

Draft Proposed Local Development Plan

The Purpose of the Plan and its Outcomes

It is not clear why the reference to encouraging “...*the development of renewable energy resources in a sensitive way*” has been deleted from the bullet point entitled ‘To take on the challenges of sustainable development and climate change’. Renewable energy is key to delivering on the challenges of sustainable development and climate change and reference to renewable energy should be reinstated here.

Policy C2 Renewable Energy

1. At C2.2 we note reference to the Strategic Landscape Capacity Assessment for Wind Energy, and the Additional Locational Guidance taken from this in the form of ‘Areas with strategic landscape capacity for wind turbine development’. This is shown in orange hatching on the Spatial Framework Map for wind energy (as seen in the current Local Development Plan). At C2.2 it is stated that ‘The areas shown in orange hatching have been assessed as having strategic capacity for turbines over 15 metres when local landscape considerations are taken into account. This guidance remains valid even for the very large turbines now being proposed’. The Strategic Landscape Capacity Assessment for Wind Energy assessed turbines up to a maximum blade tip height of 125m, with ‘Very Large’ turbines described as ‘Turbines 125m in height and greater’.

Turbines considerably larger are now being considered at up to 200m to tip and greater for onshore wind developments. We suggest that the Landscape Capacity Assessment should be revisited in order to better inform policy for decision making and direct development for turbines of this scale. We consider that this guidance cannot remain valid for assessing ‘very large turbines’ which are not specified in height, and are so much larger than considered in the Landscape Capacity Assessment. This is a ‘catch-all’ sentence in the draft policy which doesn’t recognise how the industry has moved on in terms of scale of turbines now being considered.

2. Lifetime extension is referenced in the policy at paragraph C2.3. It should be noted that lifetime extension may include simply an extension in operating time, without any changes to infrastructure. We suggest that this wording is changed, and either simplified or this eventuality included.

Policy E1 Natural Heritage

1. At paragraph E1.1, we propose that the word ‘unacceptable’ is added, as adverse effects on a nature conservation site may still be acceptable.
2. At paragraph E1.6, we propose that the word ‘unacceptable’ is added, as adverse effects on protected species may still be acceptable.

Furthermore, the bullet points under paragraph E1.6 fail to set out the earlier steps in the Habitat Regulations Appraisal (HRA) process and apply the more stringent HRA tests to *any development “likely to have a detrimental impact on protected species”*.

The bullet point under paragraph E1.6 sets out imperative reasons of overriding public interest (IROPI) considerations – this is a specific test in the HRA process which will only apply where a competent authority may wish to consent a proposal despite the potential for *an adverse effect on site integrity*. Prior to this stage, the competent authority will have to make a screening assessment of a project's *likely significant effects* on a Natura site to determine whether or not an appropriate assessment (AA) is required. If an AA is required, the competent authority must be sure – by means of the AA – that the project will have no adverse effect on site integrity; mitigation of potential impacts can be used in an AA to support a conclusion of no adverse effects on site integrity. It will only be necessary to apply the IROPI test where there is the potential for an adverse effect on site integrity and the competent authority wishes to consent the proposal. If the HRA screening stage determines that an AA is not required, then the subsequent IROPI stage of the HRA process does not apply. The requirement in E1.6 to apply the bullet points to any development “*likely to have a detrimental impact on protected species*” is not in accordance with legislation and should be revised accordingly.

3. At paragraph E.19, the third bullet point should be revised to also refer to ‘mitigation’ of impacts which would make the proposal acceptable (i.e. not simply ‘public benefits’).

Policy E2 Landscape

At paragraph E2.2 in the second sentence, we propose that the word ‘unacceptable’ is added, as adverse effects on Special Landscape Areas may still be acceptable. This addition would be in accordance with the statement relating to Policy E2 on page 30 of the Main Issues Report which states “Policy E2 sets out a general presumption against development that would cause *unacceptable* effects on a landscape’s overall character and quality...”

Policy HE1 Protecting Historic Building Sites and Monuments

1. At HE1.2 we suggest the addition of the word ‘unacceptable’ negative effect, as a negative effect may still be acceptable.
2. At HE1.4 we suggest that changes are made here so that this test should apply to direct impacts on nationally or locally important monuments or archaeological sites, and not on setting, for which a different and lesser test should apply. An adverse impact on setting may nevertheless be acceptable and should not require that there are overriding public interests to justify this or that alternative sites should be considered.

In conclusion, there are a number of issues arising which require to be addressed. I trust that the these points will be fully taken into account. Should you require any further information or clarification on matters raised please do not hesitate to contact me directly.

Yours faithfully,



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