

**STROUD DISTRICT LOCAL PLAN – PRE-SUBMISSION DRAFT
COTSWOLDS CONSERVATION BOARD COMMENTS RELATING TO
DELIVERY POLICY ES2 (RENEWABLE OR LOW CARBON ENERGY
GENERATION)¹ AND RELATED ISSUES²**



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¹ https://www.stroud.gov.uk/media/1485610/part-6_pre-submission-draft-plan-2021_final-25-05-21.pdf.
Digital pages 8-10.

² Related issues include the supporting text (paragraphs 6.14-6.223), Part 8 - Appendix B – Suitable areas for renewable energy ([link](#)) and Policy Maps – Landscape sensitivity to renewable energy developments ([link](#)).

1.0 SUMMARY

1.1 Consultation questions

Do you consider that the Plan is:

- Legally compliant? No
- Sound? No

1.2 Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate

1.2.1 Reasons

These sections of the Local Plan are not legally compliant because they do not adequately fulfil the statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB), under Section 85 of the Countryside & Rights of Way Act 2000.¹

These sections of the Local Plan are unsound because:

- they are not consistent with the National Planning Policy Framework (NPPF), in particular, paragraph 172;
- they would result in the Local Plan not being effective / deliverable, particularly with regards to wind energy developments.

These issues primarily relate to the:

- ‘suitable areas’ that are identified for wind turbine and solar development, as shown in the maps in Part 8 of the draft Local Plan and referred to in Policy ES2 and the associated supporting text;
- landscape sensitivity assessment and the associated policy maps.

1.2.2 Suitable Areas

Our most significant concern is that the ‘suitable area’ mapping does not take account of the Cotswolds AONB designation or the assessment of landscape sensitivity to different types and scales of renewable energy development.

The landscape sensitivity of the landscape character areas within the Cotswolds AONB is such that all of the identified scales of wind energy development, for example, are likely to constitute major development, in the context of paragraph 172 of the NPPF. As such, the starting point for planning decisions for such development would be a presumption against granting planning permission. It would not be sound or effective for the Local Plan to identify areas as being suitable for a particular type and scale of development if there would be a presumption against granting planning permission for such development at the development management stage.

¹ <https://www.legislation.gov.uk/ukpga/2000/37/section/85>.

1.2.3 Landscape Sensitivity

The landscape sensitivity assessment and associated policy maps fail to adequately address the Cotswolds AONB designation, the Cotswolds AONB Management Plan, the Cotswolds AONB Landscape Character Assessment and the Cotswolds AONB Landscape Strategy & Guidelines.

They also fail to consider smaller-scale size parameters that may be appropriate in the Cotswolds National Landscape (for example, a 'very small' size threshold), having regard to the Board's Renewable Energy Position Statement, the Government's 'Renewable Energy and Low-carbon Energy Capacity Methodology' and on policies and guidance in other protected landscapes.

1.3 Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified.

1.3.1 Landscape Sensitivity

The landscape sensitivity mapping and associated assessments should be reviewed and updated, ensuring that they:

- address the Cotswolds AONB Landscape Character Assessment, including the key features / characteristics of the relevant Landscape Character Types (LCTs);
- address the Cotswolds AONB Landscape Strategy and Guidelines, including the identified landscape sensitivity of the relevant LCTs;
- address the high landscape value of the AONB designation, including clearly differentiating between landscape sensitivity either side of the AONB boundary;
- adequately address the special qualities of the AONB, including the High Wold and the associated long distance views;
- identify and assess a category of 'very small' scale (i.e. wind energy: a turbine tip height of less than 25; solar: an area of less than 1 hectare);

1.3.2 Suitable Areas

The identification of 'suitable areas' for renewable energy should:

- take into account the AONB designation and the sensitivity of the landscape to the specified types and scales of renewable energy development (based on a reviewed and updated landscape sensitivity assessment, as outlined above);
- exclude areas within the Cotswolds National Landscape that have been identified as having a 'moderate-high' or 'high' landscape sensitivity to the specified type and scale of renewable energy development.

