

ELECTRICITY ACT 1989

CONJOINED PUBLIC INQUIRY

The Electricity Generating Stations and Overhead Line (Inquiries Procedure) (England and Wales) Rules 2007

STATEMENT

An application by VATTENFALL dated 30 November 2007 for consent under section 36 of the Electricity Act 1989 to construct and operate a 59.5MW Wind Turbine Generating Station (**Llanbadarn Fynydd** – application no. BERR/2008/0001)

An application by FFERM WYNT LLAITHDDU CYF dated 7 May 2008 for consent under section 36 of the Electricity Act 1989 to construct and operate a 66.7MW Wind Turbine Generating Station (**Llaihddu** – application no. BERR/2008/0002)

An application by CELTPOWER LIMITED dated 9 May 2008 for consent under section 36 of the Electricity Act 1989 to construct and operate a 126MW Wind Turbine Generating Station (**Llandinam 're-powering'** – application no. BERR/2008/0003)

An application by RES UK & IRELAND LIMITED dated 27 March 2009 for consent under section 36 of the Electricity Act 1989 to construct and operate a 100 MW Wind Turbine Generating Station (**Llanbrynmair** – application no. BERR/2009/0004)

An application by RWE NPOWER RENEWABLES LIMITED dated 11 December 2008 for consent to under section 36 of the Electricity Act 1989 construct and operate a 150MW Wind Turbine Generating Station (**Carnedd Wen** – application no. BERR/2009/0001)

An application by SP MANWEB PLC dated 2 December 2009 for consent under section 37 of the Electricity Act 1989 to install and keep installed a 132kV overhead electric line connection from Llandinam Wind Farm to Welshpool (application no. BERR/2009/0005)

CONTENTS

		Page
	Qualifications and Experience	
1.0	Introduction	1
2.0	Context and hierarchy of European, UK and Welsh obligations and policies	4
	• European and UK policy on climate change	4
	• UK policies and obligations	7
	• Welsh policies and obligations	21
3.0	Achievement and progress towards renewable energy targets in the UK and Wales.	27
4.0	TAN 8 - capacity levels and the Welsh Government's approach.	30
5.0	Development Plan Policy	36
6.0	Conclusion	40
Appendix 1	Interim Development Control Guidance Onshore Wind Farm Developments 2008	

Qualifications and Experience

I am a Chartered Town Planner having qualified in 1985 and am the Planning Director of Enplan, a planning, landscape and environmental consultancy that I established in 2000. I have extensive experience of a wide variety of planning projects acting for commercial, private and local authority clients. I have given evidence at many planning inquiries and examinations. I advise clients on all aspects of the planning process and draw on the skills of environment and landscape professionals within Enplan.

My experience includes the promotion of strategic sites for development often as urban extensions, enabling development projects involving heritage assets, co-ordination of Environmental Impact Assessments and preparation of planning applications including advising on master plan proposals. I am also engaged in the preparation of Neighbourhood Plans acting for various organisations. I have spoken at RTPI seminars, mostly recently concerning Localism within planning.

I am currently engaged in a number of strategic promotions including and major expansion of Brighton delivering an exemplar mixed use development working closely with the planning authority. I am also co-ordinating a substantial planning application for a care community for the elderly and negotiating an enabling development to secure the restoration and conversion of a significant heritage asset comprising numerous listed buildings including a grade 2* Pugin chapel.

I have acted for a number of local authorities in respect of wind farm applications and appeals.

1.0 INTRODUCTION

- 1.1 This statement is prepared on behalf of Powys County Council and is submitted for the opening session of the Inquiry into six applications under the Electricity Act 1989. The applications as originally made are as follows:

An application by VATTENFALL dated 30 November 2007 for consent under section 36 of the Electricity Act 1989 to construct and operate a 59.5MW Wind Turbine Generating Station (**Llanbadarn Fynydd** – application no. BERR/2008/0001)

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- 1.2 In their letter dated the 10th April 2013 the Inspectorate (PINS) outlined the procedural arrangements for the opening session. It is to be a structured hearing session to consider the interpretation and application of energy and planning policy relevant to the applications. PINS noted that, much of the overall International, European and National policy framework, could be included within the Statement of Common Ground. However, PINS also noted

the interrelationship and application of the relevant policies to the specific proposals would be an area of disagreement between the parties.

1.3 The Secretary of State (SoS) identified a number of matters to be considered at the inquiry. From the information available to the SoS, the following matters were identified in relation to planning policy. In respect to the planning applications for the wind farms these are as follows:-

- i) the extent to which the proposed developments are consistent with the objectives of the Government Policy on the energy mix and maintaining a secure and reliable supply of electricity as the UK makes the transition to a low carbon economy, and achieving climate change goals;*
- ii) the extent to which the proposed developments are consistent with the policies relating to generation of renewable energy contained within the relevant National Policy Statements for Energy Infrastructure: Overarching National Policy Statement for Energy (EN-1) July 2011 and National Policy Statement for Renewable Energy Infrastructure (EN-3) July 2011;*
- ii) The extent to which the proposed developments are consistent with Welsh Government and local policies: including Planning Policy Wales, Edition 4 (2011); Technical Advice Note 8: Planning for Renewable Energy (2005); and Powys Unitary Development Plan (adopted March 2010).*

1.4 In respect of the proposed overhead electricity line, PINS advised in their letter of the 10th April 2013, that policy specific to electricity lines are different in some material respects from policy relating to on-shore wind energy generation, and therefore the following policy matters are to be dealt with in detail during Inquiry session 3.

- i) the extent to which SP Manweb's proposal including any alternatives considered are consistent with Welsh Government and local policies: including Planning Policy Wales, Edition 4 (2011); Technical Advice Note 8: Planning for Renewable Energy (2005); and Energy Wales: A Low Carbon Transition (2012); and Powys Unitary Development Plan (adopted March 2010).*
- ii) the extent to which the proposed development is consistent with the objectives of the Government's policy on the energy mix and maintaining*

a secure and reliable supply of electricity as the UK makes the transition to a low carbon economy, and achieving climate change goals;

iii) the extent to which the proposed development is consistent with the policies relating to electricity networks infrastructure and also the generation of renewable energy contained within the relevant National Policy Statements for Energy Infrastructure, Overarching National Policy Statement for Energy (EN-1) July 2011, National Policy Statement for Electricity Networks Infrastructure (EN-5) July 2011 and National Policy Statement for Renewable Energy Infrastructure (EN-3) July 2011.

- 1.5 This Statement therefore, considers the interrelationship and application of relevant policies. Reference will be made in particular to the National Energy Policy Statements (NPS -01 and NPS-03) and Welsh Policy, including TAN 8 and the Strategic Search Areas (SSA's) identified therein. For clarification, the relevant SSA's for the Inquiry are SSA B and SSA C.
- 1.6 Section 2 provides a contextual overview of policy including European Obligations and Directives, National and Welsh policy. It considers their application in the context of these substantial renewable energy proposals. Section 3 considers the progress that is being made towards the renewable energy targets in the UK and Wales. Section 4 assesses Welsh Policy in particularly the Technical Advice Note 8 (TAN 8) which was published in 2005 and the capacity levels for major onshore wind farm development. It also considers the Welsh Government's approach to TAN 8.
- 1.7 The Development Plan is the adopted 2010 Powys Unitary Development Plan (UDP) and the relevant policies are set out in Section 5. The Statement does not provide a site specific policy assessment as this will be provided in future planning inquiry sessions including the overall planning balance. Section 6 contains my conclusions for this initial session of the Inquiry.

2.0 CONTEXT AND HIERACHY OF EUROPEAN, UK AND WELSH OBLIGATIONS AND POLICIES

2.1 The International obligations and agreements on climate change are set out in the Statement of Common Ground being prepared by the County Council and are therefore not repeated here.

European and UK Policy on Climate Change

2.2 The use of renewable resources is an important element in meeting national targets and objectives. These are defined in European Union and UK law and policy such as the Climate Change Act 2008, the UK Government Climate Change Programme, the Energy White Paper 2007 and the Renewable Energy Strategy 2009 (RES).

2.3 The Climate Change Act 2008 imposes a duty on the Secretary of State to reduce carbon dioxide emissions to at least 80% below 1990 levels by 2050 with an interim target range of 26% - 32% by 2020. As part of the Act, the UK Government is committed to more investment in renewable energy, including wind and wave energy.

2.4 The EU Renewable Energy Directive (2009/28/EC) April 2009 sets out the requirement that the UK has a legally binding target to meet 15% of its energy consumption from renewable sources by 2020.

2.5 On the 23rd April 2009 the European Parliament under Decision No 406/2009/EC considered the position of Member States in the context of reducing greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020. The Council decided that the UK should aim for a 16% reduction in greenhouse gas emissions by 2020, compared to 2005 emissions levels.

- 2.6 The Carbon Plan: Delivering Our Low Carbon Future (2011) produced by the UK Government sets out principles that will underpin the Vision for a long-term transition to a low carbon economy by 2050. This includes *Low carbon power generation* and the three sources of UK electricity are likely to be i) renewables (including onshore and offshore wind farms); ii) coal, biomass or gas-fired power stations fitted with CCS¹ technology; and iii) nuclear power. Para 1.16 of The Carbon Plan states there are huge uncertainties when looking 40 years ahead as to exactly how that vision will be achieved. The approach has been to explore a range of plausible scenarios for what the UK might look like in 2050 and to seek to draw lessons from the similarities and differences between those scenarios. In line with the principle of seeking the most cost effective technology mix, the starting point for this has been to take the outputs of the ‘core’ run of the cost-optimising model, MARKAL, which was produced as part of the analysis by the Department of Energy and Climate Change (DECC) to support the setting of the fourth carbon budget.
- 2.7 Para 1.18 advises that this is only a starting point. It goes on to say that attempting to pick a single pathway to 2050 by relying on a single model is neither possible nor a helpful guide in the face of great uncertainty. But it does give insight into the most cost effective way to achieve the low carbon transition, illustrating the technologies likely to contribute to reducing emissions, and the most cost effective timing for their deployment. It shows that achieving a cost-optimal transition overall often necessitates deploying technologies in the medium term that may not yet be statically cost effective against the carbon price.
- 2.8 Para 2.249 onwards comments on the position in Wales stating that the Welsh Government is making solid progress on delivering its commitments since the publication of The Climate Change Strategy 2010. To date, Wales has some 830 MW of renewable energy operational, which represents a doubling in renewable energy operating capacity since 2007. This capacity

¹ Carbon Capture and Storage

represents enough electricity to power almost a half a million homes in Wales
(para 2.258 notes).

UK Policy and Strategy on Renewable Energy

2.9 The Renewable Energy Strategy (RES) was published in July 2009 and sets out the path for the UK to meet its legally-binding target of 15% of the energy coming from renewable sources by 2020. It puts forward a number of scenarios, the lead ones being:

- More than 30% of electricity generated from renewable.
- 12% of heat generated from renewable.
- 10% of transport energy from renewable.

