

Powys County Council

Frequently Asked Questions:

Powys LDP: Powys County Council's Renewable Energy Assessment and Local Search Areas for Wind and Solar Energy

Date: 6th March 2017 – shown in black text

Update: 18th April 2017 – shown in blue text

Update: 25th May 2017 – shown in green text

1. Why has the Council prepared these questions and answers?

The Council is aware of growing public concerns over aspects of the Powys Local Development Plan (LDP) that have come to light during the process, as we approach the Examination of the Plan by an Inspector from the Planning Inspectorate. We want to explain aspects of the process and the reasons why we have undertaken additional work on the LDP.

2. What is the Local Development Plan and why is it important?

The LDP sets out the principles for development in Powys (outside the National Park) until 2026. When adopted, it will provide the basis for making decisions on planning applications and where certain types of development should or should not be allowed. It sets out the county's need for land for housing, employment and other infrastructure.

3. What is the process for getting the LDP approved or adopted?

The process is set out in the Council's published Delivery Agreement and follows a set procedure prescribed by planning legislation and regulation and the guidelines in Welsh Government's LDP Manual. Each stage in the process has involved obtaining approval from the relevant Council committee. Adoption of the LDP is a decision for Full Council and not the Council's Cabinet.

4. Who will have the final say on the LDP and whether it should be adopted?

The LDP is being examined by an independent Planning Inspector from the Planning Inspectorate and once she has reached her conclusions about whether the Plan is sound, it will come back to the full Council for adoption. So ultimately the new Powys County Council – following the local government elections in May 2017 - will be responsible for approving the LDP. This is likely to be in early 2018.

5. What role does Welsh Government have in the process?

Welsh Government produces National Policies, including Planning policies, which should be adhered to. The Inspector, in examining the LDP, will check to make

sure the LDP complies with these policies. If the Plan fails to comply with National policy, it will fail the soundness tests. Welsh Government is also a consultee and has responded at every consultation stage about whether it considers whether Powys` LDP meets National Policies or not.

6. Why has the Council identified Local Search Areas as part of the Further Focussed Changes (FFCs) to the LDP?

A toolkit produced by Welsh Government (which was revised in 2015) has been used to produce a Renewable Energy Assessment and this toolkit includes this requirement. In addition all local authorities in Wales received a Ministerial letter (in Dec 2015) stating that LDP renewable energy policies should be shown spatially on a map. This position was confirmed in a consultation response from Welsh Government to the Council. The LDP has therefore been amended to identify Local Search Areas and the wording of the policy (Policy RE1) amended to reflect this. It should be noted that Welsh Government has not 'directed' the authority. Welsh Government does have powers to intervene in the LDP process but has not exercised these powers to date.

7. Why have the Local Search Area maps been introduced so late in the LDP process?

The Council was asked by Welsh Government to show the LDP's renewable energy policy spatially in Dec 2015 and March 2016 as explained above. The first opportunity to respond to this request was at the Further Focussed Changes stage in Oct 2016. Other authorities in Wales have also been required to identify Local Search Areas, some such as Gwynedd and Anglesey and the Vale of Glamorgan, were each at a more advanced stage than Powys in the LDP process.

By undertaking this work at this stage, the Council has put itself in the best position to adopt the LDP as quickly as possible. If the Council had not taken this action it is likely that it would have been identified and required by the Inspector as part of the Examination hearing session, thus potentially delaying the process.

8. Will Powys end up with Windfarms everywhere or covering substantial parts of Powys?

No. Large parts of the county do not have a sufficient wind resource, and there are many constraints to such development across the county. The Council has commissioned further work on the Renewable Energy Assessment (REA) that will be published as soon as possible and this will further inform the LDP.

[This additional work includes amending the Renewable Energy Assessment to ensure it follows the toolkit and to take account of other constraints raised during the FFC consultation e.g. the Sennybridge Training Area. A landscape assessment and landscape sensitivity testing is also being undertaken. This](#)

additional information will be published on the Council's website by the 12th May 2017.

