

**Powys
Local Development Plan**

2011 - 2026

**Consultation Report
Addendum to Appendix 5b**

**Council's Agreed Response to FFC Representations Concerning
Renewable Energy**

January 2017



Consultation Report January 2017

Appendix 5b Issue 12

Council's Agreed Response to FFC Representations Concerning Renewable Energy and/or Policy RE1 and/or FFC79 and/or Local Search Areas

INTRODUCTION:

Given the volume of representations received on the issue of renewable energy and most notably in response to FFC79, Policy RE1 – Renewable Energy and the spatial expression of that policy through the proposed introduction of Local Search Areas, it has been necessary to respond to the comments in a generic manner. The following sets out the main issues and points that have been made and the Council's recommended response. (N.B. Representor / representation numbers are not shown below).

OBJECTIONS:

Issue: Comments about the Consultation being undemocratic:

All aspects of the LDP have been and are the subject of public consultation. The terms of this consultation are specified in LDP legislation and guidance and these have formed the basis of the Council's LDP Delivery Agreement (LDP05), and the Community Involvement Scheme contained within it, which itself was the subject of public consultation. The Council has not deviated from those terms and has applied exactly the same process for the FFC Consultation as it has for all of the previous LDP consultation periods. (Note: The LDP Consultation Report (LDP026) also records the consultation undertaken in preparing the LDP).

Issue: Comments about the significance of changes to the LDP at the FFC stage:

Comments are noted. However, the Council disagrees that FFC79 represents a fundamental change to, or goes to the heart of, the Plan. Previous iterations of the LDP addressed renewable energy. The Council accepts that the proposed Local Search Areas were not included in previous versions of the LDP, but these have been added to the renewable energy policy in response to comments from Welsh Government at the Focussed Changes stage.

Issue: Comments about the potential conflict with LDP Objectives:

Comments are noted. However, the Council disagrees with these representations. The LDP exists to provide a planning policy framework for determining proposals for all kinds of land use and development across the County. The Objectives outline the most important priorities that the LDP aspires to work towards. As such they ensure that where development is necessary it is done so in a way that achieves the balancing act between these most important priorities that are enshrined in the Objectives. If development compromises any of these objectives in a way that is considered unacceptable then the development can be refused.

Issue: Comments about the Contribution not meeting local needs:

Comments are noted. Further work is to be undertaken on how the Renewable Energy 'Contribution' (as distinct from a 'Target') is determined, and this will be submitted to the examination in due course along with any consequential Matters Arising Changes (MACs). However, it should be noted that the Council has had to work from the position that no accepted method exists for identifying what PPW describes as an 'optimised contribution'.

Issue: Comments about Landscape and Visual Impact:

The comments are noted. The quality of the outstanding Powys landscape is recognised in the LDP and is a key consideration in the reconciliation of competing land-use demands. Following the consultation, additional work is being undertaken by the Council on the REA (EB17) and the supporting evidence base. This will be submitted to the examination in due course along with any consequential MACs. This work may lead to further refinement and assist in addressing some of the concerns raised.

Issue: Comments about Grid infrastructure:

Comments noted. The Council is undertaking further work on the REA (EB17) and the supporting evidence base in relation to Local Search Areas, and recognises that PPW states that assessments for development plans should take into account issues associated with grid connection (PPW, Para 12.9.3). The further work will therefore take account of grid connection issues, and will be submitted to the examination in due course along with any consequential MACs.

Issue: Comments about wildlife, biodiversity and geodiversity (including peat and CO2) constraints:

Whilst the REA (EB17) took into consideration environmental constraints (such as statutorily protected or designated sites, ancient woodland, etc.), it is not feasible to consider site specific ecological issues in such a high-level study. However, such matters would be considered at the planning application stage in relation to specific development proposals and other policies within the LDP enable such matters to be protected.

Further work on the REA and supporting evidence is being undertaken by the Council and it is recommended that published mapped peat (defined as thick peat greater than 1m, BGS maps) should be incorporated in the REA as an additional constraint. This work will be submitted to the examination in due course along with any consequential MACs.

Issue: Comments about Scheduled Ancient Monuments and historic environment constraints:

The REA (EB17), using the method set out in the REA toolkit (WPP50), considers various constraints including Scheduled Ancient Monuments. However, such monuments and their settings are in their own right protected by other legislation, should they be impacted on by development proposals.

Issue: Comments about flooding, hydrology and hydrogeology:

The REA (EB17) was a high-level study which was not able to incorporate detailed local flooding or hydrology issues. These would however be taken into consideration at the application stage when other policies within the LDP would be used to determine the application.