2.0 SUPPORTING INFORMATION

2.1 Landscape Sensitivity Policy Maps

2.1.1 Insufficient consideration of Cotswolds AONB designation, Cotswolds AONB Management Plan, Cotswolds AONB Landscape Character Assessment and Cotswolds AONB Landscape Strategy & Guidelines

The landscape sensitivity policy maps in the Local Plan² are based on Stroud District Council's

² <https://www.stroud.gov.uk/media/1485614/policies-map-changes-final.pdf>

Renewable Energy Resources Assessment (RERA)³ and the associated Assessment of Landscape Character Areas (ALCA)⁶. These, in turn, are underpinned by Stroud District Council's Landscape Assessment.⁴

The RERA and ALCA do not take account of the Cotswolds AONB Landscape Character Assessment⁵ or the key features / characteristics of the relevant landscape character types (LCTs) identified therein. Of particular relevance, the RERA and ALCA do not acknowledge that the '*expansive long distance views across the open plateau*' are one of the key features / characteristics of the High Wold LCT (LCT 7), which, together with the High Wold Dip Slope LCT (LCT 9),⁶ broadly matches the Wold Tops Landscape Character Area (LCA) (LCA 16) in Stroud District Council's Landscape Assessment⁷.

The RERA and ALCA do not take account of the Cotswolds AONB Landscape Strategy & Guidelines.⁸ As a result, it fails to identify that the High Wold (LCT 7)⁹ and the High Wold Dip Slope (LCT 9)¹⁰ (i.e. the Wold Tops LCA) are particularly sensitive to 'tall vertical elements', with the landscape sensitivity text for LCT 7 explicitly referring to 'wind turbines' in this regard. This means that these LCTs have a relatively high landscape sensitivity to wind turbine developments. This is not reflected in the landscape sensitivity maps, which indicate that the Wold Tops LCA has a relatively low sensitivity to small scale wind turbine developments, compared to other LCAs within the AONB.

The assessment does not explicitly differentiate between landscape sensitivity within and outside the AONB. For example, there are sections of the Escarpment Foot Slopes LCA (LCA 02) that lie within the AONB but the assessment does not differentiate between the landscape sensitivity of the sections of LCA 02 that lie within or outside the AONB. This is an important consideration because the AONB designation increases landscape sensitivity.¹¹

The assessment does not adequately address the 'special qualities' of the AONB.¹² For example, the reference to the relevant 'special qualities' of the Wold Tops Landscape Character Area (LCAs), on page 50 of the ALCA, fails to mention that the High Wolds, including the associated long-distance views, is, itself, one of the special qualities of the AONB.

The key implication of these points is that the landscape sensitivity of the Wold Tops (LCA 16) and of the LCAs that overlap with the AONB boundary (for example, the Escarpment Foot Slopes (LCA 02)), have potentially been underplayed. For example, the landscape sensitivity of the Wold Tops LCA to 'small' scale wind turbine developments should potentially be 'high', rather than 'moderate-high'.

³ Stroud District Council (2019) *Stroud District Renewable Energy Resources Assessment (RERA)* ([link](#)).⁶

Stroud District Council (2019) *Assessment of Landscape Character Areas in Stroud District – Supplementary annex to the Stroud District Renewable Resources Assessment report (ALCA)* ([link](#)).

⁴ Stroud District Council (2000) *Stroud District Landscape Assessment Supplementary Planning Document* ([link](#)).

⁵ Cotswolds Conservation Board (2004) *Cotswolds AONB Landscape Character Assessment* ([link](#)).

⁶ As identified in the Cotswolds AONB Landscape Character Assessment.

⁷ As identified in Stroud District Council's Landscape Character Assessment.

⁸ Cotswolds Conservation Board (2016) *Cotswolds AONB Landscape Strategy & Guidelines* ([link](#)).

⁹ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-7-high-wold-2016.pdf>

¹⁰ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-9-high-wold-dip-slope-2016.pdf>

¹¹ Landscape 'sensitivity' is a combination of the 'value' of the landscape (and visual characteristics) and the 'susceptibility' of the landscape (and the visual baseline) to the specific change. Landscapes that are nationally designated should be accorded the highest value.

