

TECHNICAL NOTE FOR THE INSPECTOR: WIND TURBINES LESS THAN 18 METRES TO BLADE TIP

LOCAL PLAN STAGE 2 EXAMINATION HEARINGS

MATTER 24 Addressing Climate Change

Thursday 19th November 2020

Task No.	Task	Modification Type	Status
210	Part 2 CC6 The Inspector will consider the issues of how to deal with turbines less than 18m (in the context of the WMS and other Government Policy objectives), but first requests a note with updated wording to help inform the decision. This could explore the position that turbines <18m must logically be acceptable in those areas identified for very small and small turbines (the 2 smallest classes in the LUC Study) as shown on the Policies Map. In this case the reasoned justification could make reference to this fact.	MM	Technical Note Inspector Request
211	CC6 Part 2 BP2 – Turbines less than 18m – change wording with regards to ‘local settlement’. Currently excludes single dwellings. Council to review.	MM	Technical Note Inspector Request

Notes:

- The two tasks in the table above are related and therefore addressed together in this Technical Note.
- Reference to turbines less than 18m is to blade tip.

Task 210: Approach to wind turbines less than 18 metres in height

Background

- 1.1. The issue of how the Local Plan should treat wind turbines less than 18 metres to blade tip has arisen since both the LUC Study (EV11) and the Written Ministerial Statement (WMS) do not provide guidance on this matter. The size categories in the LUC Study correlate with local data from previous studies assessing the impacts of wind turbines on the landscape and preceded the WMS (see the Renewable and Low Carbon Technical Paper EV13). Justification for the approach in Policy CC6 can be found in the Local Plan Written Statement (SD01.1) and the RLC Technical Paper. This technical note explores the use of alternative wording in order to ensure that Policy CC6 is aligned with the WMS and other relevant Government Policy in the area of Climate Change and Renewable and Low Carbon Energy.
- 1.2. For ease of reference the **Local Plan publication version** of Policy CC6 and the associated parts of the reasoned justification are set out below:

Policy CC6

PART 2: Assessment of Wind Energy Developments

Additionally for wind energy the proposed development scheme should:

- be within an area identified as suitable for the proposed size category of wind turbine as defined either on the Local Plan Policies Map or in an adopted Neighbourhood Plan; or
- be less than 18m to blade tip, not within the South Pennines Moors SSSI/SPA/SAC, and directly related to, and generate power principally for, the operation of a farmstead, other rural business or a local settlement: and
- following consultation it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

Reasoned Justification

10.37 On 18th June 2015 the Secretary of State for Communities and Local Government published an update to the approach to be taken to wind energy developments and subsequently amended the PPG. This essentially states that local planning authorities should only grant planning permission for wind energy developments if:

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

10.38 In order to formally address the implications of the Ministerial Statement work was undertaken by Land Use Consultants to identify those areas suitable for wind energy development based on technical considerations. The assessment was undertaken for five different size categories of wind turbine and found that there are a number of very small areas which could be appropriate for wind energy development at the various scales. However, when the Study considered these areas with the findings of the Julie Martin Study most fall within the 'Moderate to High' and 'High' landscape sensitivity categories, particularly for the larger categories of turbine. Whilst it is impossible to assess the suitability of the identified areas definitively without specific schemes, given the high value of much of the landscape the probability is that only a limited number of the identified areas will be found suitable for wind turbines. Showing all identified areas in the Local Plan is not considered to be within the spirit of the Ministerial Statement although this does not actually provide any information regarding the definition of a suitable area. Therefore the approach taken in the Local Plan is to only show those areas where the impact on landscape sensitivity is between 'Low' and 'Moderate' which has the effect of only showing areas suitable for turbines in the small (25 – 59 m to blade tip) and very small (18 – 24 m to blade tip) categories. These areas are shown on the Policies Map.

10.39 A further matter of particular significance is the fact that a large part of the South Pennine Moors SSSI/SPA/SAC lies within Calderdale. Wind energy developments have the potential for nature conservation and biodiversity impacts, particularly regarding key species such as bird and bat populations. These can occur both within and beyond designated nature conservation sites. There is therefore a potential threat to South Pennine Moors SPA birds due to displacement and bird strike from wind turbines as well as loss of functionally connected land such as that providing feeding grounds. Whilst the Study excluded the officially protected area it did identify suitable areas for wind turbines in proximity to it. However, in order to protect functionally connected land no suitable areas for wind turbines within a 2.5 kilometre buffer area are identified in the Local Plan.