2.10 The National Renewable Energy Action Plan for the UK (July 2010) sets out measures that would enable the UK to meet its 2020 target. Whilst it includes a number of statements of intent beyond 2020, it is not a Government policy document. The document sets out similar scenarios to the RES but stresses that these figures are purely illustrative as to how the overall 15% target for the UK could be met.

2.11 The Electricity Market Reform White Paper 2011; Planning Our Electric Future – a White Paper for Secure, Affordable and Low Carbon Electricity. This sets out the Government's commitment to transform the UK's electricity system to ensure that our future electricity supply is secure, low carbon and affordable. To de-carbonise electricity generation it is highlighted that it is important that the 15% renewable target is met by 2020 and 80% carbon reduction target by 2050.

Overarching National Policy

2.12 It is agreed that although this is not an application under the Planning Act 2008, regard is to be had to the National Policy Statements (NPSs) approved under that Act to which significant weight is to be given. The NPSs were approved in July 2011 and the key NPSs include:

- Overarching National Policy Statement for Energy (EN-1)
- National Policy Statement for Renewable Energy Infrastructure (EN-3)
- National Policy Statement for Electricity Networks Infrastructure (EN-5).

2.13 The applications before the Conjoined Inquiry do not fall to be considered under the 2008 Planning Act by reason of the date of their submission. Rather, the wind turbine applications require consent to be granted by the Secretary of State pursuant to s.36 of the Electricity Act 1989 ('the Act'). The Llandinam electricity line connection would require consent pursuant to s.37 of the Act.

2.14 Pursuant to Schedule 9, paragraph 1(2) of the Act, the Secretary of State, when considering whether to grant consent under either s.36 or s.37 of the Act is required to have regard to specific matters including the desirability of preserving natural beauty, of conserving natural flora, fauna and geological or physiographic features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest. He is also required, as a matter of law, to consider the extent to which the applicants have done what they reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

- 2.15 Relevant Guidance on the approach to such decision making is found in the DECC October 2007² guidance on Section 36 of the Act and in April 2009³ guidance relating to overhead power lines.
- 2.16 The statutory process requires an overall balance to be struck taking into account relevant and material factors. Each case will need to be considered on its individual merits. Each proposal will require consideration as against specific criteria set out in the DECC guidance.
- 2.17 Aspects of the proposals will also require deemed consent pursuant to s.90 of the TCPA 1990. Other relevant submissions of approach and law will be made by Powys County Council during the course of the inquiry.

National Policy Statement EN-1: Overarching National Policy Statement for Energy - 2011

- 2.18 EN-1 outlines the important role of renewable energy development in securing greenhouse gas emissions reductions. Part 1 (Introduction) states in para 1.7.2 (in the context of highlighting key points from the appraisal of sustainability):-

'The development of new energy infrastructure, at the scale and speed required to meet the current and future need, is likely to have some negative effects on biodiversity, landscape/visual amenity and cultural heritage. However the significance of these effects and the effectiveness of mitigation possibilities are uncertain at the strategic and non-locationally specific level at which EN-1 to EN-5 are pitched. Short-term construction impacts are also likely through an increased use of raw materials and resources and negative

² The Consenting Process for Onshore Generating Stations above 50 MW in England & Wales
<https://www.og.decc.gov.uk/EIP/pages/files/file42017.pdf>

³ The Statutory Consents Regime for Overhead Power Lines in England and Wales and New Measures Introduced by the Overhead Lines (Exemption) (England and Wales) Regulations 2009
https://whitehall-admin.production.alpha.gov.co.uk/government/uploads/system/uploads/attachment_data/file/43574/Section_37_guidance.pdf

effects on the economy due to impacts on existing land and sea uses. In general, it should be possible to mitigate satisfactorily the most significant potential negative effects of new energy infrastructure consented in accordance with the energy NPSs, and they explain ways in which this can be done; however, the impacts on landscape/visual amenity in particular will sometimes be hard to mitigate’.

- 2.19 In Part 2 (Government Policy on Energy and Energy Infrastructure), it states that large scale infrastructure will play a ‘vital role’ in ensuring the UK has secure energy supplies and re-affirms the commitment to meeting legally binding targets of reducing gas emissions by at least 80% by 2050 compared to 1990 levels (paras 2.1.2 and 2.2.1 refers). It is important to note that, in doing this (i.e. in constructing infrastructure), the planning system ensures that development consent decisions take account of the views of affected communities and respect the principles of sustainable development (para 2.2.4).
- 2.20 In Part 3 (The need for new nationally significant energy infrastructure projects), para 3.1.2 states that it is for industry to propose new energy infrastructure projects within the strategic framework set by Government. The Government does not consider it appropriate for planning policies to set targets.
- 2.21 Paragraph 3.1.3 relating to decision making by the Infrastructure Planning Commission (IPC)⁴ states that the IPC should therefore assess all applications for development consent for the types of infrastructure covered by the energy NPSs on the basis that the Government has demonstrated that there is a need for those types of infrastructure and that the scale and urgency of that need is as described for each of them in this Part.

⁴ Following amendments introduced by the Localism Act 2011, responsibility for processing development consent applications for NSIPs passed to the Planning Inspectorate (PINS) from the IPC. For the purposes of this Statement, I continue to refer to the IPC as set out in the NPS’s.

- 2.22 Footnote 16 on page 16 of EN-1 states that in determining the planning policy set out in Section 3.1, the Government has considered a range of projections and models that attempt to assess what the UK's future energy needs may be. Figures referenced relate to different timescales and therefore cannot be directly compared. Models are regularly updated and the outputs will inevitably fluctuate as new information becomes available.
- 2.23 Para 3.3.4 notes that there are benefits of having a diverse mix of all types of power generation. The different types of electricity generation have different characteristics which can complement each other: Renewables offer a low carbon and proven (for example, onshore and offshore wind) fuel source, but many renewable technologies provide intermittent generation (bullet 2 refers).
- 2.24 Para 3.3.22 considers that by 2025, the UK would need at least 113 GW of total electricity generating capacity (compared to around 85 GW now), of which at least 59 GW would be new build. A further breakdown of this figure to illustrate the scale of the challenge in terms of new electricity generating infrastructure provision by technology type would be as follows:
- around 33 GW of the new capacity by 2025 would need to come from renewable sources to meet renewable energy commitments;
 - it would be for industry to determine the exact mix of the remaining 26 GW of required new electricity capacity, acting within the strategic framework set by the Government;
 - of these figures of 33 GW and 26 GW respectively, around 2 GW of renewables and 8 GW of non-renewable technologies are already under construction. This leaves a balance of 18 GW to come from new non-renewable capacity; and,
 - the Government would like a significant proportion of this balance to be filled by new low carbon generation and believes that, in principle, new nuclear power should be free to contribute as much as possible towards meeting the need for around 18 GW of new non-renewable capacity by 2025.

- 2.25 To minimise risks to energy security and resilience, the Government therefore believes it is prudent to plan for a minimum need of 59 GW of new electricity capacity by 2025 (para 3.3.23). Para 3.3.24 states that it is not the Government's intention in presenting the above figures to set targets or limits on any new generating infrastructure to be consented in accordance with the energy NPSs. It is not the IPC's role to deliver specific amounts of generating capacity for each technology type.
- 2.26 Whilst it is recognised that onshore wind is likely to be a source of future large scale development and there is an urgent need for new renewable electricity generation projects, the Government also believes that it is realistic for new nuclear power stations to be operational in the UK from 2018, with deployment increasing as we move towards 2025. In addition, it is clear that there must be some fossil fuel generating capacity to provide back-up for when generation from intermittent renewable generating capacity is low and to help with the transition to low carbon electricity generation. It is important that such fossil fuel generating capacity should become low carbon, through development of CCS and therefore there is a need for CCR fossil fuel generating stations and the need for the CCS demonstration projects is urgent.
- 2.27 In order to connect the renewable energy projects to the Grid, there is a need for new electricity transmission and distribution infrastructure (and in particular for new lines of 132 kV and above) to be provided. The IPC should consider that the need for any given proposed new connection or reinforcement has been demonstrated if it represents an efficient and economical means of connecting a new generating station to the transmission or distribution network, or reinforcing the network to ensure that it is sufficiently resilient and has sufficient capacity (in the light of any performance standards set by Ofgem) to supply current or anticipated future levels of demand (para 3.7.10 refers). There is a risk in assessing major wind farm proposals without assessing the entire supporting infrastructure. Para 4.9.3 of EN-1 states that

“if this option is pursued, the applicant(s) accept the implicit risks involved in doing so, and must ensure they provide sufficient information to comply with the EIA Directive including the indirect, secondary and cumulative effects, which will encompass information on grid connections. The IPC must be satisfied that there are no obvious reasons why the necessary approvals for the other element are likely to be refused. The fact that the IPC has decided to consent one project should not in any way fetter its subsequent decisions on any related projects”.

- 2.28 Connection to the grid and the grid capacity in Wales is referred to in Annex C of the Technical Advice Note (TAN8). Para 2.12 states that connection to the grid will be achieved either by a standard 3-wire system on wooden poles or by underground lines.
- 2.29 With regard to grid capacity in Wales, para 2.13 states that there is currently very restricted capacity for further wind-power developments in North and Mid Wales (Scottish Power/Manweb network) and the re-enforcement of the network through the construction of new high voltage distribution and transmission lines is vital to the realisation of any significant additional generating capacity as well as providing a stronger, more reliable network for electricity users in the western mid Wales area. The Welsh Government strongly supports the principle of this scheme.
- 2.30 In Part 4 – *Assessment Principles* – it states there is a presumption in favour of granting consent for such applications unless more specific and relevant policies in the NPSs clearly indicate that consent should be refused. A balancing exercise is required to consider any proposed development in order to weigh the adverse impacts against the benefits. Accordingly, the IPC is required to take account of:
- the potential benefits including the contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and

- the potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.

- 2.31 Para 4.1.4 states that in this context, the IPC should take into account environmental, social and economic benefits and **adverse impacts, at national, regional and local levels**. These may be identified in this NPS, the relevant technology-specific NPS, in the application or elsewhere.
- 2.32 It is noted in para 4.1.5 that the IPC may consider Development Plan Documents or other documents in the Local Development Framework as being both important and relevant. In the event of a conflict between these or any other documents and an NPS, the NPS prevails for purposes of IPC decision making given the national significance of the infrastructure. The energy NPSs have taken account of relevant Planning Policy Statements (PPS's) and older-style Planning Policy Guidance Notes (PPG's) in England and Technical Advice Notes (TAN's) where appropriate.
- 2.33 The IPC needs to be satisfied that energy infrastructure developments are sustainable. The IPC should also satisfy itself that the applicant has taken into account both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located) as far as possible. There may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character and landform.
- 2.34 Para 4.9.1 of EN-1 that the connection of a proposed electricity generation plant to the electricity network is an important consideration for applicants wanting to construct or extend generation plant. In the market system, it is for the applicant to ensure that there will be necessary infrastructure and capacity within an existing or planned transmission or distribution network to accommodate the electricity generated. The applicant will liaise with National Grid who own and manage the transmission network in England and Wales or

the relevant regional Distribution Network Operator (DNO) to secure a grid connection. It may be the case that the applicant has not received or accepted a formal offer of a grid connection from the relevant network operator at the time of the application, although it is likely to have applied for one and discussed it with them. This is a commercial risk the applicant may wish to take for a variety of reasons, although the IPC will want to be satisfied that there is no obvious reason why a grid connection would not be possible.