¹² The 'special qualities' of the Cotswolds National Landscape are listed in Chapter 2 of the Cotswolds AONB Management Plan 2018-2023 ([link](#)).

Based on the information outlined above, it is clear that the assessment fails to adequately address the Cotswolds AONB Management Plan 2018-2023 and relevant guidance published by the Board. It therefore fails to adequately fulfil the statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. Given that the landscape sensitivity assessment underpins the landscape sensitivity policy maps that form part of the Local Plan and Delivery Policy ES2, Policy ES2 (and, by extension, the Local Plan) therefore also fail to adequately fulfil this statutory duty.

To address these issues, we recommend that the landscape sensitivity mapping and associated assessments should be reviewed, ensuring that they:

- address the Cotswolds AONB Landscape Character Assessment, including the key features / characteristics of the relevant LCTs;
- address the Cotswolds AONB Landscape Strategy and Guidelines, including the landscape sensitivity of the relevant LCTs;
- address the high landscape value of the AONB designation, including clearly differentiating between landscape sensitivity either side of the AONB boundary;
- adequately address the special qualities of the AONB, including the High Wold and the associated long distance views.

2.1.2 Lack of consideration of smaller scale size parameters that would be appropriate in the Cotswolds National Landscape - Wind

The Local Plan's threshold for 'small' scale wind turbines is turbines with a tip height of less than 60m.

This does not take account of guidance on the scale of wind turbines that may be appropriate in a protected landscape. For example, the Board's Renewable Energy Position Statement states that much of the AONB is unlikely to be able to accommodate wind turbine developments above 25m (without adversely affecting the natural beauty of the AONB).¹³ This reflects best practice in other protected landscapes. For example, the South Downs Local Plan, states that wind turbines '*should be similar in scale to existing buildings and trees*'.¹⁷ The supporting evidence base for the South Downs Local Plan states that '*small scale ground-based turbines ... have ... hub / tip heights of about 15m*'.¹⁴

Schedule 2 of the Environmental Impact Assessment (EIA) Regulations also provides a useful threshold of a hub height of 15m.¹⁹ This Schedule 2 threshold is a relevant consideration in determining whether proposed development in an AONB constitutes major development in the context of paragraph 172 of the NPPF (albeit not a deciding factor).¹⁵

¹³ Cotswolds Conservation Board (2014) *Renewable Energy Position Statement* ([link](#)). Paragraph 21. ¹⁷

South Downs National Park Authority (2019) *South Downs Local Plan* ([link](#)). Paragraph 7.302 (which is supporting text to Development Management Policy SD51: Renewable Energy).

¹⁴ South Downs National Park Authority (2013) *South Downs National Park Renewable and Low Carbon Energy Study – Main Report* ([link](#)). Section 5.3.2, page 84 (digital page 88). This text, is itself based on text in the Government's 'Renewable and Low-carbon Energy Capacity Methodology' ([link](#) – page 10 (digital page 12)). ¹⁹ <https://www.legislation.gov.uk/uksi/2017/571/schedule/2/made>. Development type 3(i) - installation for the harnessing of wind power for energy production.

¹⁵ Maurici, J., QC (2014) *In the matter of the National Planning Policy Framework and in the matter of the South Downs National Park Authority – Opinion* (commonly referred to as one of the 'Maurici Opinions') ([link](#)). Paragraph 28.

The failure to take account of the above guidance, which we have referred to in our consultation responses to previous iterations of the Local Plan, is further evidence that the Local Plan fails to:

- adequately fulfil the statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of AONBs;¹⁶
- give great weight to conserving and enhancing landscape and scenic beauty in AONBs.²²

To address these issues, we recommend that the landscape sensitivity mapping and associated assessments should be reviewed, ensuring that they include a category of ‘very small’ scale, for wind turbines with a tip height of less than 25m.

2.1.3 Lack of consideration of smaller scale size parameters that would be appropriate in the Cotswolds National Landscape - Solar

The Local Plan’s threshold for ‘small’ scale solar PV installations is sites smaller than 5ha.

