	<p>Developer</p> <p>LPA</p> <p>Local community</p>	<p>Inform/Consult</p>

Activity	Aim of engagement	Stakeholders involved	Level of engagement and examples
<p><b>Providing site visits and ongoing information</b></p>	<p>To provide feedback to local community about performance of wind farm.</p> <p>To provide LPAs and communities in other areas where there are wind projects proposed the opportunity to see an operational wind farm.</p> <p>Possibly to enhance tourism potential for a site.</p>	<p>Developer LPA Local community</p>	<p>Inform</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Newsletter</li> <li>• Site visits</li> </ul>
<p><b>Decommission-ing and land reinstatement</b></p>	<p>This subject is usually covered as a planning condition and/or planning agreement negotiated before planning permission is issued.</p> <p>This ensures that when the wind farm reaches the end of its working life, the turbines are removed and the land restored to its original state.</p>	<p>Developer LPA Local community</p>	<p>Inform</p> <p>Developer gives notice to LPA and local community in advance of carrying out decommissioning work.</p>

## 5 Delivering Effective Public Engagement

### 5.1 Preparing for Public Engagement

Successful public engagement planning requires dialogue between the developer and the local planning authority. In order for this to happen it will be important for local planning authorities to acknowledge that discussion with the developer does not prejudice the outcome of any following planning application, neither should discussions with developers constitute support for a development. Discussion and the resulting clarity over stakeholder expectations will be in the interests of all parties involved.

In order to effectively plan an engagement process, it will be necessary for the developer to have already identified a potential site. It is only at this stage that the type of development and the range of stakeholders can be identified and consequently an appropriate engagement process designed.

Dialogue between developers and local planning authorities may be framed by an agreement around the scope of discussions. A note of meeting outcomes may be made public in order to demonstrate what was and what was not discussed, though there may be some issues of commercial confidentiality that will need to be respected.

Discussions will certainly involve planning officers, and probably also include other local authority officers and other stakeholders. It will be important to involve Members<sup>25</sup> in some way to ensure that the process to be followed is one to which they feel confident to give appropriate weight when assessing any subsequent application.

These discussions should result in the preparation of an Engagement Plan and broadly timetabled programme that will outline what methods will be employed to engage people, whom will be involved, when, to what purpose, and how all key parties will be kept informed. Early planning of this programme will enable the developer and LPA to:

- manage resources effectively
- effectively communicate the scope of discussions to other stakeholders at each stage
- demonstrate purpose and direction to the engagement process
- increase the credibility of the engagement process as viewed by other stakeholders
- enhance the quality of the discussions held with stakeholders

The extent of the engagement process will relate to the scale of the development and, under the SCI to local judgments of 'significance'. This will in turn be reflected in the level of detail provided within the Engagement Plan.

The following table outlines the issues to be considered during the preparation of the Engagement Plan and who they are addressed to.

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<sup>25</sup> All discussion with Members should be carried out in line with the relevant local authority's policies on Member involvement. Policies on Member involvement may vary between local planning authorities and can be obtained from the relevant planning department

Table 4: Guidance on preparing an Engagement Plan

Key Issue	Key Guidance Points	Purpose
<p><b>Understanding the area</b></p> <p>Relevant to developer</p>	<p>Developers should take time to find out about the area to support the development of the Engagement Plan. Developers need to consider:</p> <p>what networks will be most effective for disseminating information</p> <ul style="list-style-type: none"> <li>• which local papers are well read</li> <li>• which local notice boards are always looked at</li> <li>• the availability of parish newsletters</li> <li>• whether there are local leaders</li> <li>• whether there are groups that are particularly hard to reach and if so how best to reach them.</li> </ul> <p>As well as community structures, other relevant issues may include the geography of the area, the economic climate and the current concerns of local communities.</p> <p>Developers may need to talk to other stakeholders as well as the LPA. It will be important to involve people who are prepared to discuss the engagement process rather than the development itself at this stage. Local authority contacts may be able to identify relevant people/organisations. Parish Councils and Rural Community Councils are also likely to be able to help the developer to understand the various interests in the area and to find other local community organisations.</p>	<p>Standardised approaches to public engagement often fail.</p> <p>Approaches should be customised to the needs of the area to be effective</p>
<p><b>Identifying key stakeholders</b></p> <p>Relevant to developer and LPA</p>	<p>It will be important to be clear about who needs to be engaged. This should include groups who are traditionally hard to reach (due to health, access, language etc).</p> <p>Local intermediary bodies – such as Parish Councils and Rural Community Councils (RCC's) – can be especially useful in helping to identify and engage the traditionally 'hard to reach' members of the local community.</p>	<p>Easy for engagement to be dominated by those who hold strong views. Needs positive planning to address this and ensure that less vocal members of the community have opportunities to express their opinions and concerns.</p>
<p><b>Matching method and outcome</b></p> <p>Relevant to developer and LPA</p>	<p>Different elements of the engagement process will operate at different levels (see annex 2) and will therefore require different methods of engagement (see annex 1) as summarised within section 4.</p> <p>Methods employed should take into account the needs of participants in terms of practicalities (time of day, distance to travel, need for translation etc) and level of commitment required to get involved. Not everyone will want to get heavily involved. Providing a range of opportunities for involvement will enable people to get involved at a level that suits them.</p> <p>Discussions of the nature and scale and purpose of community benefits should be distinct from discussions about the merits of the project and the quality of evidence being provided</p>	<p>Engagement plan will need to consider these issues in order to maximise effectiveness of engagement process.</p> <p>Discussions of community benefits are principally about what happens if the project goes ahead. Separating these discussions from those about the merits of the project may help to avoid claims that offers of community benefits are 'bribes'</p>