9. How does this work relate to the Strategic Search Areas identified in TAN 8?

Welsh Government's Technical Advice Note 8 (TAN8) identifies Strategic Search Areas (SSAs) for placing large-scale wind energy projects of 25 MW and over towards. Local Search Areas relate to the Local Authority scale of development (defined in Planning Policy Wales) and for wind energy are for the 5-25 MW scale of development, and for solar energy for the 5-50MW scale. Welsh Government has asked local authorities to identify these as either `search` areas or as `allocations` in their LDPs.

10. Will Planning applications still need to be submitted for wind energy schemes?

Yes, and these will be subject to the normal planning requirements and constraints. There would be no automatic presumption in favour of development within Local Search Areas; they are the least constrained areas. The purpose of the Renewable Energy Assessment and supporting evidence is to inform the development of the LDP's policies on renewable energy at the high or strategic plan-making level. It does not and cannot consider detailed site specific information which can only be dealt with at the planning application stage. Sites within Local Search Areas may therefore be unacceptable for development for site specific reasons, as reflected in the wording of the LDP policy (RE1). As their name suggests, LSAs are areas for developers to search within and any development application would need to satisfy all planning policy requirements – all policies of the LDP - and all material planning considerations if it were to obtain planning permission. All associated development such as grid lines will also require permission from the appropriate authority. (See also question 9).

11. What constraints have been considered in the Renewable Energy Assessment?

Welsh Government's toolkit specifies which constraints should be taken into account. In addition, other constraints were raised by objectors on the FFCs so the work that the Council has commissioned will also incorporate additional constraints.

The work includes the following considerations:

- The Royal Air Force's (RAF) low-flying tactical training area over a large part of western Powys.
- A buffer around the Sennybridge training area.
- Appropriate buffers for special protection areas to protect bird species, requested by Natural Resources Wales (NRW).

- A visual impact buffer placed around existing and proposed windfarms to take account of cumulative impact.
- A buffer to all designated landscapes which include two national parks and two areas of outstanding natural beauty.
- Consideration of grid connection and landscape impact.

12. I thought Powys County Council had vowed to fight windfarms in 2011?

A meeting of Powys County Council at Welshpool Livestock Market in 2011 requested Welsh (and UK) Government for a moratorium on windfarms and an urgent review of TAN 8. The Council's request was rejected by both governments.

13. How do elected members of Powys County Council get their say in the process?

Elected Members have been involved in the development of the LDP since its inception. A Working Group, comprising Members from each of the Shire committees and representatives of the Cabinet, has met frequently as the LDP has been developed. In addition, the LDP has come before both full Council and Cabinet at key stages in the process, to ensure that all Members are aware of progress. Seminars have been held with all members from time to time. The LDP can also be scrutinised at any time by members of the Place Scrutiny Committee. A copy of a Powys Members' Information Bulletin is provided at the end of this FAQ.

A seminar was held for all members of the County Council on the 10th April 2017 to inform them of the latest position with the additional work. A press statement was issued after the seminar. <http://www.powys.gov.uk/en/communications/view-council-news/news-article/article/4621-ldp-update/>

14. How is the public involved in the process?

Involvement from members of the public is an important element of preparing the LDP. At every Consultation stage members of the public have been able to comment on any aspect of the LDP. Every consultation stage has lasted for six weeks and has been publicised in accordance with the Council's LDP Delivery Agreement. There have been considerable numbers of comments made on various aspects of the Plan, some of which have led to amendments of it as it has developed. As we approach the Examination Hearings with the Planning Inspector, members of the public who have objected to the LDP at one of the consultation stages since the deposit stage in 2015 have been offered the choice to speak at the Hearings to air their views on the Plan. The LDP Consultation Report describes the consultation undertaken and responses received at each stage of the process.