- 2.35 The planning approach should be holistic so that the cumulative effect of different elements of the same project can be considered together. Para 4.9.2 states that the Government therefore envisages that wherever possible, applications for new generating stations and related infrastructure should be contained in a single application to the IPC or in separate applications submitted in tandem which have been prepared in an integrated way. However this may not always be possible, nor the best course in terms of delivery of the project in a timely way, as different aspects may have different lead-in times and be undertaken by different legal entities subject to different commercial and regulatory frameworks (for example grid companies operate within OFGEM controls). So the level of information available on the different elements may vary. In some cases applicant(s) may decide to put in an application that seeks consent only for one element but contains some information on the second. Where this is the case, the applicant should explain the reasons for the separate application.
- 2.36 Para 4.9.3 confirms that the IPC must be satisfied that there are no obvious reasons why the necessary approvals for the other element are likely to be refused. The fact that the IPC has decided to consent one project should not in any way fetter its subsequent decisions on any related projects.
- 2.37 DECC 2007 guidance on Section 36 (as referred to earlier) consents provides good practice for the pre-application stage. This includes consideration of the grid connection and the process for this required under Section 37 of the Electricity Act 1989 (as well as possible requirements for related Compulsory

Purchase Orders and/or agreements with landowners). The guidance also states that applicants should discuss the grid connection with the network company at an early stage. Although it will not be possible to carry out a full Environmental Impact Assessment until the clearer route options are known, the Secretary of State considers that an applicant of a generating station will still need to demonstrate that they have given consideration to how the power will be delivered from the development site, the likely impact and whether that impact can be mitigated (e.g. where it is intended to connect to the grid, the likely route corridor, whether it will cross sensitive areas such as National Parks, SSSIs, SPAs, bridle paths, other public rights of way, etc).

- 2.38 Part 5 – *Generic Impacts* – considers the actual impacts of the projects on a number of issues including historic environment and the landscape and visual character. Para 5.9.8 states that virtually all nationally significant energy infrastructure projects will have effects on the landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.
- 2.39 The scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure. The IPC should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project. In reaching a judgment, the IPC should consider whether any adverse impact is temporary, such as during construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the IPC considers reasonable. The IPC should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation. All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. The IPC will have to judge whether the visual effects on sensitive receptors, such as local

residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project (paras.5.9.15 – 5.9.18).

- 2.40 The socio-economic impacts are a material consideration both positive and negative. The effect on tourism is one of these impacts and this can be an important consideration when supported by evidence (para 5.7.12 refers).

National Policy Statement EN-3: Renewable Energy Infrastructure - 2011

- 2.41 The guidance in EN3 does not seek to repeat the material set out in EN1, which applies to all applications covered by EN3 unless stated otherwise. EN3 covers the following types of nationally significant renewable energy infrastructure:

- Energy from biomass and/or waste (>50MW)
- Offshore wind (>100MW)
- Onshore wind (>50MW)

- 2.42 In Section 2.2 of Part 2 (Relationship with English and Welsh Renewable Policies) it states where a proposal is located in Wales, existing planning guidance issued by the Welsh Government relevant to renewables is relevant and should be considered by the IPC and applicants are expected to have taken them into account when working up their proposals. Applicants should explain in their applications to the IPC how their proposals fit with the guidance and support its targets or, alternatively, why they depart from them.

- 2.43 Whether an application conforms to the guidance or meets the targets will not, in itself, be a reason for approving or refusing the scheme. The refinement work and other assessment to the boundaries for the strategic search areas⁵ for onshore wind development that has been undertaken by LPA's in Wales, is both important and relevant. The IPC should be satisfied that such an exercise has been undertaken in accordance with the relevant guidance published by the Welsh Assembly Government (paras 2.2.1 and

⁵ This is referred to later in the Statement under the section on TAN 8

2.2.2). Para 5.4 of TAN 8 refers to the full procedures in respect of boundary refinement which the County Council has not fully complied with in so far as the refined boundaries and subsequent draft policy guidance were not adopted through the Local Development Plan process.

- 2.44 Para 2.7.26 on Repowering of onshore wind proposals states that where an onshore wind farm nears the end of its operational life or reaches the permitted time-limit for operation, the older turbines are very likely to have to be decommissioned. Given the likely change in technology over the intervening time period, any repowering of sites may involve a different number of wind turbines (usually fewer) of a different scale and nature (usually larger). In determining an application for the repowering of a site, the proposed replacement scheme should be determined by the IPC on its individual merits.
- 2.45 With regard to the impacts identified in Part 5 of EN1 and EN3, they are not intended to be exhaustive and the IPC should therefore consider any impacts which it determines are relevant and important to its decision (para 2.5.32 refers). Para 2.5.36 states - as most renewable energy resources can only be developed where the resource exists and where economically feasible, the IPC should not use a sequential approach in the consideration of renewable energy projects (for example, by giving priority to the re-use of previously developed land for renewable technology developments).
- 2.46 Para 2.7.73 on the traffic and transport impacts of onshore wind farms states that many developments will be sited in areas served by a minor road network. Modern wind turbines are large structures and some components, notably the rotor blades, can currently only be transported to sites as complete structures. Blades currently range from between 30m and 45m in length, although this could change as technology develops. The construction of a wind farm will therefore require sufficient access for long and wide load items. Further, some individual components of the wind turbines can weigh in excess of 100 tonnes and it is important that all sections of roads and bridges

on the proposed delivery route can accommodate the weight of the loads. The IPC should be satisfied, taking into account the views of the relevant local highway authorities, that abnormal loads can be safely transported in a way that minimises inconvenience to other road users and that the environmental effects of this and other construction traffic, after mitigation, are acceptable.

National Policy Statement EN-5: Electricity Networks Infrastructure - 2011

- 2.47 This NPS, taken together with EN-1 provides the primary basis for decisions taken by the IPC on applications it receives for electricity networks infrastructure.
- 2.48 Para 2.8.2 on 'Landscape and Visual Impact' states that new above ground electricity lines, whether supported by lattice steel towers/pylons or wooden poles, can give rise to adverse landscape and visual impacts, dependent upon their scale, siting, degree of screening and the nature of the landscape and local environment through which they are routed. For the most part these impacts can be mitigated, however at particularly sensitive locations the potential adverse landscape and visual impacts of an overhead line proposal may make it unacceptable in planning terms, taking account of the specific local environment and context. Cumulative landscape and visual impacts can arise where new overhead lines are required along with other related developments such as substations, wind farms and/or other new sources of power generation.
- 2.49 Para 2.8.8 on 'Undergrounding' states that although the Government expects that fulfilling this need (for new electricity lines of 132kV and above) through the development of overhead lines will often be appropriate, it recognises that there will be cases where this is not so. Where there are serious concerns about the potential adverse landscape and visual effects of a proposed overhead line, the IPC will have to balance these against other relevant

factors, including the need for the proposed infrastructure, the availability and cost of alternative sites and routes and methods of installation (including undergrounding).

Welsh Policy

Planning Policy Wales (PPW) 2012 5th Edition

- 2.50 Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TAN). The PPW, the TANS, circulars and policy clarification letters comprise national planning policy. National planning policy and the Wales Spatial Plan should be taken into account in the preparation of development plans.
- 2.51 Section 4.5 confirms the commitment made by the Welsh Government to tackle climate change. The Government has set out to achieve annual carbon reduction-equivalent emissions reductions of 3 per cent per year from 2011 in areas of devolved competence, which include land use planning. They are committed to achieving at least a 40% reduction in all greenhouse gas emissions in Wales by 2020 against a 1990 baseline.
- 2.52 Section 12 on Infrastructure and Services outlines in para 12.8.2 that both local planning authorities and developers should have regard in particular to the guidance contained in Technical Advice Note 8 (TAN 8): *Planning for Renewable Energy 2005* in respect of large scale projects in order to meet the renewable energy potential to 2020/2025.
- 2.53 At para 12.8.12 the Government accepts the introduction of new, often very large structures for onshore wind will need careful consideration to avoid and where possible minimise their impact. However, the need for wind energy is a key part of meeting the Welsh Government's vision for future renewable electricity production as set out in the Energy Policy Statement (2010) and should be taken into account by decisions makers when determining such applications.
- 2.54 The most appropriate scale at which to identify areas for large scale onshore wind energy development is at an all-Wales level. Technical Advice Note 8:

Planning for Renewable Energy (2005) identifies areas in Wales which, on the basis of empirical research, are considered to be the most appropriate locations for large scale wind farm development; these areas are referred to as Strategic Search Areas (SSAs). The detailed characteristics of SSAs and the methodology used to define them are outlined in TAN 8 and its Annexes. Development of a limited number of large-scale (over 25MW) wind energy developments in these areas will be required to contribute significantly to the Welsh Government's onshore wind energy aspiration for 2GW in total capacity by 2015/17; UK and European renewable energy targets; to mitigate climate change and deliver energy security (para 12.8.13).

- 2.55 Within the Strategic Search Areas (SSAs), whilst cumulative impact can be a material consideration, it must be balanced against the need to meet the Welsh Government's renewable energy aspirations and the conclusions reached fully justified in any decisions taken. Developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations (para 12.8.14 refers).
- 2.56 Para 12.9.4 states that at the strategic scale, development plans should, where relevant, provide policies to clarify in the SSAs where strategic scale wind energy developments are likely to be permitted, for example by identifying local micro-siting criteria or identifying specific preferred locations. The SSA boundaries have been drawn to allow for some local refinement; however in defining such locations or criteria it will be important to ensure that they do not differ significantly without local evidence from the indicative boundaries of the SSAs set out in TAN 8.

Commentary

- 2.57 The emphasis towards greenhouse gas reductions and a low carbon environment is clear and understood. This is expressed at European and National levels. The targets for meeting emission reductions are also understood. The primary policy to bring forward large scale energy and

renewable energy projects is the national policy statements. This policy is at a strategic level which recognises that such development is likely to have negative effects on biodiversity, landscape/visual amenity and cultural heritage. Para 1.7.2 of EN-1 states that the significance of these effects and the effectiveness of mitigation possibilities is uncertain at the strategic and non-locationally specific level at which EN-1 to EN-5 are pitched. Short-term construction impacts are also likely through an increased use of raw materials and resources and negative effects on the economy due to impacts on existing land and sea uses. In general, it should be possible to mitigate satisfactorily the most significant potential negative effects of new energy infrastructure consented in accordance with the energy NPSs, and they explain ways in which this can be done; however, the impacts on landscape/visual amenity in particular will sometimes be hard to mitigate.

