

Local Plan Draft Policy Approaches to Sustainable Development.

Summary: This report considers the representations made at Regulation 18 stage of plan preparation and seeks to endorse the policy approach concerning matters of sustainable development.

Recommendations: **It is recommended that Members endorse the revised Policy below, recommending to Cabinet and delegating responsibility for drafting such an approach, including that of finalising the associated policies to the Planning Manager:**

SD7 – Renewable and Low Carbon Energy

| | |
|--|------------------|
| Cabinet Member(s) | Ward(s) affected |
| All Members | All Wards |
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1. Introduction

- 1.1 The emerging North Norfolk Local Plan has been subject to public consultation at regulation 18 stage during May and June 2019. This report is one of a number of reports that seeks to finalise the draft Local Plan policy approach in relation to consideration of the consultation responses and the finalisation of the supporting evidence. At the end of the process a revised Draft Local Plan incorporating justified modifications will be produced for the authority in order to consult at Regulation 19 Draft Plan publication stage ahead of subsequent submission for examination. At such a stage the Plan will be subject to consideration by an independent inspector against a number of legal tests and soundness tests to determine if it is legally compliant, justified, effective, and has been positively prepared. A binding report will be produced, which will determine if the Draft Plan is sound, with or without further modifications, following which the Plan can be formally adopted by the Council.
- 1.2 **The purpose** of this report, is following a review of regulation 18 consultation feedback, to seek Members endorsement of one of the emerging policies that address matters concerning the wider principle of sustainable development with regard to future Plan-making ahead of Regulation 19 consultation and the submission of the Plan.

2. Background and Update

- 2.1 This policy will form part of the wider suite of policies within the sustainable development /climate change section of the emerging Local Plan. As part of the review of the policy, it has not only been necessary to take account of consultation feedback, but also to ensure that the emerging policy aligns with national guidance contained within the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG).
- 2.2 The purpose of Policy SD7 is to help increase the use and supply of renewable energy and low carbon energy.

3 Feedback from Regulation 18 consultation

- 3.1 All of the Regulation 18 consultation feedback has been published in the Schedule of Responses, previously reported to Members. For information, the feedback for this draft policy is contained within Appendix 1 to this report and summarised below. Overall, the number of responses to the policy was quite limited, but the respondents did raise some relevant issues. The comments are summarised below for the draft policy:

Policy SD7: Renewable Energy Development

- 3.2 **Individuals:** One objection, one of support and one general comment was received. One supporting that onshore wind turbines should be discouraged due to their inherent impact on the appearance and character of the countryside and that solar farms should be limited and should be screened by hedging. The objection states that Norfolk is extremely suitable for onshore wind power, which is an obvious way to cut carbon emissions. The general comment requests that the policy wording is unnecessarily negative and that it should be amended to read, Proposals for renewable energy should be 'encouraged' rather than 'permitted'.
- 3.3 **Parish & Town Councils:** One objection from Kelling Parish Council was received, stating that the policy justification and wording was too general, offering little specific protection against future inappropriate onshore wind turbine development. This does not seem to accord with the Landscape Sensitivity Assessment, which found that there are no landscapes in North Norfolk that score 'low' or even 'low-moderate' sensitivity to commercial wind energy developments. The policy should offer more prescribed protection, in consideration of the valued landscape and local community.
- 3.4 **Statutory Bodies and Organisations:** One objection, three responses in support and three general comments were received. Comments from a housing developer and Norfolk Wildlife Trust include that the policy wording needs to better accord with the Vision and Aims and Objectives statements in the Plan and take more account of the declared climate change emergency, in order to provide more positive support for renewable energy provision. The latter organisation recommends that the policy should provide support for other renewable energy opportunities in new development, such as solar panels on new build roofs. This is also reiterated by the Environment Agency who refer to encouraging alternative heating systems as well. Natural England include

recommendations that renewable energy projects are considered strategically in terms of timings of works, particularly for cable lines and grid connections, in order to minimise disturbance and highlighting that Policy ENV4: Biodiversity & Geology should be referenced in this Policy to ensure delivery of green infrastructure.

4. National Policy

4.1 The revised National Planning Policy Framework (NPPF) was published in February 2019, which is supplemented by the National Planning Practice Guidance (PPG), an online resource providing guidance on the NPPF's implementation. Section 14 of the NPPF covers climate change, flooding and coastal change. The most relevant climate change paragraphs of the NPPF and sections of the PPG are reproduced below for information and context.