This does not take account of guidance on the scale of solar PV installations that may be appropriate in a protected landscape. For example, the Board’s Renewable Energy Position Statement states that *‘it is extremely unlikely that [solar farms larger than 1 hectare] would not have a significant adverse impact on the landscape, sense of remoteness, tranquillity, natural beauty and landscape character for which the AONB is valued’*. The Position Statements add that *‘such installations would directly conflict with the purpose of designation’* and would be ‘major development’, in the context of paragraph 172 of the NPPF.¹⁷

Schedule 2 of the Environmental Impact Assessment (EIA) Regulations also provides a useful threshold of 0.5 hectares for ‘industrial installations for the production of electricity’.¹⁸ The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines major development as development carried out on a site having an area of 1 hectare or more.¹⁹ These thresholds are relevant considerations in determining whether proposed development in an AONB constitutes major development in the context of paragraph 172 of the NPPF (albeit not a deciding factor).²⁰

Based on the information outlined above, it would be appropriate for the Local Plan to have a further threshold for ‘very small’ solar developments of less than 1 hectare.

The failure to take account of the above guidance, which we have referred to in our consultation responses to previous iterations of the Local Plan, is further evidence that the Local Plan fails to:

- adequately fulfil the statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of AONBs;²¹
- give great weight to conserving and enhancing landscape and scenic beauty in AONBs.²²

¹⁶ <https://www.legislation.gov.uk/ukpga/2000/37/section/85>

²² Paragraph 172 of the NPPF.

¹⁷ Cotswolds Conservation Board (2014) *Renewable Energy Position Statement* ([link](#)). Paragraph 34.

¹⁸ <https://www.legislation.gov.uk/uksi/2017/571/schedule/2/made>. Development type 3(a).

¹⁹ <https://www.legislation.gov.uk/uksi/2015/595/article/2/made>

²⁰ Maurici, J., QC (2014) *In the matter of the National Planning Policy Framework and in the matter of the South Downs National Park Authority – Opinion* (commonly referred to as one of the ‘Maurici Opinions’) ([link](#)). Paragraph 28.

²¹ <https://www.legislation.gov.uk/ukpga/2000/37/section/85>

²² Paragraph 172 of the NPPF.

2.2 Suitable Area Maps

2.2.1 Basis of the 'suitable area' maps

The Government's Planning Practice Guidance states that *'there are no hard and fast rules about how suitable areas for renewable energy should be identified'*.²³

However the NPPF states that, in providing a positive strategy for energy from these renewable and low carbon sources, Local Plans should ensure that *'adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)'*.²⁴ The PPG expands on this by stating that, in identifying suitable areas, *'local planning authorities will need to ensure they take into account ... critically, the potential impacts on the local environment'*.²⁵

We acknowledge that the suitable area maps in the Local Plan do address environmental considerations to some degree. For example, international and national level nature conservation and heritage designations are excluded from the suitable areas. However, the suitable area maps take no account of the AONB designation or the sensitivity of the landscape to different types and scale of renewable energy. Nor do they address cumulative landscape and visual impacts.

Although there are no hard and fast rules for identifying suitable areas, the PPG does indicate that *'landscape character areas could form the basis for considering which technologies at which scale may be appropriate in different types of location'*.²⁶ Whilst this might be optional in a national context, we consider that, in the context of the Cotswolds AONB and its setting, this should be an essential component of identifying suitable areas (for example, in order to fulfil the statutory duty to have regard to the purpose of AONB designation).

We acknowledge that Stroud District Council has undertaken a landscape sensitivity assessment of different types and scales of renewable energy. However, the District Council has not taken account of that assessment when identifying suitable areas for renewable energy in the Local Plan.²⁷ Instead, Delivery Policy ES2 indicates that ground-mounted solar and wind energy developments *'are more likely to be supported if they fall within Landscape Character Areas of lower sensitivity to the relevant development scale'*.²⁸ In other words, the issue of landscape sensitivity and potential impacts on the natural beauty of the Cotswolds AONB is being left to the development management stage of the planning process rather than being addressed at the plan-making stage.