Key Issue	Key Guidance Points	Purpose
<p><b>Establishing clear contacts</b></p> <p>Relevant to developer, LPA, Statutory Consultees and local community organisations</p>	<p>A named contact should be identified for both the developer and the LPA, preferably someone who has some responsibility for the project.</p> <p>The same approach should be taken by the Statutory Consultees.</p> <p>Each named contact should also be aware of the other key contacts within their organisation able to provide more detailed technical or policy guidance, as required. However, it is this identified person that should be the point of contact for other stakeholders.</p> <p>Parish Councils and RCC in the area should also be asked to nominate a main point of contact to improve the efficiency of communication with these important community organisations.</p>	<p>The single point of contact enables interested parties to access the engagement process quickly and easily</p>
<p><b>Allocating resources and skills</b></p> <p>Relevant to developer and LPA</p>	<p>It is important to ensure that the engagement process is developed in line with the skills and resources available within each organisation involved.</p> <p>Any skills gaps can be identified and met through employing external agencies or through staff training.</p> <p>RCCs are often able to provide valuable support by acting as or recommending independent facilitators.</p>	<p>Provides an early understanding of resource availability and skills gaps, enabling corrective action to be taken if necessary.</p> <p>Early assessment helps minimise unplanned resource commitments.</p>
<p><b>Planning for an independent view</b></p> <p>Relevant to developer and LPA</p>	<p>Discussions on the Engagement Plan provide the opportunity to consider:</p> <ul style="list-style-type: none"> <li>• The need for independent facilitation</li> <li>• Who might provide it (if deemed valuable) and who would pay for it</li> <li>• Who would pay for the sourcing of independent information, if required</li> </ul> <p>These independent inputs may be best organised through the local authority acting as an 'honest broker'.</p> <p>Developers may be requested to contribute towards these costs. If so, the principle should be agreed before discussing the detail in order to avoid the perception that contributions may buy influence in sourcing input or information.</p> <p>The source of independent information should be agreed by all parties if possible. The local authority should decide if agreement is not possible.</p> <p>Existing independent information should be reviewed first before commissioning any new information or study.</p>	<p>Independent facilitation may be helpful when seeking specific inputs from stakeholders, around issues such as mitigating impacts or developing local benefits.</p> <p>Sourcing independent information may help resolve areas of dispute.</p> <p>Agreeing the source of independent information or facilitation beforehand will encourage acceptance of the final outcomes.</p> <p>Early agreements on how to approach provision of an independent view can help to clarify expectations and avoid misunderstandings at a later stage.</p>

Key Issue	Key Guidance Points	Purpose
<p><b>Agreeing timescales</b></p> <p>Relevant to developer, LPA and Statutory Consultees</p>	<p>Discussions on the Engagement Plan provide the opportunity to:</p> <ul style="list-style-type: none"> <li>• Agree timescales for the LPA to address screening, scoping and determination (provide justification where this varies from statutory timescales)</li> <li>• Agree timescales for input by Statutory Consultees and for responses to queries</li> <li>• Agree approximate timescales for major stages within engagement and application process</li> <li>• Agree timescales for responding to requests for information from other stakeholders</li> </ul> <p>These timescales should be updated if changes occur (together with explanation of the reasons for the changes)</p>	<p>Early agreements on these issues will enhance confidence in the commitment to the engagement process amongst stakeholders and reduce the potential for disputes at a later stage.</p>

For all stages in the engagement process it can be valuable to direct local people to the national Planning Aid Service. This is run by the Royal Town Planning Institute as a charity specifically to provide professional support to individuals and communities engaging with the planning system. It can be contacted via [info@planningaid.rtpi.org.uk](mailto:info@planningaid.rtpi.org.uk) and covers all parts of England.

## 5.2 Delivering Public Engagement

A successful delivery phase is dependent upon:

- clearly defining the scope of dialogue at every stage – so that all participants are clear as to the purpose of any dialogue and how their comments will be used
- managing any changes to the engagement plan in terms of timing or approach – so as not to undermine the process.

The Protocol suggests that the engagement process should begin ‘early’. In this context ‘early’ refers to the period of time when the design of the development is being evolved and when it is still possible to address valid issues raised by stakeholders. In other words, well before the planning application is submitted and before the completion of any ES.

