

PLANNING GUIDANCE AND POSITION STATEMENTS

Purpose

To formally endorse two Position Statements which intend to establish the position of the Wye Valley National Landscape Partnership on key planning and development issues affecting the area.

Recommendations

That the JAC:

- a) Notes the consultation undertaken by the Wye Valley National Landscape Team on the 'Renewable Energy in the Wye Valley National Landscape' and 'Dark Skies & Artificial Light Pollution' draft Position Statements, which took place between 12th April and 14th June 2024, and the subsequent amendments to the Position Statements following consultation feedback;
- b) Endorses the 'Renewable Energy in the Wye Valley National Landscape and its Setting' Position Statement and the 'Dark Skies and Artificial Light Pollution' Position Statement, and their associated Appendices.

Key Issues

- Position Statements help guide the Wye Valley National Landscape Partnership and relevant plan-making and decision-making bodies to articulate how the Wye Valley National Landscape, designated an Area of Outstanding Natural Beauty (AONB), should be protected, conserved and enhanced, helping to uphold and deliver the vision, priorities and Strategic Objectives of the Wye Valley AONB Management Plan 2021-2026.
- Position Statements are stand-alone documents, providing context and explain why the Partnership is taking this position.
- Both draft Position Statements have had respective formal public consultation periods, following which comments received have been considered and subsequent amendments made. Shared experience from similar Position Statements and Guidance produced by other protected landscapes has also helped inform both Position Statements.

- Position statements are referred to, where appropriate, in representations submitted by the National Landscape Team on planning consultations.
- The Partnership already has two position statements on Housing and Landscape-led Development, both of which were endorsed by the JAC in November 2023.

Reasons

Position Statements establish the position of the Wye Valley National Landscape Partnership on key issues affecting the area, helping guide the Partnership and relevant plan-making and decision-making bodies to articulate how the National Landscape, a designated Area of Outstanding Natural Beauty (AONB), can be protected, conserved and enhanced.

Consultation

At the March 2024 meeting of the JAC, two draft Position Statements on ‘Renewable Energy in the Wye Valley National Landscape and its Setting’ and ‘Dark Skies & Artificial Light Pollution’ were endorsed as consultation drafts to engage with relevant stakeholders and interested parties. It was also agreed that if future ‘non-material’ amendments are required, as necessary such as changes in planning policy, these can be made by the Wye Valley National Landscape Team.

A formal external consultation, led by the Wye Valley National Landscape Team, took place between 12th April and 14th June 2024. The draft position statements were published on the Wye Valley National Landscape website for anyone to make representation, with links to the Position Statement consultations also published on the National Landscape social media accounts. Direct email notifications were also sent to the following stakeholders by the National Landscape Planning Officer:

- Elected ward and division members of Forest of Dean District Council, Herefordshire Council, Monmouthshire County Council and Gloucestershire County Council, where the wards or division boundaries were within the Wye Valley National Landscape;
- Town, Parish and Community Councils where administrative boundaries lie within the Wye Valley National Landscape, via the respective Clerks;
- Current members of the Wye Valley National Landscape JAC;
- Various agencies and interested parties including Natural England, Natural Resources Wales, Historic England, Cadw, local landscape consultants, local Wildlife Trusts, and Local Nature Partnerships; and
- Local Planning Authority staff who cover respective areas of the Wye Valley National Landscape.

We received responses from seventeen (17) different consultees, grouped as follows:

- Town, Parish and/or Community Councils – 5

- Local Planning Authority departments/individual staff – 3
- Agencies – 3
- Public Representations – 6

Consultation feedback was generally positive on the draft position statements and many interested stakeholders have particularly welcomed the advancement of a position statement on dark skies and reducing artificial light pollution. Some comments did raise instances of a lack of clarity, context, and slight concern of terminology/implications regarding one or two of the recommendations, as well as background and reasoned justification, and inevitably the length of the Position Statements. However whilst the documents may be considered lengthy for some, the National Landscape Planning Officer would be able to highlight within planning consultation responses the specific sections which seek improved public outcomes and are also largely tailored to Local Planning Authorities. In response to the consultation, the format of the position statement has been amended and a stronger narrative and clearer context provide.

Position Statement on Renewable Energy in the Wye Valley National Landscape and its Setting

This Position Statement seeks to expand on the Wye Valley AONB Management Plan by providing guidance and recommendation on how we can plan positively for renewable energy provision. The Position Statement identifies six main types of renewable energy: heat pumps; biomass; hydropower; solar energy; wind energy; and battery storage.