4.2 NPPF paragraphs:

151. To help increase the use and supply of renewable and low carbon energy and heat, plans should:

a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);

b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

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

152. Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.

153. In determining planning applications, local planning authorities should expect new development to:

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

154. When determining planning applications for renewable and low carbon development, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable (49).

Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

*(49) Except for applications for the repowering of existing wind turbines, a proposed **wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan**; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.*

4.3 PPG paragraphs

Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

(Paragraph: 001 Reference ID: 5-001-20140306)

There are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and, critically, the potential impacts on the local environment, including from cumulative impacts. The views of local communities likely to be affected should be listened to.

When identifying suitable areas it is also important to set out the factors that will be taken into account when considering individual proposals in these areas. These factors may be dependent on the investigatory work underpinning the identified area.

....In considering impacts, assessments can use tools to identify where impacts are likely to be acceptable. For example, landscape character areas could form the basis for considering which technologies at which scale may be appropriate in different types of location. Landscape Character Assessment is a process used to explain the type and characteristics of landscape in an area.....

Identifying areas suitable for renewable energy in plans gives greater certainty as to where such development will be permitted. For example, where councils have identified suitable areas for large scale solar farms, they should not have to give permission outside those areas for speculative applications involving the same type of development when they judge the impact to be unacceptable.

In the case of wind turbines, a planning application should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a Local or Neighbourhood Plan.

(Paragraph: 005 Reference ID: 5-005-20150618)

Community initiatives are likely to play an increasingly important role and should be encouraged as a way of providing positive local benefit from renewable energy development....

(Paragraph: 004 Reference ID: 5-004-20140306)

[Suitable areas](#) for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines or similar will not be sufficient.

(Paragraph: 032 Reference ID: 5-032-150618)

Policies based on clear criteria can be useful when they are expressed positively (ie that proposals will be accepted where the impact is or can be made acceptable).

(Paragraph: 007 Reference ID: 5-007-20140306)

5. Policy Context

- 5.1 An initial steer was given by the Members at the November 2017 Working Party to what might be considered an appropriate way to manage wind energy development through the emerging Local Plan and exploring the potential policy approaches that the Local Plan could take in identifying suitable areas for wind energy development. The preferred approach was to develop a policy approach based around the identification of high value landscape /designations where there would be policy prohibition of wind turbines in these areas and a criteria based policy to aid in the determination of applications for those outside of the sensitive area. It was also recognised that further evidence would be required to help differentiate between sensitivity of landscape types. Members also requested that a number of former airfields be evaluated in terms of landscape impacts.
- 5.2 The resulting draft Policy was presented to Working Party in January 2019. This highlighted that the whole of the North Norfolk District was suitable for wind energy technology in terms of wind speed and it concluded that the preferred policy approach was for the identification of valued landscape /designations where there would be prohibition in the policy for large scale wind turbines in these areas and a criteria based policy to aid in the determination of applications for those outside of the sensitive area.
- 5.3 The 2021 Landscape Sensitivity Assessment (LSA) SPD, provides the appropriate evidence and justification as it assesses the North Norfolk landscape's sensitivity to various types of renewable and low carbon development, including large (80m hub, 130m tip), medium (60m hub, 100m tip) and small (30m hub, 45m tip) scale wind turbines in relation to the different Landscape Character Types (LCT).