The table below outlines key issues in delivering public engagement

Table 5: Guidance on delivering public engagement

Key Issue	Key Guidance Points	Purpose
<p><b>Clarifying the scope of engagement</b></p> <p>Relevant to developer</p>	<p>The scope of dialogue should be clarified for each element of the engagement process. Whether it is a public exhibition, workshop or public meeting, what will be up for discussion should be clearly outlined in early publicity. It can then be referred to during the meeting if necessary.</p>	<p>Clarifying the scope of dialogue will enable people to enter into the process with clear expectations. It will also help the organisers to keep the debate within appropriate boundaries. For example helping to distinguish between general debate on whether the development should go ahead or focussing on the mitigation of impacts.</p>
<p><b>Providing regular communication</b></p> <p>Relevant to developer</p>	<p>Communication routes can be through dedicated newsletters or similar. In addition, articles in existing outlets like parish newsletters can also be effective in securing wide coverage.</p> <p>Information provided could include the latest information on the proposed development, potential for local benefits, approach to public engagement, response to concerns raised, opportunities for participation, how to get involved etc.</p>	<p>Regular communication with stakeholders will demonstrate commitment to both the process and the need to keep people informed.</p> <p>A lack of information may encourage people to feel that something is being hidden, or alternatively allows the local debate to be dominated by the views of others.</p>
<p><b>Facilitating the flow of information</b></p> <p>Relevant to LPA</p>	<p>Other local authority officers who might be useful to keep informed about significant developments include those involved with sustainability/LA 21, conservation/landscape, community development and energy.</p> <p>Members may also benefit from briefings regarding the progress of the development and input on some of the planning implications prior to the final decision.</p> <p>It may be helpful for the LPA or a local energy agency to develop information notes that provide a balanced view of the key issues, with input from the developer and other stakeholders.</p> <p>Site visits to other wind developments may be of benefit to both officers and Members as a means of seeing first hand how wind turbines impact on the local environment. The developer will probably be willing to organise such a site visit if requested.</p>	<p>Keeping other officers within the authority up to date on significant developments will help them support the process by enabling them to provide guidance on relevant policy &amp; practice or supporting work with local communities.</p> <p>Providing Members with regular briefings will enhance their ability to make informed decisions regarding the final planning application.</p>



Key Issue	Key Guidance Points	Purpose
<p><b>Providing feedback</b></p> <p>Relevant to developer and LPA</p>	<p>It is important to ensure that there is an appropriate level of feedback.</p> <p>Pre application: summarised feedback from the developer on the issues raised in any events, how issues have been addressed or the reasons for not addressing issue.</p> <p>Post application: LPA providing individual responses to public representations as part of the formal planning process. In addition, reference to information notes (see above) published on the LPA website may ease the process of providing individual responses.</p>	<p>Providing feedback on the response to views and opinions expressed during the engagement process will encourage a greater sense of accountability and therefore trust and credibility in the process.</p>
<p><b>Monitoring progress</b></p> <p>Relevant to developer</p>	<p>At key points during the process it is helpful to check the following points:</p> <ul style="list-style-type: none"> <li>• Are we reaching everyone we wanted to?</li> <li>• Are people participating?</li> <li>• Are the methods employed working well?</li> <li>• Are we getting the feedback we need?</li> </ul> <p>Information to help address these questions can be collected using brief evaluation forms at organised events and/or checking back with the original aims for any event after its completion.</p>	<p>Monitoring the progress of the engagement process provides the opportunity for review and adaptation if necessary. If this is done as part of the engagement process, plans can be changed whilst there is still time to implement a different approach.</p> <p>This information will also feed into the final evaluation process discussed in section 5.3.</p>
<p><b>Dealing with changes to the process</b></p> <p>Relevant to developer and LPA</p>	<p>There may be a need to change the planned process either due to slippages in the project timetable or in the light of outcomes from the ongoing monitoring process. If this is necessary then the changes and the reasons for them should be communicated to other stakeholders. If necessary new understandings on timing can be reached between the developer and the LPA.</p>	<p>Discussing changes with other key stakeholders will help to protect the credibility of the process.</p> <p>A 'no surprise' policy for dealings between stakeholders creates a sound foundation for building trust.</p>
<p><b>Producing a Final Report of Community Involvement</b></p> <p>Relevant to developer</p>	<p>This report is in two parts. Part 1 needs to include: (a) a summary description of the process as delivered; (b) key results emerging and their relationship to what is in the application (explaining key differences if relevant), and: (c) an evaluative commentary on the engagement process. Part 2 is a full file of all details of all events and activities.</p>	<p>To provide a full audit trail and evidence base to be submitted with the application.</p>

### **5.3 Evaluating Public Engagement**

Evaluating the engagement process provides an opportunity to learn from the things that worked and the things that did not in order to improve the planning and delivery of future engagement programmes.

Monitoring should be built into the engagement process from the beginning; this will avoid the exercise becoming onerous since data will be collected throughout in a pre-agreed format. The process of monitoring should be aimed at developing a database of information through which key questions can be addressed.

Although monitoring should be sustained throughout the engagement process, any final evaluation against the original objectives needs to take place at the end of the main phase of the engagement process following the determination of the planning application. If consent is awarded, the continuing engagement process should also be monitored.

The table below outlines the key issues to address when evaluating public engagement relating to three important elements of the evaluation process: an internal review by the developer; an external review by the developer based on the views of other stakeholders, and; a review by the Local Planning Authority. Each of these elements will be important in establishing a rounded view of the effectiveness and success of the public engagement process.

