



**Broads Authority response to NNDC Local Plan Examination MIQS
December 2023
Matter 9**

9.2 Does Policy CC2 provide appropriate guidance for the consideration of Renewable & Low Carbon Energy projects in the district? Are areas classified as moderate-high sensitivity in the Landscape Sensitivity Assessment SPD suitable for development in principle as proposed, and is the assessment sufficiently detailed to determine this? Should moderate-high sensitivity or less be reflected in Figure 5, which appears to be solely based on AONB & Broads designations? Are the other criteria in the policy justified and would they be effective? Has potential windfarm development at the district's airfields been sufficiently assessed to justify the less restrictive policy?

Small to medium is defined as 30-60m in NNDC Landscape Sensitivity Assessment 2021 SPD (LSA SPD): [North Norfolk Landscape Sensitivity Assessment \(north-norfolk.gov.uk\)](http://north-norfolk.gov.uk). In [BA Landscape Sensitivity Study](#) (BALSS) Small to medium is defined as 0-50m high, so the NNDC policy could theoretically allow 60m high turbines close to the BA boundary, which would be a concern. BALSS Figure 4.3: Wind Turbine Sensitivity; Medium Turbines (20 - 50m) shows all but 2 Landscape Character Areas (LCAs) (on Norwich fringe) as having High sensitivity. Fig 4.4 Wind Turbine Sensitivity; Large Turbines (50 - 70m) shows all LCAs as having High sensitivity.

Paragraph 3.2.5 refers to the North Norfolk Landscape Sensitivity Assessment SPD. Figure 5.3 of that SPD: Sensitivity to small scale wind turbines – shows many areas in NN along Broads boundary as only 'moderate' sensitivity. Para. 3.2.9 says '*Wind energy development proposals will be supported in principle where it can be demonstrated that the landscape sensitivity for the proposed scale of turbine does not exceed 'Moderate - High'*'. Looking at some of the relevant BA landscape sensitivity studies, e.g. for Landscape Character Area (LCA) 27: Ant Valley upstream of Wayford Bridge, LCA 28: Ant Valley downstream of Wayford Bridge, and LCA 30: Upper Thurne Open Marsh, Broads and Fens, there is generally a high overall landscape sensitivity to wind turbine development in these areas. The intervisibility with adjacent areas in North Norfolk means that larger turbines could appear

more dominant in relation to the Broads, resulting in high landscape sensitivity. So, NNDC's *Moderate - High* would seem to allow wind turbine developments which could affect the high landscape sensitivities of adjacent Broads LCAs.

Para 3.2.9 allows for 80m hub/130m tip wind turbines at Coltishall. This is a significant height and raises concern re visibility from Broads areas. The centre of the airfield is on upland about 3km from the nearest Broads boundary at Coltishall. Figure 3.2 of Broads Landscape Sensitivity Study shows a Zone of Theoretical Visibility for Coltishall airfield, with a turbine height of 50m. The map shows how such development would be theoretically visible from large areas of the northern Broads.

Policy CC2, para 1 seems to be a very sweeping statement of support for everything, without any other considerations. For example, impacts on landscape character and the setting of the Broads are not included in this part of the policy. There will probably be other policies in the Local Plan that schemes would also need to address, and the policy should say that. As written, this seems very permissive with no criteria to consider. Para 2 is more like what one would expect – setting out various criteria to consider and it mentions 'nationally important landscapes'. It is therefore not clear what para 1 actually means? Is it needed considering para 2?

Overall the boundary of the blue area for the policy is somewhat concerning. I'm not sure that NNDC have fully appreciated the potential adverse impacts of turbines on the Broads and their setting in particular. If NNDC looked at their LCAs together along with the BA LCAs, it would seem to suggest either pulling the blue area away from the Broads boundary or introducing a 'buffer zone' along the Broads/NNDC boundary where perhaps a different more stringent policy approach could be applied.

It should be noted that the Levelling Up and Regeneration Act, which received Royal Assent on 26 October 2023, amended Section 17A of the Norfolk and Suffolk Broads Act 1988. Section 17A which creates a general duty of public bodies, and this was amended to replace 'shall have regard to' with 'must seek to further' as follows:

- (1) In exercising or performing any functions in relation to, or so as to affect, land in the Broads, a relevant authority ~~shall have regard to~~ **must seek to further** the purposes of—
- (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;
 - (b) promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and
 - (c) protecting the interests of navigation.

Policy CC2 and Figure 5 do not further the purposes as required under the new Act.

Relevant part of NPPF

The Broads and the setting of the Broads is protected at NPPF paragraph 176.

Proposed change to the Local plan

The Fig. 5 – please show the Broads Authority area for context. This is a simple amendment.

Figure 5 given all the above, it is suggested to either pull the blue area away from the Broads boundary or introducing a 'buffer zone' along the Broads/NNDC boundary where perhaps a different more stringent policy approach could be applied.

Policy CC2, 1: remove para 1 or combine with para 2.

Policy CC2, 2, b: *the special qualities **and character** of all designated nationally important landscapes and heritage assets including their settings*

DRAFT

9.1 Are the CC policies positively prepared, justified, effective and consistent with national policy? Are any main modifications necessary, and if so what should these be?

Policy CC13 1 e

The preceding sentence and this bullet read together don't read quite right. 'Proposals will need to comply with statutory environmental quality standards and demonstrate, individually or cumulatively, that the development would not give rise to adverse impacts on [inter alia] light and noise pollution'. What I think you mean is that proposals should not adversely impact on noise and light pollution. But that is not what is written. It could be written in a clearer way.

Wording used in Chapter 15 of the NPPF Paragraph 174 - (e) 'preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability'.

Also, there is nothing really in the supporting text about what an applicant is meant to do with regards to light pollution – not to the detail of what to do if there is noise pollution.

Relevant part of NPPF

The Broads and the setting of the Broads is protected at NPPF paragraph 176 and it also has dark skies, as per para 185 c.

Proposed change to the policy

'...would not adversely impact on... **e. the dark skies of the area**'

Policy CC13 3

Comment

This says a bit more on dark skies and light pollution but is only written as a 'should' whereas part 4 uses the word 'must; and number 1 uses the word 'will'. What does using the word 'should' really mean? Why is light pollution and dark skies given a different wording, given all the supporting text says about the quality of dark skies?

NNDC's response in the SOCG (reference not known as could not find on website) says that the use of should in this instance is consistent with the NPPF. That is noted. But the criterion relating to contaminated land in the policy says 'must' where as the NPPF, where it refers to contamination or contaminated land says should – see NPPF para 120c, 174f, 183a and b – all say should. We are not saying that the use of must needs to change, just illustrating that the reason for not making the change does not seem logical.

Relevant part of NPPF

The Broads and the setting of the Broads is protected at NPPF paragraph 176 and it also has dark skies, as per para 185 c.

Proposed change

'Proposals for development ~~should~~ **must/will/are required to/shall/need to*** minimise the impact on tranquillity and dark skies in North Norfolk and the adjoining Authorities' areas'.

*all of these terms are stronger than should and we would be happy with any of them.