5.4 Table 5.1 from LSA showing sensitivity ratings for typical scales of development by LCT:

| LCT | Large scale wind | | Medium scale wind | | Small scale wind | | Solar PV | | Onshore cable routes | | Industrial type dev | | Reservoir | |
|-------------------------|------------------|---------|-------------------|---------|------------------|---------|----------|---------|----------------------|---------|---------------------|---------|-----------|---------|
| | OUT AONB | IN AONB | OUT AONB | IN AONB | OUT AONB | IN AONB | OUT AONB | IN AONB | OUT AONB | IN AONB | OUT AONB | IN AONB | OUT AONB | IN AONB |
| Rolling Open Farmland | H | H | MH | H | M | H | MH | H | M | MH | M | H | M | MH |
| Tributary Farmland | H | H | MH | H | M | H | MH | H | M | MH | M | H | M | MH |
| Low Plains Farmland | H | | MH | | M | | M | | M | | M | | M | |
| River Valleys | H | H | H | H | MH | H | H | H | MH | H | MH | H | MH | H |
| Settled Farmland | H | | MH | | M | | M | | M | | M | | M | |
| Coastal Plain | H | H | MH | H | M | H | M | H | LM | MH | M | H | M | MH |
| Coastal Shelf | H | H | H | H | MH | H | MH | H | MH | MH | MH | H | MH | MH |
| Wooded Ridge | H | H | H | H | MH | H | MH | H | MH | H | MH | H | MH | H |
| Rolling Heath & Arable | | H | | H | | H | | H | | MH | | H | | MH |
| Drained Coastal Marshes | | H | | H | | H | | H | | H | | H | | H |
| Open Coastal Marshes | | H | | H | | H | | H | | H | | H | | H |

5.5 Table 5.1 from the LSA, above, indicates that large scale wind energy development would have high sensitivity across all of the Landscape Types in the District and that medium scale wind energy development is classed as having high sensitivity in the AONB along with the LCT's of Coastal Shelf, Wooded Glacial Ridge and River Valleys. The remaining LCT's score

moderate-high sensitivity for the medium scale wind development. Proposed small scale wind energy development would also have high sensitivity within the AONB, but moderate or moderate-high across the LCT's outside the AONB.

5.6 It is also noted that the Table shows the relative high sensitivity to all renewable energy development types apart from onshore cable routes and reservoirs, within the AONB.

5.7 Table 5.2 from the LSA showing sensitivity ratings for typical scales of renewable energy development by airfield

| Airfield (LCT) | Large scale wind | Medium scale wind | Small scale wind | Solar PV | Onshore cable routes | Industrial type dev | Reservoir |
|---------------------|------------------|-------------------|------------------|----------|----------------------|---------------------|-----------|
| West Raynham (ROF) | MH | M | LM | L | L | L | LM |
| Sculthorpe (ROF) | MH | M | LM | L | L | L | L |
| North Creake (ROF) | H | H | MH | LM | LM | M | M |
| Little Snoring (TF) | MH | M | LM | M | LM | M | M |
| Langham (TF) | H | H | MH | M | M | MH | M |
| Coltishall (LPF) | MH | MH | M | LM | LM | LM | LM |

5.8 Table 5.2 of the LSA sets out the sensitivity for wind energy development of different scales and other types of renewable energy development within a range of airfields across the District. It shows that large scale (80m hub, 130m tip) wind turbines would have high or moderate-high sensitivity for all the airfields. For medium scale (60m hub, 100m tip) wind turbines, North Creake (close to the AONB) and Langham (within the AONB) are classified as high sensitivity and Coltishall classified as moderate-high sensitivity. The remaining areas of the District are classified as moderate sensitivity. Finally, for small scale (30m hub, 45m tip) wind turbines, the majority of the District is classified as having low- moderate sensitivity, but North Creake (close to the AONB) and Langham (within the AONB) are classified as moderate-high and Coltishall is identified as moderate sensitivity. The remaining airfields are classified as low-moderate.

5.9 It is clear from Table 5.2 that landscape sensitivity is typically lower for airfields within the district, although there is still relatively high sensitivity for large and medium scale wind energy developments in some of the LCT's.

5.10 The above evidence led to the Regulation 18 draft wording for Policy SD7 to support the principle of wind energy development for proposals that lie outside of an area classified as having high sensitivity within the LSA where it can be demonstrated that the landscape sensitivity for the proposed scale of turbine