Table 6: Guidance on evaluating public engagement

Key Issue	Key Guidance Points
<b>Evaluation by developer – internal inputs</b>	<p>Internal inputs to the evaluation process will need to consider issues such as:</p> <ul style="list-style-type: none"> <li>• Were the basic objectives of the engagement process met as set out within the engagement plan (in terms of who, how and when)?</li> <li>• If not, was the problem with the original objectives or in retrospect was there something that could have been done to address the problem?</li> <li>• Were there people that should have been involved that weren't?</li> <li>• When unforeseen issues arose were they dealt with effectively?</li> <li>• Were resource estimates in terms of money and time accurate? If not, why not?</li> </ul>
<b>Evaluation by developer – external inputs</b>	<p>External inputs to the evaluation process can come from:</p> <ul style="list-style-type: none"> <li>• The LPA – asked to complete a simple evaluation form at the end of the process. Questions might consider their view on how well the relationship with the developer worked, the process of communication and information provision, how things might have been improved etc.</li> <li>• The participants – asked to respond following input into individual elements of the process, e.g. public exhibitions, workshops, focus groups etc. Questions might consider their view on whether they found it useful, whether there were gaps in the information they received, did they feel they had a chance to express their view, were there things they wanted to discuss but didn't get the opportunity, where they heard about the event, etc.</li> </ul>
<b>Evaluation by LPA</b>	<p>As well as responding to the developers evaluation, it would be helpful for the LPA to consider:</p> <ul style="list-style-type: none"> <li>• Did independent information ease debate or help Members in making decisions? How and why (or why not)?</li> <li>• Did Members have the information and knowledge they felt they needed, were there additional things they required?</li> <li>• Were statutory timescales met? If not, why?</li> <li>• Was the authority's planning policy and guidance on wind energy effective in guiding developers in the identification of potential sites and in guiding the decision making process?</li> <li>• Are there changes that will need to be made to policy or guidance at the next opportunity?</li> </ul> <p>Making this information available to other local planning authorities will help others learn from a growing body of experience.</p>

## 6 Understanding Community Benefits

'Community benefit' is the term used to describe the increased social, environmental or economic benefit of a development which is felt in the surrounding area as a result of agreed developer actions. It usually refers to developers providing 'goodwill funding' or 'agreed activities' for the immediate community, but it can also refer to broader benefits of a development which are felt over a wider area.

Current evidence indicates that wind energy developers are generally willing to recognise their presence within the local community through the provision of local financial support of one form or another. This practice has developed over time in response to local communities' desire to see a greater proportion of the benefits of wind farming accruing to local people and, in some cases, in response to developers wanting to develop a more meaningful and rewarding relationship with the communities which 'host' their wind farms.

As this practice becomes a more regular feature of wind energy proposals, the process of negotiating and securing community benefits becomes more important. However, as already noted, community benefits which are not directly relevant to the proposed wind farm acceptability in planning terms must not be taken into account in the planning process.

### 6.1 Introducing the Community Benefits 'Toolkit'

The issues associated with defining and delivering community benefits are explored in detail in a new Toolkit on the subject.<sup>26</sup> The Toolkit is designed to help wind energy developers, local authorities and local communities understand better:

- the range of ways in which 'host communities' can benefit from wind energy developments
- the possible justifications for ensuring greater local benefits
- the factors which may influence the nature and scale of benefits available to host communities
- the options for managing the delivery of benefits locally
- the role each of them can potentially play in securing local benefits.

The focus of the Toolkit is those potential benefits which are likely to be widely considered to be 'of benefit to the local community', rather than few specific individuals within it. These are:

- **Community Funds:** receiving a lump sum or regular payments into some sort of fund for the benefit of local residents
- **Benefits in Kind:** where the developer directly provides or pays for local community facility improvements, environmental improvements, visitor facilities, school and educational support etc.
- **Local Ownership** of shares in the project by local people, either through their own investment or through a profit-sharing or part-ownership scheme designed to tie community benefits directly to the project performance.
- **Local Contracting** and associated local employment during construction and operation

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<sup>26</sup> Delivering community benefits from wind energy developments: A toolkit, CSE et al (2007, [www.dti.gov.uk/energy/sources/renewables/policy/renewables-advisory-board/planning/page35017.html](http://www.dti.gov.uk/energy/sources/renewables/policy/renewables-advisory-board/planning/page35017.html))

The Toolkit explores the issues associated with each of these and helps to answer questions like:

- Why should community benefits be considered?
- What are the costs, risks and rewards of wind energy and how do community benefits fit into this picture?
- What is the relationship between community benefits and the planning process?
- What are the different ways community benefits can be offered?
- Who should benefit and how should this be controlled and managed?
- What agreements can and should be put in place to secure these benefits?

The Toolkit should be treated as a companion guide to this Guidance. Its contents are therefore not reproduced here in detail, with the exception of information on the relationship between community benefits and the planning process.

## **6.2 Community benefits and the planning process**

There is a strict principle in the planning systems in all parts of the UK that a decision about a particular planning proposal should be based on planning issues; it should not be influenced by additional payments or contributions offered by a developer which are not linked to making the proposal acceptable in planning terms.

Current planning legislation also prevents local planning authorities from specifically seeking developer contributions where they are not considered necessary to make the proposal acceptable in planning terms. This is to ensure that unacceptable development is never permitted because of unrelated benefits being offered by the applicant. To put it simply, planning permission can not be 'bought'.

This approach means that community benefits, such as those explored in the Toolkit, are generally considered to be not relevant to the decision on granting planning permission (though see box below).

Of course, communities can still ask for benefits and developers can still offer them. And local authorities can still play a role in facilitating the process provided that they ensure that officers or councillors involved are not in a position to influence the planning decision (see below).

### **Planning decisions must be based on planning issues**

If planning decisions must be based on planning issues, what are the relevant 'planning issues'? This has been defined partly by legislation and also by test cases in the courts.