- 2.58 The 5th Edition of Planning Policy Wales (November 2012) provides the most up-to-date planning and energy policy for Wales. Figure 12.1 provides Wales' sustainable renewable energy potential to 2020/2025 and confirms the 2GW total capacity figure for on-shore wind with operation or consented capacity at 0.7GW. It is expected that the on-shore wind total capacity will be deliverable in the main by 2015/17. A copy of the Figure is set out below:

Wales' sustainable renewable energy potential to 2020/2025

Technology	Capacity either operational or consented (GW)	Total Capacity (GW)	Load Factor (%)	Annual Output (TWhr)	Deliverable in main by	kWh/d/p in Wales
Onshore wind	0.7	2	30	5	2015/17	4.5
Offshore wind	0.9	6	40	21 (of which 20% is shared with England)	2015/16	15.5
Biomass (electricity)	0.5	1	75	7	2020	3 imports and 3 indigenous
Tidal range	0	8.5	25	18 (of which 50% is shared with England)	2022	8
Tidal stream/wave	0	4	25	9	2025	8

2.59 Grid connection is an important consideration and particularly with the proposals the subject of this Inquiry. According to the Welsh Government there are potential significant implications in respect of the grid connection if all of the applications are allowed in terms of the impacts of the new grid line.

2.60 Taken together the 5 no. Inquiry wind farm applications comprise a total of 502.2MW (including the existing provision at Llandinam) of renewable electricity and cover a substantial area within Powys. The proposals include a new transmission line between Llandinam and Welshpool over a length of some 35km. Operational wind farms (since 2005), those consented and those the subject of current applications comprise a further 341.5MW. The cumulative impact of all of these proposals which comprise 843.7MW need to very carefully assessed.

The wind farm projects in Powys are set out below⁶:

Operational (since 2005)	MW
Mynydd Clogau	14.5
Carno A and B	33.5
Consented (not yet built)	
Tirgwynt	28
'In Planning'	
Carno (adjacent to Carno A and B)	45
Esgair Cwm Owen	47.5
Mynydd Waun Fawr	40
Garreg Llwyd	46
Bryngydfa	24
Hirddywel	27
Neuadd Goch	27
Mynydd y Gwynt** (only part in Powys)	9
<i>Llanbadarn Fynydd*</i>	59.5
<i>Llandinam*</i>	126***
<i>Llaithddu*</i>	66.7
<i>Carnedd Wen*</i>	150
<i>Llanbrynmair*</i>	100
Total	843.7

* Applications the subject of the Conjoined Inquiry

** Application in SSA D for 81 MW - 9MW in Powys

*** Including existing 31 MW

⁶ Sources: Planning application submissions, Powys County Council website, Statement of Common Ground prepared by appellants 09/05/13

2.61 In terms of the energy potential to 2025, 1.3GW is required to meet the total capacity figure of 2GW. The above table indicates the significant level of provision that is being proposed in Powys and in particular the two Strategic Search Areas (SSA B and C) in the context of TAN 8.

3.0 ACHIEVEMENT AND PROGRESS TOWARDS RENEWABLE ENERGY TARGETS IN THE UK AND WALES

The UK Renewable Energy Roadmap and Current Position

3.1 The first UK Renewable Energy Roadmap⁷ was produced in July 2011. It showed the position of where the UK was at that time and provided an analysis of how deployment may evolve by 2020, together with separate estimates of the market's view of the potential and the actions required to achieve the target levels. While renewable deployment across all technologies will be important, the Roadmap focuses in particular on the 8 technologies that have either the greatest potential to help the UK meet the 2020 target in a cost effective and sustainable way, or offer great potential for the decades that follow.

3.2 With regard to onshore wind, the situation in 2011 was:

- The UK has more than 4 GW of installed onshore wind capacity in operation (generating approximately 7 TWh of electricity annually).
- The central range for deployment indicates that onshore wind could contribute up to around 13 GW by 2020. Achieving this level of capacity equates to an annual growth rate of 13%.
- The existing pipeline for onshore wind contains an additional 11 GW. When taken together with the existing operational capacity, this could contribute a significant proportion of the central range for 2020 given historic planning approval rates although there are concerns with the pace at which capacity can be brought through.
- Challenges to deployment include: minimising investment risk; reform the planning system; overcoming radar interference from wind farms; and ensuring cost-effective grid investment and connection.

⁷ Produced by the Department of Energy and Climate Change (DECC)

- 3.3 The first annual update of Roadmap (December 2012) shows both strong growth in renewable electricity deployment over the last year and that the UK is on track to meet the first interim target on the way to overall target of 15% renewable energy consumption by 2020. This update sets out the progress and changes delivered in the sector over the past year, and the challenges and actions for the year ahead. In 2011, renewable energy accounted for 3.8% of energy consumption, up from 3.2% in 2010. The Government expects it to increase to over 4% in line with the first interim target on the way to 2020.
- 3.4 Renewable electricity has seen dramatic growth since the Roadmap was published in 2011. From July 2011 to June 2012, the total electricity generation from renewables increased by 27% reaching 37.9TWh from a total of 14.4GW installed capacity. Both offshore and onshore wind showed a marked increase in installed capacity, up 60% to 2.5GW and up 24% to 5.3GW respectively over the period.
- 3.5 With regard to onshore wind, the update states there was an increase of 1.3GW in operational capacity between January 2011 and end of June 2012. Deployment analysis indicates that there is a healthy pipeline of projects that have entered the formal planning system for development as at June 2012 (para 2.31 refers). A total of over 11GW of on-shore wind capacity had been built (5.3GW) or was under construction or consented (6.1GW) (para 2.10). A further 7 GW was in the planning system. Whilst some could be lost in planning (estimated at 2.7GW) the pipeline is likely to be sufficient (para 2.33). From these figures – it appears that as at June only a further 1.6GW out of the 7GW in the planning system would be needed to achieve 13GW capacity by 2020. Para 3.31 – states that the majority of future development will be in Scotland. It is noted that the application at Brecha Forest has now been allowed for 84MW (12th December 2012).

Commentary

- 3.6 Whilst it is accepted that there are no upper limits to renewable energy projects, it is material to consider progress in the context of the overall UK targets and overall need. It is clear from the regular annual updates that good progress is being made on the interim renewable target and the contribution on-shore wind is making is significant and increasing in line with forecast requirements. The industry is extremely active and is targeting a number of areas in the UK where multiple applications are being received and dealt with the planning authorities.
- 3.7 Progress with on-shore wind in Wales is healthy with a significant number of projects in the planning system and many also in “scoping”. These will exceed the 2GW figure setting aside the TAN 8 capacity levels for the SSAs.

4.0 TAN 8 CAPACITY LEVELS AND THE WELSH GOVERNMENT'S APPROACH

Technical Advice Note 8 (TAN8): Planning for Renewable Energy (2005)

- 4.1 TAN8: Renewable Energy (July 2005) sets out the policy context for energy and target figures for 2010 and 2020. It notes at para 1.3 that Energy Policy is a reserved function and that both UK and Welsh national energy policies provide its context. TAN 8 is a means of delivering the targets for Wales as adopted by the Assembly from Strategic Search Areas (SSA) within Wales without having wind farms (particularly large scale projects) developed throughout the countryside. The assessment was informed by consultants Garrad Hassan and Arup. The objective of TAN 8 was to secure concentrated provision and on ensuring that the best sites are selected so as to ensure the creation of the most sustainable on-shore wind development.
- 4.2 TAN 8 considers that an additional 800MW of installed capacity for renewables by 2010 could be met from the 7 no. SSAs identified in the document. The SSA boundaries are at a general level referred to as 'broad brush' and TAN 8 recognises that not all the land within the SSA's may be technically, economically and environmentally suitable. Para 2.4 states the areas are seen as providing sufficient suitable land in one or more sites, to deliver WAG's energy policy aspirations.
- 4.3 Table 1 at para 2.5 sets out indicative capacity targets for the SSAs and for Area B (*Carno North*) and Area C (*Newtown South*), these are 290MW and 70 MW respectively. The figures represent a 1/3 reduction on the maximum capacities identified by Garrad Hassan and as reviewed by Arup – 430MW and 98MW respectively. The objective of this one third reduction was to allow sufficient flexibility to ensure that only the most sustainable options were selected.

- 4.4 Para 2.9 outlines the characteristics SSAs display and these are the following characteristics:-
- extensive areas with a good wind resource (typically in excess of 7 metres per second).
 - upland areas (typically over 300m above ordnance datum) which contain a dominant landform that is flat (plateau) rather than a series of ridges.
 - generally sparsely populated.
 - dominated by conifer plantation and/or improved/impoverished moorland.
 - has a general absence of nature conservation or historic landscape designations.
 - of sufficient area to accommodate developments over 25MW, to achieve at least 70MW installed capacity and to meet the target capacity.
 - largely unaffected by broadcast transmission, radar, MoD Mid Wales Tactical Training Area (TTA) and other constraints.
- 4.5 Para 2.13 states that most areas outside SSAs should remain free of large wind power schemes. It notes that there will also be opportunities to re-power and/or extend existing wind farms which may be located outside SSAs and these should be encouraged provided that the environmental and landscape impacts are acceptable (para 2.14).
- 4.6 Following the final publication of TAN 8, councils throughout Wales with SSAs in their area commissioned a series of studies to refine the boundaries of the SSA's. In line with the methodology in Annex D to TAN 8, Powys County Council undertook this work for SSA B and C and this is referred to below in the context of the 2008 Interim Development Control Guidance for Onshore Wind Farm Developments. A copy of the document is at Appendix 1.
- 4.7 With regard to the refinement work, this was not fully compliant with the procedural approach set out in TAN 8, however the process and its continued

refinement is supported by an evidence base which could be taken forward as an SPG. As this is a process of refinement, the capacity thresholds are relevant to Powys County Council's refined areas, RSSAs.

- 4.8 In addition to the issues of capacity targets and delivery, TAN 8 also sets out a wide range of factors that have to be taken into account in development control decisions. Advice on ecology, aviation, electromagnetic interference, shadow flicker, and on the key issues of landscape/visual effects and cumulative effects, is contained in technical annexes.

Welsh Ministers' Letter July 2011

- 4.9 In July 2011 the Welsh Government wrote to all local planning authorities clarifying what it considers to be the maximum installed capacity for each SSA. The Government confirmed its view that the maximum capacities would be those assessed by Garrad Hassan and for SSA B and SSA C, the figures were 430MW and 98MW respectively.
- 4.10 The letter endorsed the country's sustainable renewable energy potential to 2020/2025 and stated the Government's commitment to promoting all forms of renewable energy with onshore wind as currently the most viable technology. The letter reiterated the important function of TAN 8 in restricting the proliferation of large scale wind farms in other parts of Wales.
- 4.11 The Government confirmed in page 2 of the letter that:

'You will be aware that the UK Government has issued National Policy Statements for Renewable Energy Infrastructure for consideration by Parliament, which will provide the primary basis for decisions by the Infrastructure Planning Commission (IPC) on projects over the devolved threshold of 50MW in Wales. Nevertheless, we expect all decision makers in Wales, including the IPC and its successor, to recognise our spatially specific policy outlined in TAN 8 and to respect the fact that the Strategic Search

Areas have a finite environmental capacity and output should not exceed the maximum levels as assessed in 2005 and outlined above’.