15. How does the Examination work?

The Inspector has organised hearing sessions to gather information and aid discussion about the LDP in order to inform her report of findings. She will be applying tests to ensure that the LDP is `sound`. During the Examination it is anticipated that the Inspector will ask the Council to undertake further public consultation on 'Matters Arising Changes' to the LDP. These are changes that emerge from the discussion at each of the hearing sessions. Following the consultation, the Inspector may decide to hold further hearing sessions to assist her in completing her report.

The LDP hearing sessions on renewable energy are due to be held on the 27th and 28th June 2017. Please refer to the LDP examination webpages for the latest information.

<http://www.powys.gov.uk/en/planning-building-control/local-development-plan/ldp-examination/>

16. What are the implications if Powys Council does not approve the LDP?

The Council will not be in a position to approve the LDP until it has received the Inspector's report. There are serious implications for the Council if it were to decide not to adopt the LDP. The LDP sets the strategy and policies for development in Powys over the next 10 years. To not have a plan in place would mean taking planning decisions not based on an LDP that takes account of local needs and has been informed by public consultation and an independent examination. It is not considered that this would be acceptable, although this is a decision for Powys County Council in due course.

17. Who decides wind scheme applications in terms of their proposed size and outputs?

This has changed recently. For windfarm schemes up to 9.99MW, Powys County Council will decide on these. For electricity generating schemes from 10 – 350MW, Welsh Government will decide and for schemes greater than 350MW, UK Government decides.

18. Why are consultants from outside Powys used for this work and what is the process for engaging with them?

All such work is subject to national procurement rules and advice is provided by our procurement team within the Council. Failure to adhere to the rules would result in action being taken against the authority. A specification is devised and advertised. Interested parties are invited to submit an application and these are then scored against the specification and the bidder that most closely fits our requirements is selected and invited to undertake the work.

19. I understand that they are still doing work – are we paying them for this?

We found that there were errors in the Renewable Energy Assessment (REA) 2016, as identified by some objectors. This is now being corrected by the Council's consultant at no extra cost. In addition, the REA Toolkit produced by Welsh Government, did not cover other aspects – grid connectivity and landscape – so this additional work is underway.

20. What is the likely impact of the additional work being conducted on the REA?

Although the work is still underway, it is likely that it will lead to a reduction in the number and extent of the proposed local search areas. This work will be published on the LDP examination webpages once it has been completed and the Council will recommend to the Inspector any changes to the LDP as a consequence of this work through its Hearing Statement. The Council is aiming for the additional work to be completed by the end of March 2017 but if it is delayed the Council will inform the Inspector as soon as possible because the Inspector may decide to defer the date of the relevant hearing sessions. If this happens it will be in order to provide objectors sufficient time in which to consider the new evidence.

The additional work is taking longer to complete than predicted and will be published by the Council on its website by the 12th May 2017. The Inspector has also requested that the Council publishes a position statement at the same time.

On the 12th May 2017, the Council submitted the following additional evidence to the Examination in advance of the hearing session(s) on renewable energy. **Please note that these documents are not available for public consultation at this stage and the Council is unable to accept any comments on them.** A further period of public consultation is expected in due course - please see below.

[ED059 Renewable and Low Carbon Energy Assessment, 2017 \(AECOM\)](#)

[ED059 Renewable and Low Carbon Energy Assessment, 2017 part 1 maps \(AECOM\)](#)

[ED059 Renewable and Low Carbon Energy Assessment, 2017 part 2 Biomass \(AECOM\)](#)

[ED060 Powys Renewable Energy Assessment: Landscape Sensitivity Study for Solar Farm Development, 2017 \(Enplan\)](#)

[ED060 Powys Renewable Energy Assessment: Landscape Sensitivity Study for Solar Farm Development, 2017 \(Enplan\) Appendix A](#)

[ED061 Renewable Energy Position Statement, May 2017 \(PCC\)](#)

