West Harptree Parish Council
Commentary on the Local Plan Partial Update
8th October 2021

1. B&NES renewables generation targets are grossly misleading and will likely distort outcomes

B&NES renewable energy targets are measured as "installed capacity," which is not the appropriate way to measure and will distort outcomes. The sun does not always shine and the wind does not always blow. A solar farm only generates a tiny fraction (around 9%) and a wind farm around 29% of their theoretical "installed capacities". Farm based digesters are by comparison ten times more effective than solar PV installations.

Over a year, a **250 kilowatt** anaerobic digester installed on a farm will produce as much electricity as a **775 kilowatt** wind turbine or a **2.5 megawatt** solar PV farm.

B&NES current renewable energy policy is almost certain to result in the construction of large amounts of solar PV capacity but result in very little actual electricity, with inevitable significant harmful effects on the landscape.

B&NES should be prioritising the more efficient forms of generation (e.g. farm based anaerobic digesters and wind ahead of solar PV) and to do this must instead set meaningful targets and asses potential schemes based on "likely average annual output" NOT the grossly misleading "installed capacity".

2. The Landscape Sensitivity Assessment uses arbitrary, wholly unjustified and fundamentally flawed scheme classifications.

The analysis of impact in the Sensitivity Assessment is a very poor attempt to create and apply a pseudoscience that sadly does not stand up to scrutiny. The conclusions and outcome can be therefore be challenged in may ways.

The division of solar PV schemes into 4 "bands" solely by hectare size of scheme and wind turbines into 5 "bands" solely by turbine height is simplistic, arbitrary and bears no relation to the comparative impact of potential schemes upon the environment and character of the landscape.

1. There is no logic whatsoever offered in the sensitivity assessment to support that the impact of solar PV schemes is related to square area in hectares.

2. Against this, it does not take much logical thought to realise that the impact of a solar PV scheme on the landscape is actually far more defined by local topology and screening and in turn the area from which the scheme is visible rather than solely the area of the installation. It is easy to see that a hectare of solar PV on an exposed slope visible from several miles away will have many times more impact than 5 hectares located in a valley screened by conifer plantations.

3. It is clearly similarly a nonsense that two adjacent solar schemes of less than 5 ha would rank differently from a single scheme of the same total size.

4. Similarly, it is suggested that the number and density of wind turbines in a given array (factors which are wholly ignored in the analysis) have far greater impacts in the landscape than just the height of a component turbine.

5. The Officers and Councillors are strongly encouraged to visit nearby areas where there are large scale wind and solar installations (e.g. South of the Brecons) where it will be seen that turbine height is not the key factor.

6. Furthermore, there is no justification provided for the integration of the two band structures in the "landscape potential" assessments (Table 2.4) and the derivation of the further classifications (High, Moderate High, Moderate, Low Moderate and Low).

7. The authors have abjectly failed to demonstrate that the impact of two forms of generation capacity (solar and wind) can be equated in the way. This approach cannot be justified by any logical argument.

A desktop review of the some of the many Landscape Sensitivity Assessments that have been conducted by other planning authorities in recent years shows that other Landscape Sensitivity Assessments (including some by the consultants used by B&NES) use more logical and defensible approaches.

It is suggested that B&NES should carry out a desk top study of other Landscape Sensitivity Assessments.

3. The use of MAFF agricultural land classifications is not appropriate

MAFF gradings 1 through 5 are based on the type of crops that can be grown on the land, ranging from fruit through vegetables to arable crops and down to grazing land.

It is inappropriate to use MAFF agricultural land classifications in relation to landscape impact assessments. Especially in relation to the two AONBs, North East Somerset is famous for grazing, sustaining significant dairy and beef herds and sheep. The sensitivity assessment makes no attempt to consider the comparative landscape impact of using woodland, grazing or cropped land. In terms of landscape character and quality, it is suggested that grazing land is every bit as important to the landscape.

Furthermore, the **British Society of Soil Science** warns about use of MAFF gradings, noting in particular that:

1. There are comparatively few experts capable of carrying out ALC to a good professional standard.
2. There is no register of qualified ALC surveyors.
3. There is no legal framework for chartership.
4. ALC advice may therefore be given by people with a very wide range of experience and qualifications.