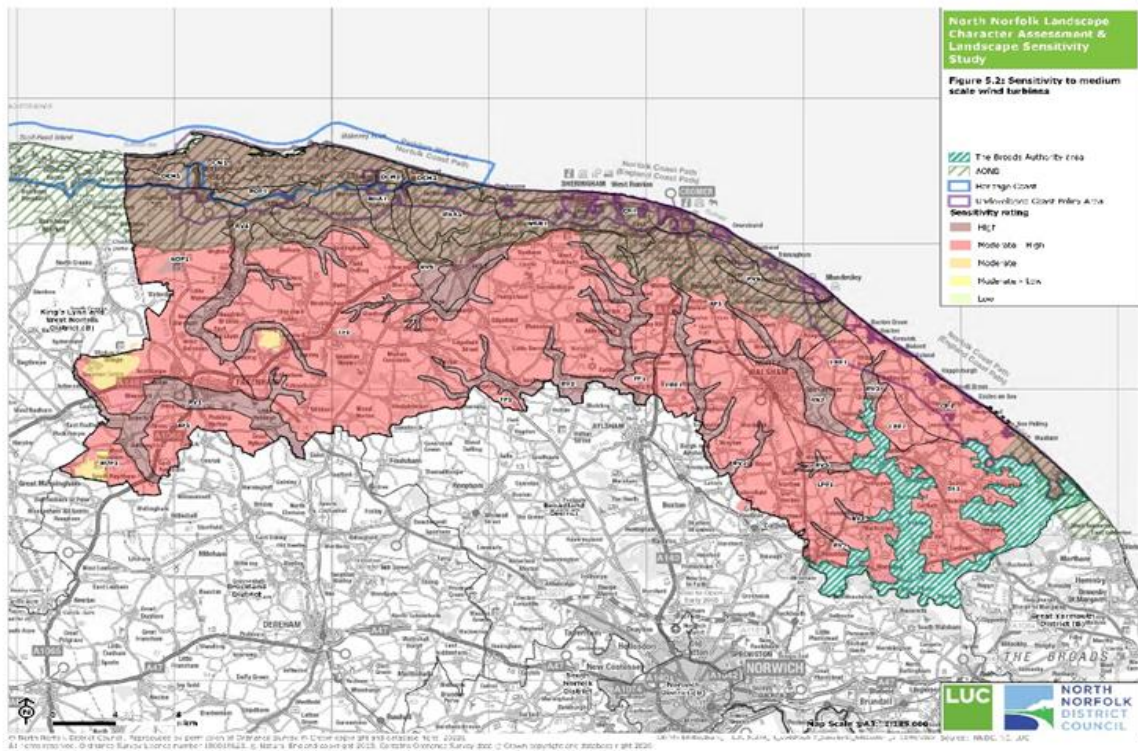
does not exceed 'Moderate- High'. This sensitivity classification maintains opportunities for wind energy development of up to 60m hub/100m tip height across the least sensitive parts of the District. And as a consequence gives directs development within the area identified as suitable for wind energy development but all proposals will still need to be assessed against the landscape evidence base and the comprehensive criteria based policy.

- 5.11 This policy approach did not identify suitable areas in the district where the principle of renewable energy, including wind energy, development would be acceptable, which does not accord with the aims of paragraph 151(b) of the NPPF, where the footnote clearly states that 'a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan...'

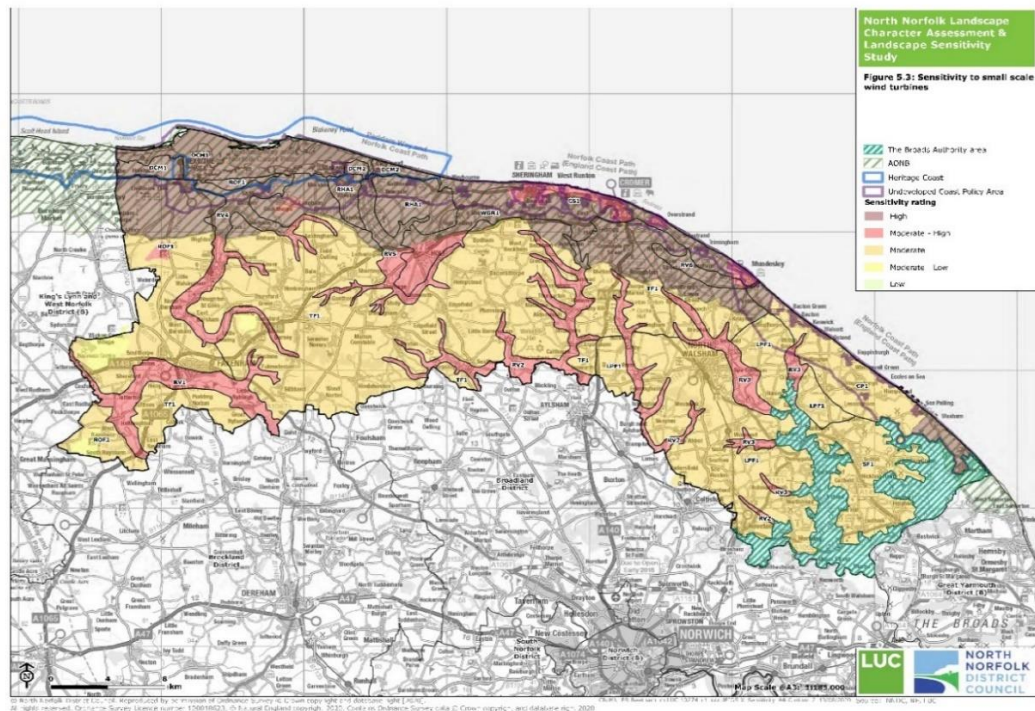
6. Conclusions for Policy SD7: Renewable Energy Development