Fundamentally the planning issues – or 'material considerations' – must be related to the development and use of land in the public interest. This will include the number, size, layout, siting, design and external appearance of the proposed development, the means of access, together with landscaping, impact on the neighbourhood, and the availability of necessary infrastructure.

Any planning proposal must fit within the local planning authority's own planning policies. Government and, in England, regional planning policy statements can also carry significant weight in the decision-making process.

In this context, community benefits are generally not considered legitimate material considerations within the planning decision making process as they do not relate to planning issues nor directly to the proposed wind farm.

## **A grey area for community benefits in the planning decision?**

Recent new national planning policies for renewable energy across the UK state that the economic benefits of a renewable energy project should be given significant weight in planning decisions.<sup>27</sup> Although payments to a community fund could possibly be defined as one of the economic benefits of the project (since it is a direct result of the economic operation of the project) and identified as such in an ES, they do not currently count as material considerations. While not yet tested in public inquiry or the courts it is possible that the status of such benefits may, in time, change as a consequence of a change in planning policy. Such policy could advise that, in giving weight to the “wider benefits” of wind energy projects in planning decisions, LPAs could take into account community benefits.

## **Actions necessary to make a development ‘acceptable’**

Community benefits should be considered as separate and different from those actions and contributions from the developer which are necessary to make a proposed development acceptable in planning terms. This is particularly relevant to the consideration of ‘benefits in kind’.

For a wind energy development, ‘necessary actions’ may typically involve providing additional infrastructure (e.g. widening access roads), correcting losses to amenity (e.g. correcting for TV interference) or restoring or recreating wildlife habitats (to make up for any impact caused by construction or operation). A local authority can seek these contributions (either in kind or as payment toward the cost) and the provision of them is a relevant factor in the planning decision.

These necessary actions should not be considered as community benefits since the development has created the need for them (e.g. to mitigate an impact).

As detailed below, these ‘necessary actions’ can be enforced through planning conditions (where they are ‘in kind’) or agreed through planning obligations (so called Section 106 or, in Scotland, Section 75 agreements).

## **Beyond ‘necessary’ actions**

There is also potential for using planning obligations<sup>28</sup> to include developer contributions which go beyond ‘necessary actions’ but which are generally related to land use and ‘planning issues’ as identified above.

This may therefore include wildlife habitat enhancement, amenity improvements (such as additional footpaths or waymarked walks or improved telecommunications provision), and infrastructure improvements (such as a lay-by to allow members of the public to stop to view the wind farm). These types of community benefits ‘in kind’ are explored further in the Toolkit.

There is currently no legal framework available within planning law to secure and enforce the provision of financial community benefits. Section 7 of the Toolkit explores other ways to achieve this.

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<sup>27</sup> and the ‘wider environmental’ benefits

<sup>28</sup> Section 106 of the Town and Country Planning Act 1990 (for England and Wales) and Section 75 of the Town and Country Planning (Scotland) Act 1997 (for Scotland)

## **How local authorities can be involved in discussions on community benefits**

The local planning authority has a duty to safeguard the impartiality of the planning process. In determining whether a planning application should be approved or rejected, planning decisions must be taken in accordance with Regional Planning Guidance, the appropriate Development Plan as well as relevant National Planning Policy Guidance Notes and Statements.

Because community benefits sit outside the material considerations of the planning decision, this gives rise to two options. The local authority must either (a) not become involved in discussions about community benefits until after it has resolved to grant planning permission or (b) separate the planning process from discussions about community benefits and run the two in parallel with different officers and/or councillors involved.

The second 'early involvement' approach is recommended as good practice by this Protocol and Guidance. Separating the processes means that any local authority officers and councillors who are involved in any discussions about community benefits from a proposed wind energy development must not become directly involved in the planning decisions on the proposal.

The best approach would be for other relevant officers, such as an economic development officer or sustainability manager, or councillors outside the planning committee, to lead the local authority's involvement in community benefit discussions. This proactive and planned approach already happens in some local authorities.

The same approach applies to members or officers of parish councils and community councils. While these bodies do not have decision-making powers, they will be consultees in relation to the planning application. Like the local planning authority, their response to such consultation should focus on consideration of planning matters; it should not be influenced by the potential of community benefits.

The Protocol and Guidance recommend an approach in which the potential options for local benefits are made clear in a general sense as soon as possible in the interests of transparency and clarity. This will also provide an opportunity for people to comment and advise on how they would like to see benefits being offered locally, before any final decisions are made. The developer will then be able to clearly state their intentions in terms of local benefits at the same time as the planning application is submitted.

### **6.3 Dialogue on community benefits**

In order to establish local community benefits, the developer needs to be able to identify community representatives with whom to undertake discussion and negotiations. These representatives also need to be willing to engage in constructive dialogue. Wherever possible, negotiations should be held directly with local community representatives. These representatives will however need to be accountable to the wider community and able to feedback information through an appropriate forum.

It is often difficult for developers to identify community representatives who are willing to undertake such a responsibility. As such, there may be situations where it is not practical or feasible for community representatives to take the lead in this process. In such circumstances other representative bodies such as parish councils, if they are felt to be 'effective' councils that adequately represent the views of the local community, should take the lead. The award of 'Quality Status' will increasingly be a suitable way of distinguishing effective parish councils.

In some cases it may be appropriate for the Local Agenda 21 Officer or Community Liaison Officer of the district council to facilitate this dialogue. However it is important that the Local Authority does not take over the process and negotiate benefits that suit the Local Authority as opposed to the community itself.