This skill shortage is critical and B&NES must take action if intends to make reference to and use MAFF gradings in policy documents:

a) Planning applicants must not be left to appoint and employ their own ALC surveyors for undertaking MAFF gradings.
b) Instead, B&NES must either
    i) appoint its own suitably qualified ALC surveyors and procure its own MAFF gradings for relevant tracts of land; or
    ii) select and nominate a small number of suitably qualified expert ALC surveyors that planning applicants will be required to employ.

4. The Landscape Sensitivity Assessment fails to take due account of and respect AONB status.

There are two significant areas of outstanding natural beauty within North East Somerset. The landscape sensitivity assessment fails to respect and reflect the AONB boundaries.

Except in narrow and clearly defined circumstances, the NPPF gives a clear presumption against any development in AONBs, which must of course include both solar PV and wind turbine developments.

AONBs are defined in the Crow Act, Government policy and guidance as areas of national and even international landscape value. The Crow Act states that a local authority must ensure all decisions have regard to the purposes of conserving and enhancing the natural beauty of an AONB and para 176 of the NPPF gives the highest status of protection to AONBs together with paras 174,176,179. In June of 2021 the Government committed to strengthening the status of AONBs.

Consequently the designation of that part of the Mendip Hills and Cotswold AONBs in BANES landscape plan as medium high – not high - is perverse.

The Mendip Hills AONB is renowned for its tranquillity and 'naturalness', including natural heritage features. BANES has a duty in the national interest to preserve and protect the area against potential adverse impacts The slopes of the Mendips form a distinctive line of high limestone hills with small spring line villages nestled at the base. The Chew valley hinterland with large lakes, small fields and stone walls creates a setting to the higher ground and gives important views both into and out of the area. The slopes are heavily wooded with much ancient woodland, cut by steep coombes with areas designated as of special scientific interest (eg Harptree Coombe) and of national importance for bats (eg Compton Martin Ochre mines). Chew Lake is an SSSI and SNCI for birds.

The erection of wind turbines or solar farms in AONB designated land, and particularly within the Mendip Hills area, would be a damaging unnatural intrusion, both visually and because of the disturbance they would cause to wildlife, residents and visitors.

5. The Landscape Sensitivity Assessment and proposed policy approach ignores recent and highly relevant guidance

See in particular ***Planning guidance for the development of large-scale ground mounted solar PV systems*** published in 2013 by BRE National Solar Centre *www.bre.co.uk/nsc*

6. The proposed reliance on Supplementary Planning Documents adds unnecessary and avoidable complications

The introduction of three lengthy and very complex SPDs will add significant direct cost in the administration and oversight of planning applications and also increase the probability and therefore the likely costs of appeals to B&NES.

This does appear to be a retrograde and counterproductive step in the context of the Government's declared aspiration to rationalise and dramatically simplify Local Plans.

There is a huge amount of text in the SPDs in terms of context and supporting information as well as guidance that adds little value and could be removed. Adding SPDs is likely to be abortive within a very few years.

7. The proposed reliance on Supplementary Planning Documents will undermine B&NES powers in the context of enforcement

Document structure and precedence is critical to decision making in advance of new developments but also in relation to enforcement following unconsented development.

Neighbourhood Plans are treated as a part of the Local Plan and there are very well established principles for establishing precedence in the unfortunate event of any conflicts. In the legal sense, the status of SPDs is far less clear, even muddy. They are at best merely amplifications of policy and certainly not an integral part of the Local Plan. They do not have the same weight as formal policies and their use clutters the precedence rule between Neighbourhood Plans and Local Plan.

Whilst well-drafted SPDs might possibly assist planning applicants in scoping a new development and / or officers in determining whether a proposed development meets policy, advisory guidance will be of little use when it comes to enforcement.

An example is parking standards (where there is known to be an unresolved and unintended conflict between the Local Plan and the Chew Valley Neighbourhood Plan). While the Transport & Development SPD may serve to resolve the conflict for new planning applications, it does not work for retrospective enforcement. In circumstance where an owner removes a previously consented parking space, the SPD is not itself "policy," therefore there has been no breach of policy and there can therefore be no enforcement.