10.40 The Study employed a threshold of 18 metres height to blade tip and therefore no assessment was made for turbines below this size. However, such turbines can provide and/or contribute to the energy needs of farmsteads and other small businesses as well as being part of community led schemes. Such turbines have a more limited impact and will be permitted across the Borough with the exception of the SSSI/SPA/SAC but including within the associated buffer area subject to compliance with the relevant criteria in Policy CC6. The reference to sites of nature conservation or biodiversity value in Part 1 of the Policy includes both areas which have been officially designated and ones where this is not the case.

10.41 In addressing the wide range of wind energy proposals which could come forward, together with their potential impact on the landscape as set out above, the Local Plan is pragmatic balancing the national policy requirement for a positive approach to renewable energy against an overly strict interpretation of the Ministerial Statement. Additionally, interest currently exists in progressing several Neighbourhood Plans across the Borough and these also have the potential to allocate areas for wind energy development.

Justification for the approach taken in the Local Plan

- 1.3 The legal framework in relation to Climate Change demonstrates the Government's intended direction of travel. The 2004 Planning and Compulsory Purchase Act, under Section 19, placed a legal duty on Local Planning Authorities to include policies which deal with climate change mitigation and adaptation. This was followed by the Climate Change Act 2008, which introduced statutory targets for reducing carbon dioxide emissions. These targets have subsequently become more ambitious as the threat of Climate Change has intensified (as discussed under Matter 8 in relation to Climate Change and Policy CC1). The Council draws attention to the fact that statute has much greater weight than policy.

- 1.4. National Planning Policy and guidance on its implementation in relation to Climate Change can be found in the NPPF and PPG (incorporates the wording of the WMS). There is no detailed guidance in the WMS, including in its subsequent inclusion in the PPG, in relation to the size/function of turbines. The fact it was published as a response to the impact of large commercial scale turbines on the landscape with no details regarding turbine size is material, given the potential unintended consequence of restricting energy provision for local needs and therefore in conflict with broader Government legislation and policy on Climate Change.
- 1.5 The NPPF 2019 continues to express the importance of planning positively for renewable and low carbon energy previously stated in NPPF 2012. Paragraph 20 (d) of the NPPF 2019 includes addressing climate change mitigation and adaptation as one of its strategic priorities:
- “20 **Strategic polices** should set out an overall strategy for the patten, scale and quality of development and make sufficient provision for:*
- (d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, **and planning measures to address climate change mitigation and adaptation.**”*
- (Council's emphasis)**
- 1.6 NPPF 2019 paragraph 151 explains how the supply of renewable and low carbon energy including that from decentralised sources should be increased:
- “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.**”*
- (Council's emphasis)**
- 1.7 NPPF 2019 paragraph 152 provides specific guidance in relation to local initiatives:
- “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 polices that are being taken forward through neighbourhood planning.”*
- 1.8 At the regional level turbines less than 18 metres have a role in contributing to the success of the West Yorkshire Emissions Reduction Pathways Initiative which identifies onshore wind energy as an important part of reducing emissions.
- 1.9 The Council also draws attention to the fact that whilst the issue of Climate Change has been around for some time, the Climate Change agenda has moved on significantly since the publication of the WMS in 2015, with many local authorities having declared Climate Emergencies.
- 1.10 Part 2 of Policy CC6 requires the same community considerations set out in the WMS to be fulfilled for all turbines, including those less than 18m in height, and therefore incorporates the intention of the WMS that community views be considered. Furthermore, the fact that Policy CC6 restricts turbines less than 18 metres in height to meeting the needs of specific types of local development reinforces the fact they are not intended to satisfy wider commercial energy needs and thus avoids conflict with the WMS.
- 1.11 Locations suitable for small and very small turbines, as shown on the proposals map, will also be appropriate for turbines less than 18 metres. Showing all areas suitable for turbines less than 18m on the Polices Map would be disproportionate and result in a large number of locations making such an approach not particularly helpful and also potentially confusing for users.
- 1.12 There are potentially 2 options for consideration:

Option 1

Turbines less than 18m will be acceptable in those locations identified as suitable for very small and small turbines (the two smallest classes in the LUC Study) as shown on the Policies Map. In all other cases applications will be considered on their merits, including having regard to their impact on the landscape. **This is the Council's preferred approach.** The Council do not consider this approach to require modifications to Policy CC6 but some additional wording to the reasoned justification would be helpful as follows:

Modifications to Reasoned Justification

10.40 The Study employed a threshold of 18 metres height to blade tip and therefore no assessment was made for turbines below this size. However, such turbines can provide and/or contribute to the energy needs of farmsteads and other small businesses as well as being part of community led schemes. Given that such turbines have a more limited impact than larger turbines they and will be permitted across the Borough with the exception of in those areas identified for very small and small turbines (the two smallest classes in the LUC Study) as shown on the Policies Map. Elsewhere, proposals for turbines less than 18 metres to blade tip will be considered on their merits, including having regard to their impact on the landscape. They will not be permitted within the SSSI/SPA/SAC but including may be acceptable in the including within the associated buffer area subject to compliance with the relevant criteria in Policy CC6. The reference to sites of nature conservation or biodiversity value in Part 1 of the Policy includes both areas which have been officially designated and ones where this is not the case.