The Council will refer to these documents in its statement to the Examination's Hearing Session(s) on Renewable Energy. All the evidence should be read together and in conjunction with the recommended revised policy. To assist in understanding and explaining the work, and in response to a request from the

Inspector, the Council has produced a Position Statement (ED061 above). The Position Statement sets out recommended amendments to the LDP to reflect the findings of the additional work. It proposes that:

- Local Search Areas for wind energy development for schemes of 5-25MW should be removed from the LDP; the additional evidence does not support their inclusion.
- Local Search Areas for solar energy development of 5-50MW previously identified should be removed and replaced with 20 new areas which are supported by the additional evidence including a landscape sensitivity study. These are potential areas for solar development of 5-50MW that remain after a series of constraints have been applied to the available solar resource. They are not site allocations and any planning applications within them, and indeed outside of them, would still be required to satisfy all the policy requirements of the LDP. They give an indication of potential areas to search within for suitable sites because they are less constrained, but not free of constraints, than other parts of the LDP area. Contrary to recent newspaper headlines, the Council is not proposing the “largest solar farm in the UK” or a “280 acre solar farm”.
- A revised policy RE1 – Renewable Energy should replace the existing policy. Any planning applications for renewable energy projects would be determined in accordance with this policy and all other policies in the LDP.
- A revised renewable / low carbon energy contribution from the LDP area for the period ending in 2026. Please note that this is an expected contribution that could be achieved but not a target to be met at any cost.

After the hearing sessions end in July 2017, the Council is expecting to carry out a 6 week period of public consultation on further changes to the LDP, known as Matters Arising Changes. Further information will be provided on the Council's website in due course. This will include all amendments to the LDP agreed by the Planning Inspector and is likely to include amendments in respect of renewable energy.

21. Did Cabinet approve the FFCs at its meeting on 17th January 2017?

No. The Cabinet considered the comments made on the FFCs (Oct 2016) at this meeting and in doing so agreed that the Council should undertake additional evidence on the REA and the supporting evidence for local search areas. This decision was taken in response to the comments that were received from the consultation on the FFCs.

For Further Information:

<http://www.powys.gov.uk/en/planning-building-control/local-development-plan/>

Recent news releases:

1st March 2017 <http://www.powys.gov.uk/en/communications/view-council-news/news-article/article/4513-notice-of-motions-did-not-comply-with-constitution-council-confirms/>

17th Feb 2017 <http://www.powys.gov.uk/en/communications/view-council-news/news-article/article/4488-renewable-energy-assessment/>

10th April 2017 <http://www.powys.gov.uk/en/communications/view-council-news/news-article/article/4621-ldp-update/>

Members' Information Bulletin, prepared Jan 16th 2017:

Introduction

This bulletin item has been prepared as a timeline to provide Members with:

1. An update on the progress that has been made with the preparation of the Powys Local Development Plan.
2. Further information about the final stages of the LDP's preparation including the Examination in Public which is due to commence at the end of March 2017.
3. Also, given the interest in renewable energy at the Further Focussed Changes stage (Oct – Nov 2016), key dates in relation to this topic are also included in the timeline.

Stages of LDP Production to Date

Date	Stage	Purpose
2011	Delivery Agreement	Sets out the timetable and Community Involvement Scheme. Latest version - Delivery Agreement REVISED October 2015
2011-ongoing	Evidence Gathering e.g. Candidate Sites, Dwelling Requirement Figure	Library of evidence underpinning the LDP. A complete list of documents is saved on the LDP Examination website and presented in: Core Documents Index (REVISED 25.11.16)
2012	Preferred Strategy (Pre-Deposit Participation)	Public Consultation on strategy options for levels and locations of future development.