Powys Interim Development Control Guidance – Onshore Wind Farm Developments (2008)

- 4.12 As referred to above, the County Council commissioned Arup to undertake refinement studies of the SSAs, which in the case of SSA B and SSA C were initially published in 2006. A further review by Arup of the SSAs was undertaken and published in 2008 and used as the basis for the draft Interim Development Control Guidance (IDCG).
- 4.13 TAN 8 has informed Powys’ work to refine SSAs which is evidence based. Accordingly the refined areas (referred to as RSSAs) should be given weight. This initial refinement provides the basis for more detailed local refinements to the RSSAs if this is considered appropriate. Within SSAs a sequential approach is required which ensures that the most appropriate sites are chosen with reference to identified need. It is noted that TAN 8 confirms that not all of any identified SSA can or should accommodate wind farm development. The Guidance in the IDCG stated that the RSSA’s would be the only areas within Powys whereby large scale wind farms would be permitted and that any such applications outside the boundaries would likely to be refused. The Guidance goes on to state that schemes that fell partly outside the RSSA would normally be refused unless a full and reasonable justification were presented.
- 4.14 With regard to the location of the subject applications and other proposals (operational, consented and “in planning”), the table below identifies those which fall within the RSSAs set out in the IDCG.

AREA B

	MW	Location within TAN 8 SSA B	Location within Powys CC RSSA
Operational (since 2005)			
Mynydd Clogau	14.5	All within	All within
Carno A and B	33.5	Part in/Part out	All within
Consented (not yet built)			
Tirgwynt	28	All within	Mostly in
'In Planning'			
Carno (adjacent to Carno A and B)	45	Mostly out	Mostly in
Esgair Cwm Owen	47.5	All within	Mostly in
Mynydd Waun Fawr	40	Mostly in	Mostly out
<i>Carnedd Wen</i>	150	All in	Mostly in
<i>Llanbrynmair</i>	100	All in	Mostly in
TOTAL	458.5		

AREA C

	MW	Location within TAN 8 SSA C	Location within Powys CC RSSA
'In Planning'			
Garreg Llwyd	46	Mostly in	Mostly in
Bryngydfa	24	Mostly in	Part in/part out
Hirddywel	27	All out	Mostly in
Neuadd Goch	27	Mostly in	Part in/part out
<i>Llanbadarn Fynydd</i>	59	Part in/part out	Mostly in
<i>Llandinam Repowering (including existing 31MW)</i>	126	All out	All in
<i>Llaithddu</i>	66.7	All out	All in
TOTAL	375		

Commentary

- 4.15 TAN 8 and the subsequent RSSAs provide an important land use framework for the consideration and location of large scale wind farms. The location of the SSAs has been the subject of significant assessment and refinement as encouraged by the TAN 8 advice. Whilst the 2005 TAN 8 figures are indicative, the Welsh minister in 2011 confirmed the Welsh Government's position that the Garrad Hassan figures are to be treated as the maximum for the SSAs.
- 4.16 With regard to RSSA C, the subject applications propose some 251MW (including re-powering of the existing Llandinam) which is significantly in excess of the Garrad Hassan figure. In addition, there are a further 4 applications in planning and which comprise 124MW. In total therefore, there are 375MW proposed within 7 no. schemes in RSSA C.
- 4.17 Within RSSA B, operational and consented scheme deliver 76MW. The subject applications propose 250MW and there are three other schemes 'in planning' comprising 132MW. In total therefore the 8 no scheme (operational, consented and "in planning) provide 458 MW.
- 4.18 The overall scale of the development proposals for RSSA B and C are very significant comprising a total of 833MW. The individual and cumulative impact of all of the applications is a key consideration in policy terms.

5.0 THE DEVELOPMENT PLAN

5.1 Powys County Council's UDP was adopted in March 2010, and this comprises the development plan. There are a number of overall strategic policies including SP3 (Natural Historic and Built Heritage) which requires the development to take account of the need to protect, conserve and wherever possible enhance the natural, historic and built heritage. In addition SP12 (Energy Conservation and Generation) provides advice on proposals for energy generation and states that energy renewable sources will be approved providing that they meet the landscape, environmental, amenity and other requirements set out in this plan.

There are numerous generic policies which are listed below:-

- GP1: Development Control
- GP2: Planning Obligations
- GP3: Design and Energy Conservation
- GP4: Highway and Parking Requirements
- GP5: Welsh Language and Culture
- ENV1: Agricultural Land
- ENV2: Safeguarding the Landscape
- ENV3: Safeguarding Biodiversity & Natural Habitats
- ENV4: Internationally Important Sites
- ENV5: Nationally Important Sites
- ENV6: Sites of Regional and Local Importance
- ENV7: Protected Species
- ENV8: Tree Preservation Orders
- ENV14: Listed Buildings
- ENV16: Landscapes, Parks & Gardens of Special Historic Interest
- ENV17: Ancient Monuments & Archaeological Sites
- ENV18: Development Proposals Affecting Archaeological Sites
- ENV 19: Development Proposals Affecting Archaeological Sites
- EC1: Business, Industrial and Commercial Developments

- EC7: farm/ Forestry Diversification for Employment Purposes in the Open Countryside
- T2: Traffic Management
- T3: Transport Assessments and Travel Plans
- T4: Transport User Hierarchy
- T6: Walking and Cycling
- TR1: New Toursim Developments
- TR2: Tourist Attractions and Development Areas
- RL3: Leisure, Recreation and Arts Facilities
- RL6: Rights of Way and Access to the Countryside
- RL7: Long Distance Rights of Way
- E3: Wind Power
- E4: Removal of Redundant Wind Turbine
- E5: Off-Site Works
- MW1: Mining and Waste Disposal
- MW6: Borrow Pits
- MW9: Peat Extraction
- MW14: Noise
- MW15: Reversing Alarms
- MW16: Dust and Litter
- MW18: Geomorphology, Archaeology and History
- MW19: Developments affecting sites of Geological or Palaeontological Interest
- DC1: Access by Disabled Persons
- DC3: External Lighting
- DC6: Operational Development By Utility Companies
- DC9: Protection of Water Resource
- DC11: Non-mains Sewage Treatment
- DC12: Overhead Lines & Pipeline
- DC13: Surface Water Drainage
- DC14: Flood Prevention Measures
- DC15: Development on Unstable or Contaminated Land
- DC16: Notifiable Installation

- DC17: Cordon Sanitaires

Policy E3 deals with wind power proposals and states as follows:-

Applications for wind farms including extensions to existing sites and individual wind turbine generators will be approved where:

- 1. They do not unacceptably adversely effect the environmental and landscape quality of Powys, either on an individual basis or in combination with other proposed or existing similar developments. Where the cumulative impact of the proposals in combination with other approved or existing wind farms would be significantly detrimental to overall environmental quality they will be refused.*
- 2. They do not unacceptably adversely affect wildlife habitats or species that are of international, national or local importance in accordance with policies ENV3-7.*
- 3. They do not unacceptably adversely affect the occupants or users of sensitive properties (usually dwellings) or their amenities by reason of noise, vibration, shadow flicker or reflected light.*
- 4. They do not unacceptably impact upon any buildings or features of conservation or archaeological interest.*
- 5. They do not unacceptably adversely affect the enjoyment and safe use of highway and the public rights of way network, especially bridleways (including during the construction phase).*
- 6. They would be capable of being served by an acceptable means of highway access and any new or improved roads and accesses required would not have unacceptable environmental impacts.*
- 7. Applicants are able to demonstrate through land management schemes that there would be adequate mitigation or compensation for any adverse impact on environmental quality, wildlife habitats or heritage features.*
- 8. Any ancillary structures or buildings are so sited and designed (including the use of locally appropriate construction material) so as to adequately blend into their setting”.*

- 5.2 Policy E4 requires the removal of turbines if they cease to operate for a period of more than six months.
- 5.3 Policy E3 refers to ENV3(7) which covers a range of nature conservation and biodiversity issues, and engages international and national obligations on these topics in addition to local ones. The development of a wind farm still has to meet the statutory tests involved by effects on habitats and species and, where necessary, appropriate assessment will have to be carried out as a separate issue to development plan policy.

Powys Local Development Plan (LDP)

- 5.4 The Planning and Compulsory Purchase Act 2004 requires Powys County Council as the LPA to prepare a Local Development Plan for its area (excluding the Brecon Beacons National Park) which, once adopted, will replace the Powys UDP. At the time of writing the Powys LDP is at the consultation stage.

6.0 CONCLUSION

- 6.1 It is accepted that substantial weight is to be attached to all the NPSs, PPW and TAN 8. However, this strategic policy framework must reflect the capacity of individual areas to accommodate major on-shore wind farm proposals.
- 6.2 This overall policy supports renewable energy proposals in order to meet the EU and national targets and obligations. Notwithstanding this, the environmental impacts, particularly the landscape impacts, of all the proposals must be carefully assessed including their cumulative impacts.
- 6.3 There are 5 no. separate major wind farm proposals and 8 no. current applications in planning within Powys. The cumulative impacts of these are a key consideration for the decision maker. All the applications are located within or close to the Council's RSSAs where such proposals are to be concentrated, subject to the capacity of the areas being able to accommodate the development.
- 6.4 It is noted that Wales is performing reasonably well in terms of meeting its on-shore wind requirements to 2020/2025 as confirmed in the 2012 Roadmap update and the 5th Edition of PPW (November 2012). This is material in the overall consideration of the merits of the applications.
- 6.5 With regard to TAN 8 the County Council has undertaken evidence based work to inform their RSSAs. The Welsh Government Minister has confirmed in July 2011 that the capacity figures for SSAs B and C are to be treated as maximum figures of 430MW and 98MW respectively. The appeal proposals together with the operation, consented and 'in planning' schemes exceed these figures and in respect of Area C by a significant level.

APPENDIX 1

**Second Draft Interim Development Control Guidance on
Wind Farm Development in Powys**

**Interim Development Control Guidance
ONSHORE WIND FARM DEVELOPMENTS**

CONSULTATION PERIOD: 21st May 2008 – 4th July 2008

1.0 INTRODUCTION

- 1.1 This Interim Development Control Guidance (IDCG) is intended to offer guidance which will assist developers, members of the public, councillors and officers on the Council's planning policies relating to wind farms.

2.0 STATUS AND STAGES IN PREPARATION

- 2.1 Although the content of the IDCG does not carry the same weight as Development Plan policy, it will be taken into account by the local planning authority when determining planning applications and when responding to the Secretary of State for Business Enterprise & Regulatory Reform on proposed developments in excess of 50MW. It will also be a consideration for Welsh Assembly Government Planning Inspectors in relation to appeals.
- 2.2 The first draft of this IDCG was formally authorised by Powys County Council's Board on 14th February 2006 for development control and consultation purposes. Following the consideration of representations received and of the additional refinement work undertaken on areas B, C and D, the IDCG has been revised. This second draft of the IDCG was formally authorised by Powys County Council's Board on 22nd April 2008 for use in development control with immediate effect. It was also resolved to undertake further public consultation.
- 2.3 This IDCG has been prepared in accordance with Technical Advice Note 8 - Planning and Renewable Energy (July 2005) and Ministerial Interim Planning Policy Statement (July 2005) and follows the guidance as far as possible on the preparation of supplementary planning guidance contained in Planning Guidance (Wales) Planning Policy (Mar 2002) and Unitary Development Plans Wales (February 2001).
- 2.4 Given that this guidance does not constitute development plan policy it is not considered to require the undertaking of Strategic Environmental Assessment (SEA).