It is also important that the Local Authority does not take control of any funds offered, as it should be the community that decides how any funds are spent wherever possible. The district council should focus on facilitation of dialogue and encourage all prospective wind energy developers to enter into an agreement with the local community at the outset of discussions around local benefits, which commits both groups to:

- engaging openly and constructively with one another;
- working to agree the maximum direct and indirect benefit for the local community, and;
- openly, honestly and in confidence, discussing financial constraints and opportunities around the provision of local benefits.

The Community Benefits Toolkit provides extensive information on the issues which should be considered within this dialogue and details questions which need to be answered to establish clear and lasting arrangements.

## **6.4 Conclusion**

The key issues for discussions around community benefits with the public engagement process are that:

- the provision of local benefits can be seen as a positive outcome for all parties;
- the feasibility of offering local benefits should be investigated for each potential wind energy development;
- discussion around the principle and nature of local benefits should be started at an early stage, and;
- wherever possible the community 'hosting' the wind farm should have a significant input into how the funds are allocated.

The key to developing effective community benefit schemes is to ensure they are appropriate to the local community and where possible take into account local needs and opportunities, to generate flexible and creative solutions that suit all parties involved. The Community Benefit Toolkit provides extensive information and advice on how to help to ensure this happens.



## **Annex 1: Methods of Engagement<sup>29</sup>**

### **Direct leafleting/newsletters**

Leaflets explaining the nature of the project proposal represent the most basic level of information provision. They are a useful as a way of putting into the public domain a clear description of what is and what is not involved within the project.

They do, however, suffer from the fact that they represent the view of the project at the time the leaflet was produced. It is likely that there might be some changes in light of the process of engagement and/or the completion of the Environmental Impact Assessment.

Newsletters provide the opportunity for making sure that the most up to date information is in the public domain. Newsletters also provide the ability to engage in dialogue through the written word. The developer can respond in writing to specific issues raised by stakeholders and they can be used to provide feedback to people about how concerns or issues are being addressed.

### **Questionnaires**

Questionnaires provide a standard way of eliciting the views of local stakeholders in a structured way, thereby facilitating easier analysis. They can be distributed with leaflets or newsletters using freepost envelopes to encourage a response. Issues that can be addressed range from basic views about wind energy and the proposed development to opinions about how to mitigate impacts and the nature of local benefits.

### **Local media**

Local media, press radio and TV provide important avenues for generating debate, though understanding the particular angle the media outlet is keen to portray will be an important part of making sure the experience is a constructive one. A detailed review of the issues relating to the development is unlikely to be an option when dealing with all but a few current affairs type outlets.

### **The internet**

The internet is increasingly being used as a means of disseminating information. It provides the opportunity to disseminate important documents, as long as their availability is well publicised.

The internet can also be used as a means of dialogue through email exchanges/forums/groups or on line conferences, though careful thought needs to be put to whether the issues around a planning application for a wind development would be appropriate for such an approach.

Access to the internet is also an issue, so although it is far more widespread than ever before, it should only be regarded as an addition to more traditional approaches.

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29 This is only a brief overview. More detailed guidance is available in 'Consulting communities – a renewable energy toolkit', a report for DTI by Awel Aman Tawe, available from the DTI web site [www.dti.gov.uk/files/file15108.pdf?pubpdfload=01%2F1067](http://www.dti.gov.uk/files/file15108.pdf?pubpdfload=01%2F1067)

## **Focus groups/workshops**

Focus groups and workshops represent structured one off approaches to engaging people on very specific issues. They are best suited to dealing with issues where there is a need for some specific input from participants; for example, when considering how the impacts of a particular project may be mitigated or when addressing how local benefits might be addressed within a particular area.

As outlined within section 5.2.1, it is essential to publicise the purpose of these meetings well in advance, so that people come with appropriate expectations. This also allows the purpose of the meeting to be framed and agreed with the participants in such a way that if debate on other issues threatens to undermine the purpose of the meeting, then reference back to the aims of the meeting will enable the meeting to keep on track. It may also be helpful to provide a brief window at the beginning of the meeting for people to make general comments about the project as a whole, following which it will be possible to focus debate around the specific issue in hand.

The meeting will need to address specific issues of interest to all participants and therefore it may be worth involving an independent facilitator, depending on the skills available within the organising body.

## **Stakeholder committees/liaison groups**

Stakeholder committees or liaison groups provide an opportunity to establish an ongoing relationship with local people to address specific issues relating to the development. In this way, they are similar to focus groups but tend to have a varying agenda depending on the stage of the project and involve a number of meetings over a period of time.

Experience suggests that they can be very useful in helping communicate plans for both the project and the engagement process and provide a mechanism for people to raise their concerns and issues in a constructive manner.

However, they can also be sidetracked into polarised debate that generates much heat but little light. Care needs to be taken to encourage representation on the committee that is accountable in some way to the community, and to encourage feedback to others not attending the meetings. Without some form of accountability, distrust could develop amongst members of the community not involved in the meetings.

Participation on the committee should, if at all possible, be representative of the community as a whole and capture the range of opinions within it.

## **Private meetings**

Private meetings with individuals or organisations like the local planning authority or special interest groups will be a necessary part of providing adequate opportunities for all stakeholders to understand, if not agree, with other points of view. They help by providing a space where specific issues can be discussed and addressed without danger of distraction.

