

Examination of the East Lindsey Core Strategy and the East Lindsey Settlement Proposals Development Plan Document (DPD)

Inspectors' matters, issues and questions (MIQs)

Stage 1 – Core Strategy

26 May 2017

Note: The MIQs for Stage 2 relating primarily to the Settlement Proposals Development Plan Document and 5 year supply of housing will be made available separately. Some cross-cutting issues relating to both plans will be considered in Stage 1.

Abbreviations:

ADM – additional minor modification proposed by the Council

CS – Core Strategy

Framework – National Planning Policy Framework

Regulations – The Town and Country Planning (Local Planning) (England) Regulations 2012

The Council's answers are in italics with any suggested modifications in red italics

Matter 19 - Renewable and low carbon energy

Main issue: Is Policy SP27 justified and consistent with national policy, particularly insofar as it applies to wind energy development?

Questions

SP27 Renewable & Low Carbon Energy

1. The Ministerial Statement (MS) of 18 June 2015 is clear that planning permission for wind energy development should only be granted if, amongst other things, the development site *is in an area identified as suitable for wind energy development* in a Local or Neighbourhood Plan (my emphasis). In that the Core Strategy does not identify specific areas considered suitable for wind energy development, is it consistent with national policy? The MS also refers to the planning impacts identified by affected local communities being fully addressed and having their backing. Are any changes necessary to achieve soundness?

The Council is mindful of its responsibility in terms of climate change and meeting demand for energy. Planning Practice Guidance starts with this premise and that the first considering should be what the local potential is for renewable and low carbon energy generation. This includes the range of technologies that could be accommodated; the costs of many renewable

energy technologies in respect of their attractiveness to developers; the impacts different technologies can have and how those impacts differ between places; and legal commitments to cut greenhouse gases and meet increased energy demand from renewable sources.

There are a range of technologies that could be brought forward in the East Lindsey. Wind and solar have already been developed across parts of the District. Biomass and anaerobic digestion are also possible sources of energy, given that the District is an agricultural area. However, apart from domestic scale proposals, there has been little interest in these latter two types of technology. The impacts of the different types of technology vary enormously as do the scale of operations. For any type of development there will be a significant difference in the impacts of a technology associated with a dwelling or small business and one providing commercial scale generation to feed into the national grid.

The Council acknowledges the requirements of the Ministerial Statement and the expectations this places on the local plan. Whilst local authorities should design their policies to maximise renewable and low carbon energy development, there is no quota which the Local Plan has to deliver. Similarly, guidance has also made it clear that there should be no cap placed on technologies. So, unlike other forms of development, the Council has no objectively assessed need, in terms of number of turbines or energy production, to guide it in identifying areas suitable for wind energy development. The amount of energy generated varies enormously depending on the size and type of turbines and the numbers that are brought forward. Similarly, unlike land for housing, the Council has no information on which landowners may be willing to enter into an agreement with an energy producer; and indeed that willingness may be influenced by the commercial terms of any agreement, which the Council cannot be privy to. Certainly, in terms of smaller turbines, associated with an individual business, such commercial decisions to produce energy for the business from renewable sources is not something the Council can be aware of and, over the life time of the plan, the aspirations of the individual business may change in this respect.

From its extensive experience of considering applications for commercial wind energy in the District, and from a number of these applications going to public enquiry, it is clear that the selection of sites for such an energy source is a complex exercise. The impact of the proposal is greatly affected by the size and type of turbine as well as their layout in respect of their surroundings; the extent of which can stretch a considerable distance from the site. The Council already has onshore turbines in the area, varying from individual turbines with a tip height of 45m, to commercial wind farms with 20 turbines, and the more recent development where the turbines are 115m

in height. It can be seen from these developments, that the size and location significantly affects the impact that they have. The Council does not believe that, in advance of the level of detail provided with an application, it is in a position to determine whether or not an individual site is appropriate in principle. With these factors in mind, it is not possible to allocate in a traditional sense, so the plan can only ever identify broad areas of suitability. In doing so, it is not in a position to assess the likely impact on matter such as protected species; the impact on heritage assets, as this will vary depending on the size of the turbines, scale and layout of the proposal and location in relation to heritage assets around the District; impact on residential amenity, as this will depend on how close to residential properties individual proposals are; nor can it differentiate between a smaller turbine associated, with an individual business, or a commercial operation feeding into the national grid.