We consider that, by failing to incorporate the landscape sensitivity assessment into the identification of suitable areas at the plan-making stage, the local planning authority is failing to fulfil the requirements of relevant legislation and national policy. For example, they are failing to:

- fulfil the statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the Cotswolds AONB;
- give great weight to conserving and enhancing landscape and scenic beauty in the Cotswolds AONB;

²³ <https://www.gov.uk/guidance/renewable-and-low-carbon-energy>. Paragraph 05.

²⁴ NPPF. Paragraph 151.

²⁵ <https://www.gov.uk/guidance/renewable-and-low-carbon-energy>. Paragraph 005.

²⁶ <https://www.gov.uk/guidance/renewable-and-low-carbon-energy>. Paragraph 005.

²⁷ Stroud District Council (2019) *Stroud District Renewable Energy Resources Assessment (RERA)* ([link](#)).

Appendix 1. The 'suitable areas' are identified by excluding certain features (mainly relating to infrastructure, settlements and natural and cultural heritage), including a buffer zone in some instances.

²⁸ Stroud District Council (2021) *Stroud District Local Plan Review. Pre-submission Draft Plan*. Policy ES2 ([link](#) – digital page 8).

- ensure that adverse impacts on landscape and scenic beauty are addressed satisfactorily; □ take account of key potential impacts on the environment when identifying suitable areas.

Where there would be a ‘moderate-high’ or ‘high’ landscape sensitivity to a particular type and scale of development within the Cotswolds AONB, we consider that the development should be classed as ‘major development’ in the context of paragraph 172 of the NPPF.²⁹ The NPPF sets a presumption against granting planning permission for major development. Legal opinion has stated that the major development policy requirements of paragraph 172 of the NPPF ‘*would have to be addressed in the plan-making process*’³⁰ (i.e. not just left until the development management stage) and that ‘*it would arguably amount to an error of law*’³¹ to fail to do so. As it currently stands, the Local Plan would not be consistent with this legal opinion in the context of identifying suitable areas for renewable energy.

To address this issue, we recommend that the ‘suitable area’ maps in Part 8 of the draft Local Plan should:

- take into account the AONB designation and the sensitivity of the landscape to the specified types and scales of renewable energy development (based on a reviewed and updated landscape sensitivity assessment, as outlined above);
- exclude areas within the Cotswolds National Landscape that have been identified as having a ‘moderate-high’ or ‘high’ landscape sensitivity to the specified type and scale of renewable energy development.

This should apply to solar development as well as to wind turbine development. As such, the ‘suitable area’ map for solar development should be more like the ‘suitable area’ map for wind development, in that it would identify the areas that are suitable for the various scales of solar development.

2.2.2 Effectiveness / Deliverability

The National Planning Policy Framework (NPPF), paragraph 151 states that, in order to help increase the use and supply of renewable and low carbon energy and heat, development plans should ‘*consider identifying suitable areas for renewable and low carbon energy sources ... where this would help to secure their development*’ (underlining added for emphasis).

The Government’s Planning Practice Guidance for ‘Renewable and Low Carbon Energy’ states that ‘*identifying areas suitable for renewable energy in plans gives greater certainty as to where such development will be permitted*’ (underlining added for emphasis).³²

Delivery Policy ES2 of the Local Plan indicates that the Policies Map identifies areas that are ‘suitable in principle’ for solar or wind energy developments (i.e. the ‘suitable areas’ maps in Appendix B of the draft Local Plan).

²⁹ Cotswolds Conservation Board (2021) *Landscape-led Development Position Statement* ([link](#)). Sections 7.1 and 7.3 (Major Development).

³⁰ James Maurici QC of Landmark Chambers (2014) *In the matter of the National Planning Policy Framework and in the matter of the South Downs National Park Authority – Further Opinion* ([link](#)). Paragraph 15. This legal opinion was provided in the context of potential site allocations. However, it would be logical to apply the same principle to the issue of identifying ‘suitable areas’ for renewable energy development.

³¹ Toby Fisher of Landmark Chambers (2017) *In the matter of the South Downs National Park and in the matter of paragraph 116 of the NPPF – Opinion* ([link](#)). Paragraph 5.