3.0 PURPOSE OF THE INTERIM DEVELOPMENT CONTROL GUIDANCE:

- 3.1 The principal aim of the IDCG is to provide further guidance and advice on how the local planning authority will deal with the following applications for planning permission:
- Large Wind Farms (more than 25MW);
 - Medium Size Wind Farms (between 5MW and 25MW);
 - Small Size Wind Farms (generally under 5MW)

4.0 NATIONAL PLANNING POLICY CONTEXT

- 4.1 The three key national policy documents are as follows:
- Planning Policy Wales (PPW) (Welsh Assembly Government, March 2002)
 - Ministerial Interim Planning Policy Statement (MIPPS) 'Planning for Renewable Energy' (Welsh Assembly Government, July 2005); and
 - Technical Advice Note (TAN) 8 'Planning for Renewable Energy' (Welsh Assembly Government, July 2005).
- 4.2 The Ministerial Statement replaces Sections 12.8 to 12.10 of Planning Policy Wales (PPW) (WAG, 2002).
- 4.3 There is considerable guidance in respect of wind energy contained in these documents not duplicated in this IDCG. Consequently interested parties should read all these relevant documents.
- 4.4 The TAN provides technical advice to supplement the policy set out in Planning Policy Wales and the Ministerial Interim Planning Policy Statement. Taken together the documents are relevant in the production of local development plans, in development control decisions and by the UK Government in the authorisation of electricity generation schemes under section 36 of the Electricity Act 1989.
- 4.5 The Welsh Assembly Government has concluded that, in order to meet its target for onshore wind energy production of 800MW of installed capacity by 2010, large scale onshore wind developments should be concentrated into particular areas defined as Strategic Search Areas (SSAs). Large scale has been defined as 25MW and over.
- 4.6 Outside the SSAs the TAN indicates that there may be potential for wind farm schemes of up to 25MW on urban / brownfield sites and for "smaller community based" wind farm schemes elsewhere. The TAN allows LPAs to define what they consider appropriate as small/community based wind farms having regard to the local context. The TAN indicates that most areas outside SSAs should remain free of large wind power schemes and that regard should be had to the potential cumulative effect of smaller proposals.

4.7 This IDCG sets out the basis on which Powys County Council as local planning authority will translate the TAN guidance to its local context.

5.0 RELEVANT DEVELOPMENT PLAN POLICY

5.1 The relevant development plans and policies are set out below. These should be read in conjunction with this IDCG. Importantly this IDCG is intended as a direct response to TAN 8 and is not intended to supersede the policies contained within the Powys UDP. The guidance is complementary to the current Development Plan and the Deposit Draft Unitary Development Plan.

5.2 For the purpose of this IDCG the *adopted development plan* is the Powys Structure Plan, together with the Brecknockshire Adopted Local Plan and the Radnorshire Adopted Local Plan. Importantly the Deposit Draft Powys Unitary Development Plan (as amended by proposed modifications) provides the most up-to-date planning policy for Powys. It is anticipated that the Powys Unitary Development Plan (UDP) will be adopted during the autumn of 2008.

5.3 The policies directly relating to wind energy in the Development Plan are listed below:

- Powys Structure Plan EC20 - Renewable Energy
- Radnorshire Local Plan Policy REC17 – Wind Energy
- Brecknockshire Local Plan Policy B90 – Wind Power

5.4 The UDP policies predated the strategic search area approach advocated in TAN 8 therefore necessitating this interim approach. Developers should however take account of Powys UDP Policies E3 – Wind Power, E4 – Removal of Redundant Wind Turbines and E5 – Off-site Works as those directly relate to renewable energy.

5.5 The County Council is yet to determine when it will commence the production of a Local Development Plan (LDP) although initial work is likely to commence in 2008. Whilst the Council does not envisage the adoption of a LDP prior to 2010 when the current TAN 8 is likely to be reviewed, it is considered that both the UDP and any emerging relevant policies within the LDP may be used as a material planning consideration in the meantime. The content of this Interim Development Control Guidance will be reviewed periodically to reflect the fact that the Powys Structure and Local Plans will be superseded by the UDP and thence by the LDP. Whilst the status of the IDCG may similarly change to that of Supplementary Planning Guidance, the Council will treat this document (as may be amended) as the detailed Council guidance for the purposes of development control decisions.

6. THE 'CARNO NORTH' (SSA B), 'NEWTOWN SOUTH' (SSA C) AND 'NANT- Y-MOCH' (SSA D) STRATEGIC SEARCH AREAS

- 6.1 The Welsh Assembly Government through TAN 8 has identified the Carno North, Newtown South and Nant y Moch Strategic Search Areas (SSA) as three of seven SSAs in Wales. The Carno North and Newtown South SSAs fall wholly within the Powys County Council administrative area whilst a part of the Nant y Moch SSA falls within the Powys area with the remainder falling within Ceredigion. It is anticipated that the Carno North SSA will provide 290MW of installed energy capacity by 2010, the Newtown South SSA will provide 70MW of installed capacity and the Nant y Moch SSA will provide 140 MW of installed capacity – which will contribute to the all Wales target of 800MW of installed energy by 2010. Subject to local refinement there is a general presumption in favour of wind farm development within the SSAs. As far as Powys County Council is concerned, there will be a presumption against any development that may lead to prejudicing the ability of the SSA to meet the respective targets.
- 6.2 TAN 8 states that:
“it is a matter for local planning authorities to undertake local refinement within each of the SSAs in order to guide and optimize development within each of the areas. If there is suitable evidence that land outside (but close to) the SSA is suitably unconstrained local planning authorities might wish to consider the possibility of development of wind farms in these areas as well”.
- 6.3 Paragraph 2.10 and Annex D of the TAN provide further explanation and advice with regard to applying local policy.
- 6.4 Powys County Council commissioned consultants to undertake a local assessment / refinement exercise of the Carno North and Newtown South SSAs in 2005 (the Arup-White Study). Following consultation on the earlier draft of this IDCG a further refinement exercise has been undertaken of Carno North & Newtown South SSAs and in conjunction with Ceredigion County Council a refinement exercise has been carried out for the Nant y Moch SSA. The assessments carried out included a 5km band around each thereby facilitating assessment of potentially suitable areas adjacent to each SSA – in line with TAN 8 requirements. The assessments took into account the following factors, in line with the advice contained in TAN 8:
- Landscape factors (this was a primary consideration in the study);
 - Proximity to and impact upon residential buildings;
 - Statutory and non-statutory designation within the SSA;
 - Biodiversity impact;
 - Potential highways constraints and access issues;
 - Wind speed;
 - Land ownership and constraints;
 - Topography;
 - Archaeology;

- Hydrology;
 - Connection to the electricity grid.
- 6.5 The consultants' reports are available separately. They can be viewed on Powys County Council's website. A hard copy or CDROM can also be purchased from the Council.
- 6.6 As a result of their further detailed assessment the consultants have updated the 2006 refinement exercise for SSAs B and C with inputs from other Welsh Annex D Studies, additional landscape sensitivity and capacity data and consultee response to the Draft IDCG (2006). A representative energy yield based on an average of 6.5MW/sq. km. of unconstrained land has been applied as a gauge to identifying the capacity potential within each SSA. The consultants also recommended that the boundaries of the SSAs be amended to accord with that area as shown on Map 1 (Carno North), Map 2 (Newtown South) and Map 3 (Nant y Moch) below. Powys County Council has now indicated that these are the preferred areas for large wind farm proposals (>25MW). The revised SSA areas preferred by Powys County Council will be known as the **Refined Carno North Strategic Search Area B** the **Refined Newtown South SSA C** and the **Refined Nant y Moch (Powys) SSA D** to differentiate between the named areas in the TAN, given that the boundaries are not identical.
- 6.7 The Council is satisfied that the refinement exercise will deliver the national target, recognizing that large scale wind energy developments will have significant impacts and, as stated in paragraph 8.4 of TAN 8, will result in significant landscape change. The Council considers that its refined SSA boundaries represent the maximum potential for the development of large and medium-sized wind farms within Powys without creating a level of impact that is unacceptable when having regard to the full range of planning considerations. There will, therefore, be a presumption against approval of proposals outside the refined boundaries.
- 6.8 It should be noted that the refined SSA boundaries identified in this document have been identified at a strategic level and does not provide detailed site specific guidance. It will be necessary therefore to prepare detailed assessments for each proposal.

7.0 LARGESCALE WIND FARMS (25MW+)

- 7.1 **Notwithstanding the environmental performance of any other site located outside the Refined Carno North SSA B, the Refined Newtown South SSA C and the Refined Nant y Moch (Powys) SSA these will be the only areas within Powys where applications for wind farms of over 25MW will be permitted.**
- 7.3 **Applications for large wind farms that fall outside the Refined Carno North SSA B, Refined Carno North SSA B and the Refined Nant y Moch (Powys) SSA boundaries are likely to be refused. Applications for wind farms that fall partly outside the Wind Farm Zones will also normally be refused, unless a full and reasonable justification can be presented.**
- 7.4 The guidance applying within the Refined SSAs only deal with the principle of developing wind farms and the Council's response to the Welsh Assembly Government's strategic search area approach to the siting of wind energy developments. Planning applications will still need to go through the normal planning application process and ensure that they will not have an unacceptable impact upon various land use planning factors, which will include a consideration of the criteria set out in paragraph 6.4.
- 7.5 Applications must also be accompanied by an Environmental Statement (ES). The expected content of an ES in respect of a wind farm development is set out in Appendix 1.
- 7.6 Proposals for onshore wind development up to 50MW require planning permission, whereas proposals over 50MW require consideration under Section 36 of the Electricity Act. However Local Planning Authorities are consulted on applications made under the Electricity Act. **The response of Powys County Council in respect of consultation under the Electricity Act will depend on whether the proposal accords with the content of this Interim Development Control Guidance.**
- 7.7 In order to assist the Development Control process and the monitoring of planning applications, developers should submit the information identified in Appendix 2.