Issue: Comments about Common land:

The comments are noted. The REA (EB17) is a high-level study used to define search areas that are least constrained but that is not to say they are free from all constraints. Land ownership, whether common land or privately owned, may be one such constraint but it is not feasible to give this consideration in such a high-level study. It is a matter for individual land-owners to consent to or indeed propose any such developments on specific sites within LSAs. Commoners' rights would be a consideration at the development proposal stage. The LSAs identified in the high-level study identify

areas of comparatively least constraint, based on a specific model form of development and are not in themselves development proposals, and if any development proposals were to come forward incorporating common land, they would be considered on their merits and in terms of any impacts they may have.

Issue: Comments about Tourism:

Comments noted. The Council considers that the LDP provides a means to create and maintain a balance between the competing interests for land use within the County. Should any applications for renewable energy development come forward in the LSAs or elsewhere in the county, they would be considered on their merits and in terms of any impacts they may have on tourism where evidenced.

Issue: Comments about recreation, access and Rights of Way:

Comments noted. The Council considers that the LDP provides a means to create and maintain a balance between the competing interests for land use within the County. Should any applications for renewable energy development come forward in the LSAs or elsewhere in the county, they would be considered on their merits and impacts on rights of way and recreational access will be material planning considerations, if appropriate.

Issue: Comments about the appropriateness of the technology (efficiency, safety, economics, CO2 benefits etc.):

The LSAs are intended to identify areas of comparatively least constraint, based on a specific model form of development. Consideration of relative efficiency or cost effectiveness of particular technologies are beyond the scope of the LDP and would be for developers or land owners to consider prior to making any application.

Issue: Comments about potential conflict with PPW, National Policy, and TAN8:

The Council has taken into consideration a range of UK and Welsh national policy and guidance in drawing up the LDP, including the comments from Welsh Government at the Focussed Changes stage, which reflect a ministerial letter published in Dec 2015 (WPP03) that provides policy clarification to all local planning authorities, and the use of the REA Toolkit (WPP50) to identify allocations or areas of search for Local Authority scale developments (defined in PPW) in their LDPs.

Issue: Comments about potential conflict with Environment (Wales) Act:

The Council disagrees with the comments; by following the REA Toolkit 2015 (WPP50), the environment has been taken into account at a high level in the REA (EB17) by consideration of statutorily protected environmental designations. It is not feasible to consider site specific environmental issues in such a high-level study. However, such matters would be considered at the planning application stage in relation to specific development proposals and other policies within the LDP enable such matters to be protected.

Issue: Comments about potential conflict with the Well-being of Future Generations Act:

Comments noted. The Council is not legally required to comply with those sections of the Well-being of Future Generations Act that relate to the preparation of the LDP (see Examination Document ED020). However, although not required or necessary, the Council has completed an appraisal of the LDP and the 'Integrated Impact Assessment' of the LDP was published as part of the Further Focussed Changes Consultation (LDP041). That assessment, "concluded that the LDP's impact on

Well-being is 'Good' or 'Very Good', except in those areas where, as a land use document, it has limited ability to influence outcomes (such as in Education, Protection of Children and people with Protected Characteristics). One area however where it could possibly improve is with regard to reflecting the interests of people with protected characteristics, and there will be an opportunity to see how this can be improved at future reviews of the Plan. Overall the findings of the Well-being Assessment reiterates the conclusions of the previous Equalities Impact Assessment (2015) and Sustainability Assessment (SA) 2016 carried out as part of the LDP's existing assessment processes." (LDP37, FFC3).

Issue: Comments about the Sustainability Appraisal, Strategic Environmental Assessment, Habitats Regulations Assessment, Environmental Impact Assessment:

The Council disagrees with these representations. The SEA has included an assessment of Policy RE1 (see section 6.4.9, LDP40, Oct 2016) reflecting the strategic level of the REA study.

Environmental Impact Assessments are not required at the plan making stage, i.e. for LDPs, but are likely to be necessary for any development proposal.

The REA follows the REA toolkit (WPP50) and considers alternative renewable and low carbon energy sources.

Following the consultation, additional work is being done on the REA (EB17) and its evidence base and this will be submitted to the examination in due course along with any consequential MACs, which will then be subjected to SA/SEA/HRA assessments.

Issue: Comments about the impact on the Environment:

The comments are noted. The quality of the Powys environment is an element embedded in the LDP and a key environmental consideration is the reconciliation of competing demands which largely is done at individual planning application stage. By following the REA Toolkit 2015 (WPP50) environmental considerations have been taken into account at a high level in the REA (EB17) by consideration of statutorily protected environmental designations. It is not feasible to consider site specific environmental issues in a high-level strategic study. However, such matters would be considered at the planning application stage in relation to specific development proposals and other policies within the LDP enable such matters to be protected.