³² <https://www.gov.uk/guidance/renewable-and-low-carbon-energy>. Paragraph 005.

However, as outlined above, the identification of these suitable areas has not taken account of the landscape sensitivity of the Cotswolds AONB and its setting to the type and scale of renewable energy development being considered. This, in itself, makes the plan unsound and not legally compliant.

Furthermore, as outlined above, where there would be a 'moderate-high' or 'high' landscape sensitivity to a particular type and scale of development within the Cotswolds AONB, we consider that the development should be classed as 'major development' in the context of paragraph 172 of the NPPF. Paragraph 172 of the NPPF sets a presumption against granting planning permission for such development.

It would not be sound or effective for the Local Plan to identify areas as being suitable for a particular type and scale of development if there would be a presumption against granting planning permission for that type and scale of development. Furthermore, it would not help to secure their development / deliverability, give greater certainty or provide areas that are suitable in principle.

2.3 Implications

In our response, we have recommended that, in order for the Local Plan to be legally compliant and sound:

- the landscape sensitivity assessment should be integrated into the identification of 'suitable areas';
- areas within the Cotswolds AONB which the landscape sensitivity assessment has identified as having 'moderate-high' or 'high' landscape sensitivity to the specified type and scale of renewable energy development should not be identified as being 'suitable areas'.

The implication of these recommendations would be that:

- none of the Stroud District section of the Cotswolds AONB would be identified as being suitable for any scale of wind turbine development;
- none of the Stroud District section of the Cotswolds AONB would be identified as being suitable for large scale solar development (i.e. 20-50 hectares) or very large scale (i.e. 50-100 hectares) and only a small part of this area would *potentially* be suitable for medium scale (i.e. 5-20 hectares), although a large proportion would *potentially* be suitable for small scale (i.e. <5 hectares).

If the 'suitable area' mapping included areas with a 'moderate-high' landscape sensitivity to the specified type and scale of renewable energy development (but excluded areas with a 'high' landscape sensitivity):

- the Wold Tops Landscape Character Area (LCA 16) and the Escarpment Foot Slopes LCA (LCA 02), within the Cotswolds AONB, would *potentially* be 'suitable' for small scale wind turbine developments (i.e. <60m turbine tip height);
- most of the Cotswolds AONB, apart from the Escarpment LCA (LCA 01) and Rolling Valleys LCA (LCA 10), would *potentially* be 'suitable' for medium scale solar developments, but not large scale or very large scale.

However, as outlined in our comments relating to the landscape sensitivity assessment, we consider that the landscape sensitivity of LCA 16 and LCA 02 (within the Cotswolds AONB) has potentially been underplayed and that they would have high landscape sensitivity to even small scale wind turbine developments.

Overall, we consider that, in order for the Local Plan to be legally compliant and sound, the Local Plan should:

- not identify any of the LCAs within the Stroud District section of the Cotswolds AONB as being a 'suitable area' for any of the scales of wind turbine development currently identified in the draft Local Plan;
- only identify the LCAs within the Stroud District section of the Cotswolds AONB as being a suitable for small scale solar developments (except for the Escarpment LCA (LCA 01), which should not be identified as being a suitable area).

We acknowledge that this would have particularly significant implications for wind energy development. This is because national planning policy specifies that '*a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan*'.³³ When this requirement is combined with the points outlined above, the outcome would be that no wind energy development would be permitted in the Stroud District section of the Cotswolds AONB (based on the scale thresholds currently proposed in the draft Local Plan).

These implications are perhaps not surprising, however, given the national importance of conserving and enhancing the natural beauty of the Cotswolds AONB.

However, as outlined in our comments on the landscape sensitivity assessment, we recommend that the landscape sensitivity assessment and mapping (including the Policy Maps) should include an additional scale threshold for 'very small' wind turbine developments with a maximum turbine tip height of 25m. The LCAs within the Cotswolds AONB are likely to have a relatively low landscape sensitivity to this scale of development. It is, therefore, likely that a larger proportion of the Stroud District section of the Cotswolds AONB would be a 'suitable area' for this scale of development. The buffer zones around roads, train lines, etc, would also be considerably smaller, which would allow for a considerably larger proportion of the land across Stroud District, including within the AONB, to be identified as 'suitable areas'. This scale of development would also be more compatible with the Board's Renewable Energy Position Statement and current best practice in other protected landscapes.