8.0 MEDIUM SIZE WINDFARMS (5MW – 25MW)

- 8.1 **Medium sized windfarms (5MW – 25MW) will only be acceptable in the following locations:**
- 1. The Refined Carno North SSA B, the Refined Newtown South SSA C and the Refined Nant y Moch (Powys) SSA provided they are:**
 - (i) Part of a larger (>25MW) phased scheme; or**

- (ii) Do not compromise the ability of the SSA to meet the anticipated target of 290/70/140 MW by 2010.**

2. Outside the Refined SSA, medium sized wind farms will only be permitted on urban / industrial brownfield sites, provided that the criteria listed in paragraph 6.4 are taken fully into account. *Although it is considered unlikely that many medium sized wind farms will be environmentally acceptable in such locations in a Powys context.*

9.0 SMALL WINDFARMS

9.1 TAN 8 defines small wind farms as having an installed capacity of less than 5MW.

9.2 **Small sized wind farms (<5MW) will only be acceptable in the following locations:**

1. Within the Refined Carno North SSA B, the Refined Newtown South SSA C and the Refined Nant y Moch (Powys) SSA provided they are:

- (i) Part of a larger (>25MW) phased scheme; or**
- (ii) Do not compromise the ability of the SSA to meet the anticipated target of 290/70/140 MW by 2010.**

2. Outside the Refined Carno North SSA B, the Refined Newtown South SSA C and the Refined Nant y Moch (Powys) SSA, provided they fall into the definition as set out in Paragraph 9.6 below and are acceptable following the consideration of other planning requirements.

9.3 The TAN allows local planning authorities to “define in more detail what is meant by ‘smaller’ and ‘community based’.” There is an important distinction to be made between developments that are primarily intended to service a local demand or need (e.g. for an individual household, farm, business, institution or community co-operative) and those that are primarily intended to supply electricity to the national distribution network – and meet the WAG’s renewable energy targets. Although there is no mechanism in planning law to distinguish between types of development on the basis of whom it is for, or to whom it belongs, in practice, the different scales of these proposals allow a distinction to be made in terms of planning policy. Generally, it is expected that proposals for local users will be for small-scale schemes (in terms of numbers, size of turbines and output), which are likely to be much more acceptable visually, even in areas which may be sensitive to large wind farms. This is in line with the TAN approach which gives specific support to community based renewable energy schemes.

9.4 Locally owned wind turbines, whether as individual installations or as clusters, offer communities, co-operatives, small businesses and families the opportunity to harness the wind, and thereby generate electricity, protect the environment and stimulate the local economy.

Community based wind clusters can therefore provide a good rural development tool as they can provide an extra source of income which is particularly significant in rural areas and provide some employment opportunities.

9.5 In view of the contribution that will be made within the Strategic Search Areas in Powys and the likely visual effects arising from existing wind farm developments both within and outside the SSAs and those proposed under this strategic approach, the type and number of small wind farms that will be permitted outside the SSA will be strictly controlled by the local planning authority. In particular, careful consideration will be given to the cumulative impact of small schemes. Small windfarms should only have a local impact and not lead to cumulative impacts with other existing or proposed schemes such that there will be significant landscape change outside the SSAs.

9.6 **Definition of Small Windfarms:**

Small windfarms are subdivided into two categories. Both types may be acceptable outside the SSAs subject to the normal planning considerations. The categories are as follows:

- a. Community Wind farms;
- b. Domestic Scale Wind Turbine Developments

9.7 **Community Wind Farms:**

A community wind farm must fall within the following criteria:

- The scheme should generally not be larger than 3 turbines;
- Each turbine will normally be less than 70m in height (from base to blade tip);
- The scheme must be owned by a registered local community group or have a contractual arrangement to provide for significant community benefit defined on the basis of a clear and open process of community involvement which demonstrates a significant degree of support for the proposal. Where a proposal is justified on the basis of being community-based, any grant of planning permission may seek to secure those benefits through legal agreement and planning conditions.
- Other planning considerations will be assessed as normal in determining these planning applications.

9.8 **Domestic Scale Wind Turbine Developments:**

A domestic wind turbine development must fall within the following criteria:

- The scheme should normally comprise a single turbine;
- The purpose of the turbine must be to generate the electricity for particular buildings e.g. a residential dwelling or a school or industrial building;
- The turbine distance from any residential dwelling will be determined on an individual basis;

- 9.9 The normal planning considerations set out in paragraph 6.4 will also need to be given careful consideration when determining planning applications for small windfarms.

10.0 OTHER PLANNING CONSIDERATIONS

10.1 Community Involvement:

Developers are expected to take an active role in engaging local communities on renewable energy proposals, which should include pre-application consultation and discussion. The views and opinions of local residents affected are important and applicants should ensure that the impacts of the closest turbines to any residential properties are carefully considered. Applicants will be expected to summarise the outcomes of consultations with local community interests and to demonstrate the opinions considered in arriving at their preferred choice and to submit the outcomes of such discussions along with any appropriate background information in support of their proposals. The Planning Authority will treat local community views as a material planning consideration. Sensitive siting of turbines (to minimise visual intrusion, noise etc) will be carefully examined by the local planning authority.

10.2 Planning Obligations - Off-site and other infrastructure requirements:

Where wind farm development would have implications for the public provision of infrastructure, the Council will require the developer to enter into a planning obligation to make an in-kind or financial contribution toward its provision. Such provision may include the following:

- 1) Highway infrastructure improvements outside the application site;
- 2) Wildlife habitat creation and management in mitigation for adverse impacts of the construction;
- 3) Wildlife monitoring schemes;
- 4) Public access improvements;
- 5) Payments to overcome adverse implications for communication networks such as TV or radar;
- 6) Protection, investigation and interpretation of heritage features.

10.3 Grid Connections:

Guidance on the Electricity Works (Environmental Impact Assessment) (England and Wales) 2000 states that, whilst applications for power stations (including wind farms) and overhead lines should continue to be kept as separate procedures, it would expect that where projects are related, a concurrent decision would be taken on them. Account will be taken of the fact that some aspect of the combined development may not be complete. For example, the detailed route of the power line may not have been settled or the timing of the application for the line may not coincide with that of the power station. To assist in this the Secretary of State is likely to require an Environmental Impact Assessment (EIA) on the overhead line if the power station itself is the

subject of an EIA, to ensure the full environmental effect of the development is understood.

Whilst acknowledging that discussions between the industry and Manweb/National Grid are ongoing, applicants will be requested to provide as much information regarding routing of the lines linking their proposals to the grid as possible.

It is noted that, given the current timetable, it is unlikely that the 2010 WAG targets for generation to the grid will be met. However the Local Planning Authority will seek to reach decisions and make recommendations on the basis of available information as speedily as possible.

11.0 MORE DETAILED GUIDANCE

- 11.1 It is likely that the SSAs within Powys will become prime examples of wind farm landscapes with intervisibility from the Dyfnant Forest in the north to Llandinam/Llanbadarn Fynydd in the south. This is an accepted consequence of TAN 8 but proximity is leading to a situation where cumulative impacts may become a familiar feature including visual intrusion on dwellings and villages, acoustic amplification and a more widespread potential hydrological, ornithological, ecological and socio-economic consequences. In addition, impact on the highway network and its users is of considerable concern particularly if, as is possible, all consented schemes commence construction at around the same time.
- 11.2 Appendix C of TAN 8 sets out a range of guidance on issues including the spacing of turbines, other infrastructure, connection to the electricity grid, noise, safety, archaeology, proximity to highways and railways, electromagnetic production and interference, shadow flicker and reflected light, icing and protecting aviation interests. Proposals for wind farms will generally require the preparation of Environmental Statements under Environmental Impact Assessment Regulations and these issues will be addressed. Further advice is given in the Appendix to this document.
- 11.3 Visual and landscape effects will be given special consideration. Impacts on the skyline, views and panoramas will be important considerations. These features would be identified not only in relation to the wider landscape but also in terms of significant receptors (e.g. local residents or communities). The effects of the impacts should be assessed both in relation to the landscape and the impact on visual amenity, including views.
- 11.4 Consideration of the impacts of a proposal will focus on an assessment of their significance. There are likely to be two primary criteria:
 - Scale and magnitude of the effect;
 - The environmental sensitivity of the location and/or receiver.

11.5 PPW advises the use of LANDMAP as the basis of a consistent all-Wales approach to landscape assessment. There should be recognition of the need to distinguish between the value and significance of the landscape and its sensitivity to change. Proposals should in all cases seek to minimise impacts on local communities and avoid creating the impression of communities being hemmed in by large-scale wind farms. The Council will expect turbines to be moved back from plateau edges and skylines.

11.2 In order to deal with these consequences the local planning authority is proposing the adoption of the following protocol:

11.2.1 The local planning authority will actively encourage developers to communicate with each other at the pre-application stage if it is clear that there are proximity issues and request that they take account of each other's proposals and collaborate to provide joint appraisals

11.2.2 Where an application has been registered and it is known that another/other applications are due which could result in cumulative impacts, communication will be actively encouraged between the current and prospective applicants to share information and amend projects if necessary.

11.2.3 In promoting the above the local planning authority will invite developers to participate in the Council's Development Team Protocol to include consultees/local communities as applicable.

11.2.4 The local planning authority will liaise with Transport Wales and the local Highway Authority to deliver a strategic approach to road improvements both local to the application site and on the Powys highway network and will seek agreement on the management of construction traffic.

11.2.5 In the event that it is not possible to achieve cooperation with a developer or developers the local planning authority will give consultee responses and take registered applications forward for decision on the best available information. However if there is insufficient information to demonstrate that a particular project will not prejudice the ability of the SSA to deliver its strategic targets, the applicants will be asked to agree an extension in the time period for determination. If this is not agreed to the matter will proceed to appeal.

12.0 DECOMMISSIONING AND SITE REINSTATEMENT

12.1 In order to ensure the satisfactory removal of any tracks, roads, turbine towers and blades and any ancillary equipment associated including overhead power lines and pylons associated with a wind farm a **Decommissioning and Reinstatement Plan** will be required at the time the proposal is submitted and it should be updated on a five yearly

cycle and finalised at least one year before the cessation of generation from the site. The Council will seek a Section 106 Obligation to ensure that the land is reinstated to its former condition in accordance with the Plan and will include the setting aside of funds or the provision of a bond or similar mechanism over the life of the project in order to ensure there will be enough money available at the end of the project's life to pay for equipment decommissioning and site restoration.

13.0 MONITORING

13.1 Powys County Council will monitor planning applications within the Strategic Search Areas. The Authority intends taking a pro-active approach, monitoring and enforcing conditions and obligations as well as the delivery of the targets. In addition the Authority will monitor the negotiation of community benefits, their delivery and how they relate to aspirations and needs that have been identified by

14.0 MITIGATION MEASURES AND COMMUNITY BENEFIT

14.1 Welsh Office Circular 13/97 – Planning Obligations is the current key source of government guidance on the use of planning obligations in Wales. It advises that development plans set out the circumstances where planning obligations are likely to be sought.

14.2 The circular states that planning obligations should be sought only when they meet the following policy tests. They must be:

- (i) necessary;
- (ii) relevant to planning;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development; and
- (v) reasonable in all other respects.

14.3 According to the Circular, the aim of planning obligations is to foster sustainable development in a way that adds to, rather than detracts from, the quality of the environment. Planning obligations are intended to enhance the quality of development and enable proposals to go ahead which might otherwise be refused. They may also relate to matters other than those covered by planning permission provided that there is a direct relationship between the planning obligation and the planning permission.