10.41 In addressing the wide range of wind energy proposals which could come forward, together with their potential impact on the landscape as set out above, the Local Plan is pragmatic balancing the national policy requirement for a positive approach to renewable energy against an overly strict interpretation of the Ministerial Statement. Additionally, interest currently exists in progressing several Neighbourhood Plans across the Borough and these also have the potential to allocate areas for wind energy development.

Option 2:

Turbines less than 18m will only be acceptable in those locations identified as suitable for very small and small turbines (the 2 smallest classes in the LUC Study) as shown on the Policies Map. The necessary modifications to Policy CC6 and its reasoned justification would be:

Modifications to Policy CC6

PART 2: Assessment of Wind Energy Developments

Additionally for wind energy the proposed development scheme should:

- be within an area identified as suitable for the proposed size category of wind turbine as defined either on the Local Plan Policies Map or in an adopted Neighbourhood Plan; ~~or and~~
- ~~be less than 18m to blade tip, not within the South Pennines Moors SSSI/SPA/SAC, and directly related to, and generate power principally for, the operation of a farmstead, other rural business or a local settlement; and~~
- following consultation it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

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10.41 In addressing the wide range of wind energy proposals which could come forward, together with their potential impact on the landscape as set out above, the Local Plan takes a positive approach to wind energy but one which is tempered by the Written Ministerial Statement. ~~is pragmatic balancing the national policy requirement for a positive approach to renewable energy against an overly strict interpretation of the Ministerial Statement.~~ Additionally, interest currently exists in progressing several Neighbourhood Plans across the Borough and these also have the potential to allocate areas for wind energy development.

Task 211: Definition of ‘local settlement’

1.13 The intention in referring in Policy CC6 to the types of development where turbines less than 18 metres in height could benefit local communities is to emphasize that they are for local energy provision only and not for the types of commercial provision associated with larger turbines. Single turbines or small groups of turbines could provide energy for a range of small developments such as farmsteads, other rural businesses, or local settlements. The reference to local settlements includes both single dwellings and small groups of dwellings. The Council considers it would be useful to provide this definition of local settlement in the reasoned justification to Policy CC6. The Council also notes that the Adopted Scarborough Local Plan includes similar wording (see page 114 of the adopted [Scarborough Local Plan](#)). In taking this approach the Local Plan is considered to reflect the objectives of the WMS which, although it does not differentiate between large and small turbines, was primarily introduced to reduce the impact of commercial scale turbines on the landscape.

Modifications to Reasoned Justification

Incorporates modifications associated with Option 1 above (Task 210) to enable the modified text to be read as a whole.

10.40 The Study employed a threshold of 18 metres height to blade tip and therefore no assessment was made for turbines below this size. However, such turbines can provide and/or contribute to the energy needs of farmsteads and other small businesses as well as being part of community led schemes. The reference in Policy CC6 to a farmstead, other rural business or a local settlement includes both single dwellings and small groups of dwellings. Given that such turbines have a more limited impact than larger turbines they and will be permitted across the Borough with the exception of in those areas identified for very small and small turbines (the two smallest classes in the LUC Study) as shown on the Policies Map. Elsewhere, proposals for turbines less than 18 metres to blade tip will be considered on their merits, including having regard to their impact on the landscape. They will not be permitted within the SSSI/SPA/SAC but including may be acceptable in the including within the associated buffer area subject to compliance with the relevant criteria in Policy CC6. The reference to sites of nature conservation or biodiversity value in Part 1 of the Policy includes both areas which have been officially designated and ones where this is not the case.

10.41 In addressing the wide range of wind energy proposals which could come forward, together with their potential impact on the landscape as set out above, the Local Plan is pragmatic balancing the national policy requirement for a positive approach to renewable energy against an overly strict interpretation of the Ministerial Statement. Additionally, interest currently exists in progressing several Neighbourhood Plans across the Borough and these also have the potential to allocate areas for wind energy development.

Calderdale MBC
7th January 2021