In summary and in principle, the recommendations advise that the Wye Valley National Landscape Partnership would be supportive of all of these forms of renewable energy at a micro-scale (i.e. less than 0.5ha), provided relevant considerations have been adequately addressed. Small-scale forms of renewable energy (between 0.5ha-5ha), should be considered on a case-by-case basis with relevant landscape and visual considerations particularly relevant. Large-scale forms of renewable energy are, as a whole, unlikely to be compatible with the statutory purpose of conserving and enhancing natural beauty.

For renewable energy proposals within the National Landscape classed as ‘major development’ (as per Paragraph 183 of the National Planning Policy Framework and Paragraph 6.3.10 of Planning Policy Wales), consideration should be given to whether exceptional circumstances apply that would justify permission being granted for such schemes, particularly in the context of the climate emergency. This would need to be assessed on a case-by-case basis.

Consideration is also given to conserving and enhancing the Special Qualities of the Wye Valley National Landscape in terms of general concerns and assessment requirements.

Position Statement on Dark Skies and Artificial Light Pollution

This Position Statement provides more technical content designed to be of practical use to those who live, work and operate within and around the National Landscape, as well as plan-makers

and decision-makers. Recommendations are provided in terms of basic key principles, steps and considerations which can be adopted to reduce unnecessary artificial light pollution.

Additionally, the guidance refers to ambient lighting environment zones (E-zones) in and around the National Landscape in which different levels of obtrusive light might be allowed with reference to (and partly exceeds) the Institution of Lighting Professionals guidance on the reduction of obtrusive light (GN01 ILP: 2021) and instances where a professional lighting designer may be required.

It is also intended to be used to help secure an appropriate planning policy on light pollution specifically in future iterations of new/reviewed Local Plans by local planning authorities covering the Wye Valley National Landscape and will also inform and augment future Wye Valley AONB Management Plans, as well as using it to consider appropriateness in planning applications.

This position statement is especially aimed at three aspects; for people who are using, replacing or installing new lighting in and around the Wye Valley National Landscape, as well as those installing new glazing and windows:

- those seeking to install minor lights, whom need general advice on lighting and glazing;
- non-domestic schemes which may need planning permission and a more thorough design led by professional principles; and
- those with responsibility for setting the framework for development and for decision-making about individual planning applications.

Implications

The Position Statements have accommodated all the appropriate comments from the consultation. The only work that is still needed, prior to publication, is some minor editing, for example, numbering paragraphs and a final grammatical check.

Endorsement of position statements will enable the National Landscape Team to refer to them when making representations to both planning application/development management and local plan consultations. They can also be incorporated into training sessions/presentations with elected members as well as local authority Strategic, Neighbourhood Planning and Development Management Officers.

Consideration should be given to how the National Landscape Partnership monitors development management decision-making within the Wye Valley National Landscape, to help demonstrate the effectiveness of the Position Statements and other policy and guidance in supporting Local Planning Authority decision-making.

The National Landscape Team are considering producing a leaflet on the Dark Skies & Artificial Light Pollution statement, particularly in relation to householder/domestic needs and key principles of lighting, as this is felt to have the greatest potential in making a difference. This will be led by the new Planning Officer once they step into the post in September 2024.

Position Statements seek to help to deliver the strategic objectives and policies contained within the Wye Valley AONB Management Plan 2021-2026. The Wye Valley AONB Management Plan is a statutory document and a material consideration in planning decision-making. However, it is the adopted development plan policies of the relevant local authority that planning decisions are required to be taken in accordance with, unless material considerations indicate otherwise.

The Position Statements have been prepared by the current Planning Officer at the Wye Valley National Landscape Team. Should anyone have any direct questions or queries concerning the content of the draft Position Statements, please contact the National Landscape Manager in the interim until the new Planning Officer steps into post, likely in September 2024.

The Levelling Up & Regeneration Act 2023 amended the duty on relevant authorities (in England only), under Section 85 of the Countryside and Rights of Way (CROW) Act 2000, *“to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”*. In Wales, it remains that a relevant authority *“must have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”*. Guidance on the strengthened Section 85 duty is still awaited from Westminster for ‘public bodies’ and their requirement to document and report on how they may have sought to further the purposes of AONB designation.

Background

On 22 November 2023, all Areas of Outstanding Natural Beauty re-branded as National Landscapes. Consequently, the name Wye Valley National Landscape is commonly used throughout both Position Statements. The legal name for the designation is still an Area of Outstanding Natural Beauty (AONB), and this term is also used in appropriate places throughout, for example, when referring to the Wye Valley AONB Management Plan, when directly quoting from older documents, and when referring to planning policy formally relating to the AONB designation.