As outlined in our comments on the landscape sensitivity assessment, we also recommend that landscape sensitivity assessment and mapping (including the Policy Maps) should include an additional scale threshold for 'very small' solar energy developments smaller than 1 hectare, in line with our Renewable Energy Position Statement, etc. However, this would not necessarily affect the 'suitable area' mapping.

2.4 Climate Emergency

The Board recognises that we are facing a climate emergency and that significant steps need to be taken to both mitigate and adapt to climate change. These aspirations are reflected in the Cotswolds AONB Management Plan 2018-2023 which sets out a number of measures to address this issue.³⁴

It should be possible to deliver many of these measures in a way that is compatible with the purpose of AONB designation. However, where relevant development proposals or allocations come forward

³³ NPPF. Footnote 49.

³⁴ Cotswolds Conservation Board (2018) *Cotswolds AONB Management Plan 2018-2023* ([link](#)). Policy CC7 (Climate Change – Mitigation) and Policy CC8 (Climate Change – Adaptation).

that have the potential to have a significant adverse impact on the purpose of AONB designation, they should be deemed to be major development, in the context of paragraph 172 of the NPPF.³⁵

The priority given to addressing climate change would potentially make it easier to demonstrate ‘exceptional need’ for relevant development proposals. However, case law has clarified that exceptional need does not necessarily equate to exceptional circumstances.³⁶ In this regard, the Government’s Planning Practice Guidance on ‘Renewable and Low Carbon Energy’ usefully clarifies that developing a positive strategy for the delivery of renewable and low carbon energy ‘*does not mean that the need for renewable energy automatically overrides environmental protections*’.³⁷

A key consideration for major development proposals is whether there is scope for developing outside the designated area or meeting the need in some other (less harmful) way.

With regards to alternative locations, the draft Local Plan identifies a number of ‘suitable areas’ for all scales of wind turbine development along the Severn Estuary, including ‘very large’. The landscape sensitivity assessment identifies that these areas, which are in the Severn Vale Grazing Marshland LCA (LCA 13), also have the lowest landscape sensitivity of any of the LCAs in Stroud District (together with the Lowland Plain LCA (LCA 08)). LCA 13 also happens to be the section of Stroud District that is furthest away from the Cotswolds AONB, so the visual impact of wind developments in LCA 13 on visual receptors within the AONB will also be relatively low.

The Sustainability Appraisal Report for draft Local Plan states that the Habitats Regulation Assessment has not identified any potential for the renewable energy policy (Policy ES2) to have adverse impacts the nature conservation designations on the Severn Estuary.³⁸ However, we are aware that Natural England consider that there is some uncertainty regarding the potential for adverse impacts.

Based on the information outlined above, the areas along the Severn Estuary would potentially be more suitable for all scales of wind turbine development than the Cotswolds AONB (except for ‘very large’ scale, for which both areas have ‘high’ landscape sensitivity). Focussing the delivery of larger scale wind turbine developments along the Severn Estuary would help Stroud District to achieve its renewable energy aspirations without adversely affecting the Cotswolds AONB.

In terms of meeting the need in some other way (i.e. the need to mitigate the impacts of climate change) there may be other forms of mitigation that may be more appropriate in a nationally protected landscape, such as smaller scale renewables (as outlined above), nature-based solutions and increasing the organic content of soils.

³⁵ Cotswolds Conservation Board (2021) *Landscape-led Development Position Statement* ([link](#)). Section 5.0.

³⁶ R (Mevagissey Parish Council) v Cornwall Council [2013] EHC 3684 (Admin) ([link](#)). Paragraph 52.

³⁷ <https://www.gov.uk/guidance/renewable-and-low-carbon-energy>. Paragraph 003.

³⁸ LUC (2021) *Sustainability Appraisal Report for the Stroud District Local Plan Review – Pre-submission Draft Local Plan* ([link](#)). Paragraph 4.280, page 95 (digital page 99).