They can, however, encourage a sense that deals are being done in private, if they become a regular part of the process. As a result, they are best used at the beginning of the process as a means of flushing out the issues that need to be addressed. It is in this context that the initial meetings between developers and the local planning authority to discuss the engagement plan are proposed within this document. In the same way, they could be used with other stakeholders at an early stage to inform the development of the engagement plan.

### **Public meetings**

Public or open meetings provide an opportunity for the developer to present their plans and obtain direct feedback from a large number of attendees. Unfortunately, they tend to polarise the debate with people often stating positions without really getting into any meaningful dialogue. They can also be intimidating with only the confident being prepared to speak out. They can be helpful if they are organised well with a clear focus, very specific questions and a strong chairperson, perhaps as a starting point for other forms of engagement.

### **Public exhibitions**

Public exhibitions also offer the opportunity to present project proposals to large numbers of people with the benefit of being less intimidating than public meetings. Displays enable people to absorb information in their own time and then ask questions on a one to one basis. However, it is important that there are enough people on hand to answer queries so that questions and comments can be heard and dealt with without unreasonable delay. Having involved people in the exhibition, it also provides the opportunity to obtain their views in writing.

Public exhibitions can also be used to canvass the views of local people when there are specific proposals on the table or when seeking feedback on specific issues, such as the scope of the Environmental Impact Assessment.

### **Site visits**

Site visits to existing wind farms can provide invaluable insight into how wind turbines effect the local environment. Listening to noise levels is far better than looking at numbers on a page. Developers are generally prepared to organise trips for Members, officers or other local stakeholders. It would be important to try and visit turbines of a similar type and size to the ones proposed for the development under consideration. This may be difficult or involve a long trip.

## Annex 2: Levels of Engagement

### IAP2 Public Participation Spectrum

Developed by the International Association for Public Participation

INCREASING LEVEL OF PUBLIC IMPACT

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
<b>Public Participation Goal:</b>	<b>Public Participation Goal:</b>	<b>Public Participation Goal:</b>	<b>Public Participation Goal:</b>	<b>Public Participation Goal:</b>
To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/of solutions	To obtain public feedback on analysis and/or decisions.	To work directly with the public throughout the process to ensure that the public issues and concerns are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solutions.	To place final decision-making in the hands of the public
<b>Promise to the Public:</b>	<b>Promise to the Public:</b>	<b>Promise to the Public:</b>	<b>Promise to the Public:</b>	<b>Promise to the Public:</b>
We will keep you informed	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and issues are directly reflected in the alternatives development and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation on formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

## Annex 3: Environmental Impact Assessment

Installations for the harnessing of wind energy for energy production (wind farms) are Schedule 2 developments where they are located in “sensitive areas” (defined to include national designations) or where they either involve the installation of more than two turbines or where the hub height of any turbine exceeds 15 metres. An LPA must require that an EIA is undertaken where it considers that the wind energy development falls within Schedule 2 to the Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and is likely to have significant environmental effects. Planning Circular 02/99 states *“the likelihood of significant effects will generally depend upon the scale of the development and its visual impact, as well as potential noise impacts. EIA is more likely to be required for commercial developments of five or more turbines or more than 5MW of new generating capacity”*.

However, it is for the LPA to determine whether there are likely to be significant effects on the environment. This is more likely to be the case in environmentally sensitive locations. Occasionally, there may be debate over whether a wind farm is a single site, or two or more smaller sites, each of which may be below the EIA threshold. A single site is usually defined by whether or not there is a single grid connection sub-station.

The process of seeking a decision from an LPA as to whether a development is likely to have significant environmental effects is provided for in the EIA Regulations. If a developer disagrees with the LPA's view that an EIA is required then an application can be made by the developer to the Secretary of State for Communities and Local Government for a screening direction. This will bind the LPA.

The BWEA's best practice guidelines for wind energy development<sup>30</sup> highlight the following issues as being relevant for inclusion within an ES.

- Basis of site selection
- Landscape designations
- Visual and landscape assessment
- Noise assessment
- Ecological assessment
- Archaeological and historical assessment
- Hydrological assessment
- Interference with telecommunication systems
- Aircraft safety
- Safety assessment
- Traffic management and construction
- Electrical connection
- Economic effects on the local economy
- Global environmental effects
- Tourism and recreational effects
- Decommissioning
- Mitigating measures

The ES should also include a non technical summary.

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30 Best Practice Guidelines for Wind Energy Development – BWEA 1994