July – September 2014	Initial Deposit Draft LDP	Public Consultation on an initial Deposit Draft LDP. This included an objective and policy on Renewable Energy, supported by the Renewable Energy Assessment. EB17 Renewable & Low Carbon Energy Assessment 2012
June – July 2015	Revised Deposit Draft	LDP Public Consultation on a revised Deposit LDP. This included an objective and policy on Renewable Energy, supported by the Renewable Energy Assessment. EB17 Renewable & Low Carbon Energy Assessment 2012
Sept 2015	Welsh Government published a revised Toolkit on Renewable Energy Assessments for LDPs.	WPP50 Planning for Renewable and Low Carbon Energy – A Toolkit for Planners (WG 2015) WPP51 Planning for Renewable and Low Carbon Energy – CPO Letter (Sep 2015)
Dec 2015	Letter from the Minister for Natural Resources to local planning authorities regarding his expectations for energy policies in local development plans.	http://gov.wales/docs/desh/publications/151210energy-policies-in-local-development-plans-en.pdf
January 29 th 2016	Submission of the LDP to the National Assembly and commencement of the Examination in Public	All documents were submitted to the National Assembly and to the Planning Inspectorate and Mrs Nicola Gulley was appointed as the independent Planning Inspector to conduct the Examination in Public into the soundness of the LDP.
January – March 2016	Consultation on Focussed Changes to the LDP	Public consultation on proposed changes to the LDP in response to representations received on the Deposit LDP, 2015 and latest evidence. Welsh Government's comments 1084 WG Letter included comments on renewable energy and the need to show the LDP's renewable energy policies spatially.

May – Sept 2016	Exploratory Meeting with the Planning Inspector, Additional Evidence Gathering, Progress Meeting	The Inspector suspended the Examination in order for the Council to prepare and submit further evidence. Details of this are found on the LDP examination website including an agreed programme of work ED003 Powys LDP Action Plan (provisional, with tasks) REVISED 17.5.16 Actions 8a and 8B referred to the additional work being undertaken on renewable energy.
October - November 2016	Consultation on Further Focussed Changes	Public consultation period on Further Focussed Changes in response to changes arising from the additional evidence, and in response to comments made on Focussed Changes. This included proposed local search areas for wind and solar energy within the Renewable Energy Policy, and was supported by the following evidence on renewable energy: Renewable Energy Assessment August 2016 (AECOM) Renewable Energy Assessment, 2016 – Maps – Solar Renewable Energy Assessment, 2016 – Maps – Wind Renewable Energy Topic Paper (September 2016)
January 17 th 2017	Cabinet to consider / approve an updated Consultation Report	Meeting to agree the Council's responses to comments received on the Further Focussed Changes. In respect of Renewable Energy, it was recommended that in light of the comments received that further work be undertaken on the Renewable Energy Assessment and supporting evidence for Local Search Areas and that this evidence would be reported to the Examination in due course, along with any recommended Matters Arising Changes.
February 7 th 2017	Pre-Hearing Meeting	Meeting to be held by the independent Planning Inspector (Mrs Gulley) setting out the procedures for managing the hearings and possibly a provisional programme of hearings. All information and documents relating to the examination are saved on the following website. A paper set of the library is maintained by the Programme Officer in the Gwalia. http://www.powys.gov.uk/en/planning-building-control/local-development-plan/ldp-examination/

March 28th 2017	Provisional date for the first hearing session	To be held in the MRC, Llandrindod Wells. Statements to be submitted at least three weeks before each hearing session in response to the Inspector's questions.
Summer 2017 (date tbc)	Consultation on Matters Arising Changes	To consult on any changes to the LDP that have arisen from the hearing sessions.
Autumn / winter (date tbc)	Final hearing session(s) and await publication of the Inspector's Report	Final hearing session(s) necessary as a result of comments made on the Matters Arising Changes. The Inspector will then compile her Report.
Winter 2017/2018 (date tbc)	Adoption LDP	LDP to be adopted by Powys County Council and implemented. It will then be monitored annually.