

Part B – Please use a separate sheet for each representation

Name or Organisation: **NATURAL ENGLAND**

3. To which part of the Local Plan does this representation relate?

Paragraph	<input type="text"/>	Policy	Delivery Policy ES2 - Renewable or low carbon energy generation	Policies Map	<input type="text"/>
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="checkbox"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="checkbox"/>
4.(3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. 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. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Natural England acknowledges the important role that this policy has in allowing the Council to pursue the net zero carbon by 2030 ambition. We seek further consideration at the plan level of the potential impacts of these forms of energy generation on the district's internationally and nationally designated sites, for example along the Severn Estuary and the land adjacent to it, which extends out of the district, following the River Severn upstream. We draw the Council and the inspector's attention to the potential for impacts from wind, solar and hydropower forms of energy on:

- (i) Wild birds designated as part of the Severn Estuary Special Protection Area (SPA) and Ramsar site and component Sites of Special Scientific Interest (SSSI).
- (ii) Migratory fish designated as part of the Severn Estuary Special Area of Conservation (SAC) and Ramsar site and component Sites of Special Scientific Interest (SSSI).
- (iii) Bats associated with the Wye Valley and Forest of Dean Bat Sites SAC.

From our most recent dialogue with the Council we understand that addressing potential impacts at the project level is proposed by means of the protective policy ES6 'Providing for Biodiversity and geodiversity'.

Natural England notes paragraph 6.18's comments regarding wind power and the feasibility of allocating suitable sites while meeting the net zero carbon objective, together with paragraph 6.19's proposed way forward –

*'technical potential according to the District's Council's **Renewable Energy Resources Assessment (RERA) (2019)***

& 'and satisfy a variety of criteria that will ensure that impacts upon the environment and amenity of the district can be adequately controlled'.

Currently however the local plan HRA report omits reference to the scope for adverse effects from renewable energy generation (without mitigation) on International and European (or Habitats) Sites. Most recently we have agreed with the Council in principle that this omission should be addressed in the HRA report in order to acknowledge the potential for this type of development to have ecological impacts on European Sites and their species.

(Continue on a separate sheet /expand box if necessary)

6. 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 at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

1. The HRA report should be amended to acknowledge the issue described above taking account of:
2. Further consideration of the evidence base in order to establish whether HRA at the project (planning application) level is sufficiently robust, or, if not, to identify what proportionate, additional guidance can be set out in the local plan or as a supplementary planning document.

3. Natural England is committed to working with the Council to address this theme and proposes further dialogue accordingly, recording progress by means of a Statement of Common Ground.

At the time of writing Natural England has not been able to thoroughly review the evidence available in respect of wind, solar and hydropower energy generation's interaction with European Sites and their wildlife. However the following reports offer relevant background information to inform next steps:

Link - [Making space for renewable energy: assessing on-shore wind energy development - NE254 \(naturalengland.org.uk\)](https://naturalengland.org.uk/NE254)

Link - [Evidence review of the impact of solar farms on birds, bats and general ecology 2016 - NEER012 \(naturalengland.org.uk\)](https://naturalengland.org.uk/NEER012)

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

N/a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