There are already a number of commercial wind farms operating in the District, including those located off shore which can visible in views from some considerable distance away. This means the potential for cumulative impact may be greater and decisions more nuanced depending on relative locations will vary across the District depending on the location of new proposals in relation to existing. However, under Government guidance, the fact that there are already wind farms in an area does not preclude additional development or the extension of existing sites.

If the local plan should identify areas that are suitable for wind energy, what are the parameters that would deem an area unsuitable for wind energy in principle? The Council has prepared a Wind Energy Topic Paper, along with a linked constraints map which sets out the main area of constraint in the District based, broadly, on the parameters in the Renewable and Low-carbon Energy Capacity Methodology - Methodology for the English Regions - January 2010, which is often used as a basis for assessing capacity for renewable energy. These constraints are to be born in mind when considering sites for wind energy; however, not all constraints are insurmountable. For example, the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) encompasses approximately one third of the District. As an area designated purely on its landscape quality, this would seem a highly sensitive location to wind energy development. However, the National Planning Policy Framework (NPPF) only states that great weight should be given to conserving such landscapes. It also states that planning permission should be refused for major development in these areas except in exceptional circumstances, which include national considerations. Indeed an appeal inspector approved two small turbines over the boundary within the West Lindsey District and East Lindsey District Council approved an application for a small turbine on a business in the AONB. An earlier iteration of the plan excluded the Lincolnshire Wolds from the renewable energy policy on the grounds of its

protected landscape, however, this was subject to a number of objections and, as this could not be supported by national policy, the local plan policy was amended accordingly. Clearly it is more a matter of scale and location rather than the principle that makes this area unsuitable for such development. Similarly, there are constraints shown for issues such as air traffic control where some wind energy development may be permitted in certain zones, or biodiversity sites some of which wind energy may affect, such as those for birds and bats and some where there may not be a significant impact. However, for these constraints the details of the application may well be an important consideration in determining suitability. Heritage assets are also shown, but the scale of the map does not allow these to be visible. However, again this does not mean that wind energy will be precluded due to the presence of heritage assets in an area.

Conversely, the fact that an area is not shown as subject to constraints does not mean that an application will be acceptable. On the Topic Paper Constraints Map, there is an open area close to Orby which is not subject to strategic constraints, but this area has been subject of a planning application for wind energy in the past and was been recovered by the Secretary of State and refused at appeal; so the lack of strategic constraints does not mean that the principle of development is acceptable.

On this basis, there is no reason to deem any part of the District as unsuitable in principle. To identify some areas as suitable, and by default the rest of the District as unsuitable would be artificially restricting the opportunities for wind energy, contrary to national policy which expects all communities to contribute to energy generation from renewable and low carbon sources. The selection of these areas would also be artificial in that there would be no strategic policy reason for selecting these areas over other parts of the District. The policy in the Plan would therefore apply to the whole District and applications would be determined in accordance with SP27.

2. Is proposed amendment ADM39 necessary to make the plan sound?
ADM39 is necessary to make the plan sound. The previous statement was not positively worded and is not consistent with national policy, in that the NPPF does not only states that great weight should be given to conserving such landscapes and also states that planning permission should be refused for major development in these areas except in exceptional circumstances. The sentence proposed for deletion implied that the decision on whether such major development would be acceptable had already been made and potentially prejudged the impact that a development would have without the reference to exceptional circumstances. On that basis, it is considered that it is not in conformity with the NPPF.