- 6.1 Since the Regulation 18 version of the Policy was drafted the government has committed to a legally binding target requiring the country to be net carbon zero by 2050 and the Council has declared a Climate Emergency coupled with the positive implementation of a Green Agenda including the commitment to the production of an Environmental Charter. Combined, these are considered to raise the importance of providing a positive approach to renewable energy development in the district.
- 6.2 In addition, the content of the limited amount of consultation feedback is an overall desire to have a clear and more positively worded policy that would still provide the necessary strong protection to the most valued areas of the natural and built environment, to the amenity of local communities and to the biodiversity of the district.
- 6.3 In response to the above, the policy has been more positively worded to encourage the principle of all types of renewable energy development, including any brought forward through community-led initiatives - Linking with Policy SD 2. Proposals will be supported where the site is not located in an area that does not exceed 'moderate-high' sensitivity within the LSA document. It is considered that this approach is more even-handed in protecting the most sensitive landscape features if the district across the different types of renewable energy than the previous draft of the policy. As such the policy is also considered less likely to be amended at examination in relation to alignment to national policy.
- 6.4 The policy wording has also been amended to better align with the paragraph 154(b) of the NPPF, which states that local authorities should 'approve the application if its impacts are (or can be made) acceptable.' As such, the wording has been adjusted so that renewable energy proposals would need to demonstrate that any individual or cumulative adverse impacts have been 'satisfactorily mitigated.'
- 6.5 The policy wording retains a criteria based element where any proposal would need to demonstrate its suitability against all of these requirements. This has been amended to provide one common list of criteria for all renewable development types, which has been expanded to include the special qualities of nationally and internationally designated conservation sites, habitats and biodiversity.

- 6.6 In order to be clear, the last paragraph of the policy has been altered to ensure that all wind energy proposals link to an identified area in line with NPPF 154(b) Any such proposal will need to be informed by the relevant map, which identifies the broad areas that fall within the Low to Moderate-High sensitivity ranges. This map will be based on the two wind energy maps currently referenced as Figures 5.2 and 5.3 in the LSA. These are included below for information.
- 6.7 Figure 5.2 of the LSA below, where the areas indicated in light red and yellow would be suitable, in principle, for medium scale wind energy development.



- 6.8 Figure 5.3 of the LSA below, where the areas indicated in light red and yellow would be suitable, in principle, for small scale wind energy development.



- 6.9 Overall, it is concluded that the revised policy, as set out in Appendix 2, will provide a positively worded and balanced approach to future renewable and low carbon energy development within the district.

7. Recommendations

- 7.1 It is recommended that Members endorse the revised Policy below, recommending to Cabinet and delegating responsibility for drafting such an approach, including that of finalising the associated policy to the Planning Manager:

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8. Legal Implications and Risks

- 8.1 The Council must produce a Local Plan which complies with various regulatory and legal requirements and in determining its policy approaches must be justified and underpinned by up to date and proportionate evidence, the application of a consistent methodology and take account of public feedback and national policy and guidance.
- 8.2 The statutory process requires records of consultation feedback and a demonstration of how this has informed plan making with further commentary demonstrating how the representation at regulation 18 have been taken into account in line with Regulation 22.

9. Financial Implications and Risks

- 9.1 Failure to undertake plan preparation in accordance with the regulations and NPPF is likely to render the plan 'unsound' at examination and result in the need to return to earlier stages. Substantial additional costs would be incurred.

Appendices

Appendix 1 – Schedule of Representations

Appendix 2 – Revised Draft Policy Approach