Issue: Comments about land-ownership:

The Council disagrees with these comments. The REA (EB17) is a high-level study used to define search areas that are least constrained but that is not to say they are free from all constraints. Land ownership may be one such constraint but it is not feasible to give this consideration in such a high-level study. It is a matter for individual land-owners to consent to or indeed propose any such developments on specific sites within their ownership, which may be within or without the LSAs. The LSAs identified in the high-level study are not in themselves development proposals.

Issue: Comments about residential amenity:

The comments are noted. The Council believes that the LDP provides a means to create and maintain a balance between the competing interests for land use within the County and recognises the impact of the issues raised. The REA (EB17) is a high-level study identifying LSAs based on a specific model form of development. The LSAs are not specific development proposals in themselves and impacts that might arise from development proposals will be considered at the planning application stage; Policy RE1 (criterion 5) seeks to protect residential amenity.

Issue: Comments about property blight:

Comments are noted, however the Council disagrees that the LSAs in themselves create planning blight because they are only areas of potential search and not firm development or infrastructure proposals which might trigger planning blight provisions.

Issue: Comments about the Renewable Energy Assessment:

The REA (EB17) is a high-level desktop study aimed at identifying the least constrained areas. It was prepared in line with the REA toolkit (WPP50). However, in light of the comments received, further work is being undertaken on the REA (EB17) and the supporting evidence for LSAs and this work will be submitted to the examination in due course along with any consequential MACs.

Issue: Comments about the Renewable Energy Topic Paper:

Comments noted and, time permitting, revisions will be made to the Topic Paper following completion of the further work that the Council is undertaking on the REA (EB17).

Issue: Comments about alternative technologies:

Comments are noted. The REA has been undertaken in accordance with the REA toolkit (WPP50) and includes assessments of hydropower, biomass, energy from waste, landfill and sewage gas as well as building integrated renewables (such as solar panels), and combined heat and power schemes such as those in District Heating Schemes as well as wind and solar power. As a land use document the LDP cannot duplicate or contradict aspects of building control regulations. However the LDP contains policies that provide for, or in other cases encourage developers to consider, the implementation of such measures as energy efficiency, building integrated renewables or district heating schemes.

Issue: Comments about LSAs as a whole:

The comments are noted. The REA (EB17) is a high-level desktop study aimed at identifying local search areas that are comparatively less constrained than other areas. This does not mean that there are no constraints within them or that the often significant constraints that do exist would be ignored. On the contrary all constraints at the development proposal stage will need to be reconciled and remediated with all competing and conflicting interests. The LSAs do not preclude development proposals coming forward elsewhere in the County and neither is there a presumption in favour of such developments within the LSAs. Further work is being undertaken by the Council on the REA and supporting evidence and this will be submitted to the examination in due course with any consequential MACs.

Issue: Comments about specific LSAs, boundaries, etc.:

Comments are noted. Further work is being undertaken by the Council on the REA and supporting evidence and this will be submitted to the examination in due course with any consequential MACs.

Issue: Comments about the Map documents:

The Council has considered the representations received regarding the presentation of Local Search Areas in the Proposal and Inset Maps document (LDP37). Further work is being undertaken by the Council on the REA and supporting evidence, which will be used as an opportunity to revisit and improve the presentation of Local Search Areas spatially. This will be submitted to the examination in due course with any consequential MACs.

Issue: Comments about lack of a monitoring framework:

Further work is being undertaken on changes to the proposed LDP Monitoring Framework in order to inform the Examination. The Local Authority is working with Welsh Government to improve the monitoring framework.

IN SUPPORT

Representations were received in support of FFC79 and the changes made to Policy RE1 and the following comments were noted by the Council:

- the need to exploit renewable energy sources to the full to stand any chance of de-carbonising our energy supply,
- to keep energy options as open as possible in a post-brexite environment,
- that developments should be decided upon on a case by case basis, based on their individual merits,
- wind turbines need to be visible as this is where the wind is,
- being glad that measures are being taken to reduce carbon emissions,
- not everyone thinks wind farms are a blight on the landscape,
- not wishing to see wind and solar developments restricted to LSAs,
- not wanting the inadequate grid connections to act as an excuse for refusing development,
- arguments against windfarms because they industrialise landscapes should be ignored, as hillsides have been reduced to mono grass deserts,
- Benefits of developments should be made more clear to generate support for applications instead of knee-jerk opposition,
- Wales needs renewable energy for future generations,
- CPRW “unable to see the necessity of the renewable energy plans due to their privilege”,
- Powys should be helping to power a sustainable Wales
- Objecting to “CPRW attempting to cut our futures short”.

CONCLUSION

Having considered the representations, the Council has agreed to undertake additional work on the Renewable Energy Assessment and supporting evidence. This will be submitted to the Examination when completed along with any consequential Matters Arising Changes.