## Annex 4: Glossary of Terms & List of Abbreviations

Terminology	Explanation
De minimus	Very small or tenuous link
Department for Communities and Local Government (DCLG)	Department for Communities and Local Government was established in May 2006 to take up the planning, local government and community functions of the Office of the Deputy Prime Minister (ODPM) (see below)
Determination	Local planning authority decision whether to grant planning permission.
Development Plan	Document (a structure / local / unitary development plan) that sets out in writing and/or in maps and diagrams a local planning authority's policies and proposals for the development and use of land and buildings in the authority's area. These are now being replaced by Local Development Frameworks (see below).
Environmental Impact Assessment (EIA)	Environmental impact assessment – a systematic process that examines the environmental consequences of development actions in advance. Laws on EIA result from the implementation of the EC Directive 85/337 & amendments 97/11/EC. Under the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988, proposers of certain scheduled developments are required to submit a planning application with an accompanying environmental statement, evaluating the likely environmental impacts of the development, together with an assessment of how the severity of the impacts could be reduced. Wind farms fall under schedule 2, which means it is up to the discretion of the local planning authority to decide whether or not the proposed development will require an EIA, based on a number of criteria.
International Association for Public Participation (IAP2)	<p>IAP2 is an association of Members who seek to promote and improve the practice of public participation in relation to individuals, governments, institutions, and other entities that affect the public interest in nations throughout the world.</p> <p>The organization has grown from 300 Members in 1992 to over 1,000 in 2000, with Members from 22 countries. Conferences have been held every year since 1992, alternating between U.S. and Canadian locales.</p> <p>For further information, see: <a href="http://www.iap2.org/">www.iap2.org/</a></p>
Landscape sensitivity/capacity assessment	Systematic assessments of the landscapes ability to accommodate new wind farms (or other types of development) usually based on the Countryside Agency's Landscape Character Assessments.
Local Agenda 21 (LA21)	Local Agenda 21 is an action plan for the 21st century, to work towards a future where our way of life leads to sustainable development, and agreed by the many Governments at the Earth Summit Conference in Rio 1992.
Local Development Frameworks & Documents (LDF/ LDD)	Under the new planning system introduced by the Planning and Compulsory Purchase Act, local development frameworks will consist of a number of documents setting out the local authority's policies for meeting the economic, environmental and social aims for the future of their area.
Local Planning Authority (LPA)	The local authority or council that is empowered by law to exercise planning functions. This is normally the local borough or district council, but in National Parks and some other areas there is a different arrangement.

Terminology	Explanation
Material Consideration	A matter which should be taken into account in deciding on a planning application or on an appeal against a planning decision.
Member, also referred to as elected Member or councillor	Politician who has been elected to represent the local community as a Council Member at either a district, unitary or county level.
Minute of Agreement	This is an agreement entered into by two or more people, usually drawn up before a solicitor. This can be an effective way to settle matters without the need to go to court. A Minute of Agreement can be enforced in the same way as a court order.
ODPM (now the Department for Communities and Local Government)	Office of the Deputy Prime Minister – (previously Department of Transport, Local Government and the Regions (DTLR)) government department responsible for town and country planning policy and administration until May 2006.
Planning Circular	Guidance, including policy, issued by a government department usually, but not always, in support of legislation.
Planning Obligations and Agreements	Legal agreements between a planning authority and a developer, or offered unilaterally by a developer, ensuring that certain extra works related to a development are undertaken, usually under Section 106 of the Town and Country Planning Act 1990.
Planning Permission	Formal approval given by a local planning authority for Development requiring planning permission, development normally required to be commenced within three years for full planning permission.
Planning Policy Guidance Notes (PPGs) Planning Policy Statements (PPSs)	A series of documents issued by the Office of the Deputy Prime Minister (ODPM) [now the Department for Communities and Local Government] setting out government policy and advice on planning issues such as housing, transport, conservation etc. PPGs are now being replaced by new Planning Policy Statements PPSs.
Protocol	The rules of correct or appropriate behaviour for a particular group of people or in a particular situation
Renewables Obligation	A subsidy mechanism that came into force in April 2002 as part of the Utilities Act (2000) which requires power suppliers to derive from renewables a specified proportion of the electricity they supply to their customers. This started at 3% in 2003, rises gradually to 10% by 2010 and 15% in 2015.
Renewable Energy	Energy generated from resources that are unlimited, rapidly replenished or naturally renewable such as wind, water, sun, wave and refuse, and not from the combustion of fossil fuels.

Terminology	Explanation
s.36 project	Section 36 (power stations) of the Electricity Act 1989, includes proposed wind farms which are over 50MW of installed capacity. Section 36 procedures are comprehensive. The views of the local planning authority, the local people, statutory bodies such as the Environment Agency, Countryside Agency and English Nature/Countryside Council for Wales, and other interested parties will be brought into the decision making. All applications are copied to the local planning authority and will therefore appear on the local planning register. In certain circumstances a public inquiry may be called before the Secretary of State for Trade and Industry
makes a decision. s.106 agreement	Section 106 of the Town and Country Planning Act 1990 provides for obligations to be entered into which will bind the original parties and the land to which the obligation relates. A binding agreement between an LPA and a developer and landowners associated with a grant of planning permission and regarding matters linked to the proposed development. Unilateral obligations may also be entered into under Section 106 by a developer without the need for the LPA to be a party.
Statement of Community Involvement (SCI)	Local Planning Authorities are required to produce a statement of community involvement, which will set out how they intend to achieve continuous community involvement in the preparation of local development documents in their area. The SCI will also cover how people and the community will be engaged in decisions on planning applications for major development that affect each authority's area.
Statutory	Required by law (statute), usually through an Act of Parliament.
Stakeholder	Interested party. For the purposes of this Protocol, key stakeholders include the wind energy developer, the local planning authority, local communities and their representatives, statutory consultees and special interest groups.
Statutory consultee	An organisation that must be consulted on a planning application that meets certain criteria. Statutory consultees include, English Nature, Countryside Agency, Environment Agency plus others like English Heritage depending on the nature of the site.
Supplementary Planning Guidance (SPG) Supplementary Planning Documents (SPD)	Additional advice issued by a local planning authority expanding upon its statutory policies. Supplementary Planning Guidance will be replaced by Supplementary Planning Documents within the production of Local Development Frameworks.