14.4 The Council has prepared a Planning Obligations Strategy IDCG. The purpose of this Strategy is to supplement and clarify UDP Policy GP2 – Planning Obligations. It will assist pre-application discussions between applicants and the Authority and it sets out a clear process for the negotiation and management of planning obligations.

14.5 In preparing planning applications, applicants must take into account the impacts and consequences of their development proposal. The

Council will seek to negotiate section 106 Obligations to secure mitigation measures to minimize problematical negative impacts arising from wind farm development. These will generally be necessary prior to commencement of development. The TAN differentiates between planning gain and community benefit.

- 14.6 While not part of the planning process, there is an increasing expectation that communities should be compensated for the development's impact. In partnership with affected Communities, the County Council has proposed the establishment of the Powys Sustainable Communities Investment Fund.
- 14.7 The County Council's Regeneration Section will co-ordinate and monitor the negotiation of community benefits, their delivery and how they relate to aspirations and needs that have been identified by communities through the Community Strategy process.

APPENDIX 1 - Issues to be considered in preparing wind farm proposals.

A. Location and siting

1. Environmental sensitivity – including impact on birds and mammals
2. Cumulative impact:
 - a. Visual
 - b. On hydrology, ecology, traffic, recreation and amenity of residents
3. Scale and character of the landscape. - Community wind farms are suited to small intimate landscapes whilst large developments are more suited to open larger scale landscapes.
4. How turbines relate to the visual horizon.
5. Existing features in the landscape
6. Disruption during the construction period
7. Water courses and supplies
8. Impact on overall character and amenity of the surrounding area

B. General design principles

1. Layout of turbines
2. Rotor speed – slower rotations are preferred.
3. Sensitive viewpoints should be avoided
4. Turbine design – height should be in scale with the locality, and turbines should have no more than three blades. Towers should be solid, not lattice.
5. Noise – having regard to distance from properties, prevailing wind direction.
6. Shadow throw / flicker
7. Colour – semi-matt white or off-white should be used
8. Neither turbine towers nor nacelles should carry any prominent logos, wording or other advertising devices.
9. Safety – potential impact of catastrophic equipment failure or ice throw
10. Cumulative impact – colours and design of neighbouring existing /proposed wind farms

C. Design principles for ancillary development

Consideration should be given to the following issues when considering the location and siting of ancillary development:

1. Buildings, transformer equipment & power lines – avoiding clutter, burying cables in the vicinity of the wind farm, and minimising impact on sensitive locations.
2. Drainage works – especially the effect on ecology
3. Access tracks - impact on landscape and ecology, constructed of appropriate material
4. Disposal of overburden
5. Landscaping works - appropriateness
6. Forestry – forest design plan
7. Method statement

APPENDIX 2 - Information required in the submission of wind farm planning applications

1. Technical information

- Full technical details of the turbines (including the proposed foundations)
- Ancillary equipment/structures (if proposed).
- Decommissioning proposals

2. Site infrastructure

- Details of permanent and temporary access requirements, including earthworks, for construction, maintenance and eventual commissioning.
- Details of proposed landscaping

3. Ecological assessment

- Classification and evaluation of the natural habitat and species
- Agricultural context
- Hydrological impact
- Determination of the zone of influence of the proposal
- Carbon emissions from disturbance of any peat
- Evaluations of impacts and the scope of mitigation of those impacts

4. Landscape assessment

- This should include the classification and evaluation of the landscape setting, including quality, value, and scale of the landscape.

5. Visual assessment

- Viewpoint analysis covering both long and short range visibility and including a photomontage or videomontage.
- Determination of the zone of theoretical visibility of the proposed development
- Evaluation of the visual impact and the scope for mitigation of those impacts
- Visual impacts of roads and ancillary structures
- Details of the location, visual impact and the restoration of borrow pits
- Evaluations of impacts should include consideration of alternative siting of individual turbines, colouring, borrow pits and ancillary equipment

6. Noise assessment

- To take into account the character and sensitivities of the area (including the prevailing winds and land form), and the individual and cumulative effects of the noise sources – both mechanical and aerodynamic.

7. Shadow flicker assessment

- An assessment of potential shadow flicker and shadow throw throughout the year for all affected dwellings

8. Built and cultural heritage assessment

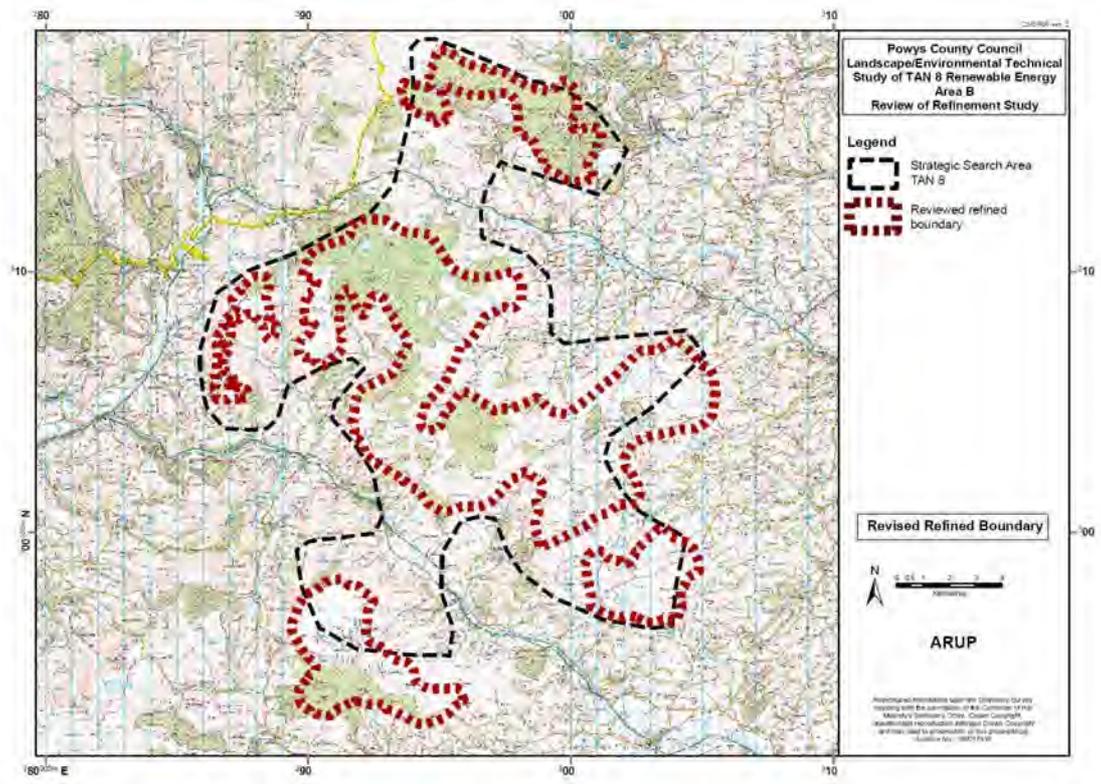
- A full assessment of any known or potential impacts on archaeological sites, listed buildings, conservation areas, historic gardens or designated landscapes.

9. Tourism and countryside access assessment

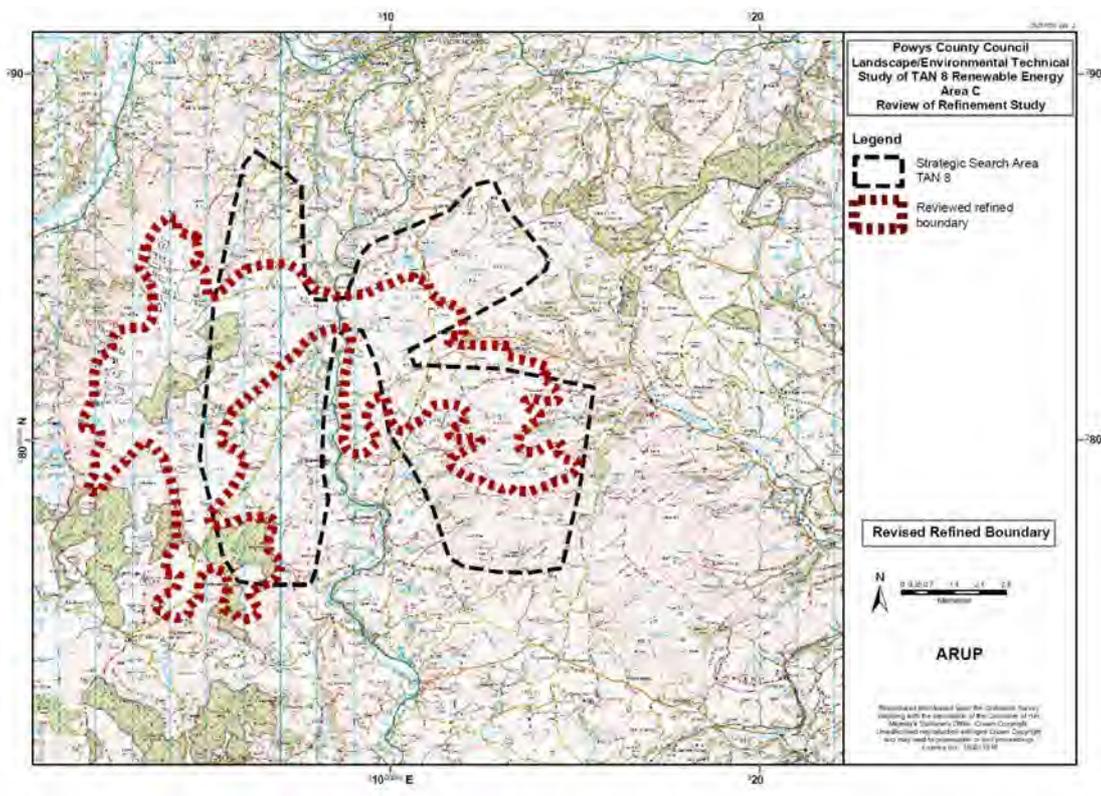
- An assessment of any visual and amenity impacts on tourist and recreation facilities or tourism and countryside access, eg footpaths.

- 10. Public safety**
 - A risk assessment of the proposed development taking into account the proximity of surrounding development and risk of injury to humans through equipment failure or ice throw.
 - An assessment of any road safety including both capacity implications and possible effects of visual distraction
- 11. Electro-magnetic interference (aviation and communication)**
 - Consultations must take place with the British Aviation Authority, Civil Aviation Authority, Ministry of defence, and the Office of Communication. Details of possible adverse effects and appropriate measures to alleviate effects should be submitted.
- 12. Cumulative impact assessment**
 - An assessment on the cumulative effects of the proposal may be required
- 13. Grid network**
 - As much detail as possible of the proposed grid connection or of supply to local user
- 14. Community consultation**
 - Results of consultation with details of the extent and methods used
- 15. Other issues**
 - Local employment/business considerations
 - Associated community benefits
 - The need for a forestry design and management plan
 - Decommissioning statement
- 16. Policy assessment identifying how the proposal complies with national and local policy including those within this IDCG.**

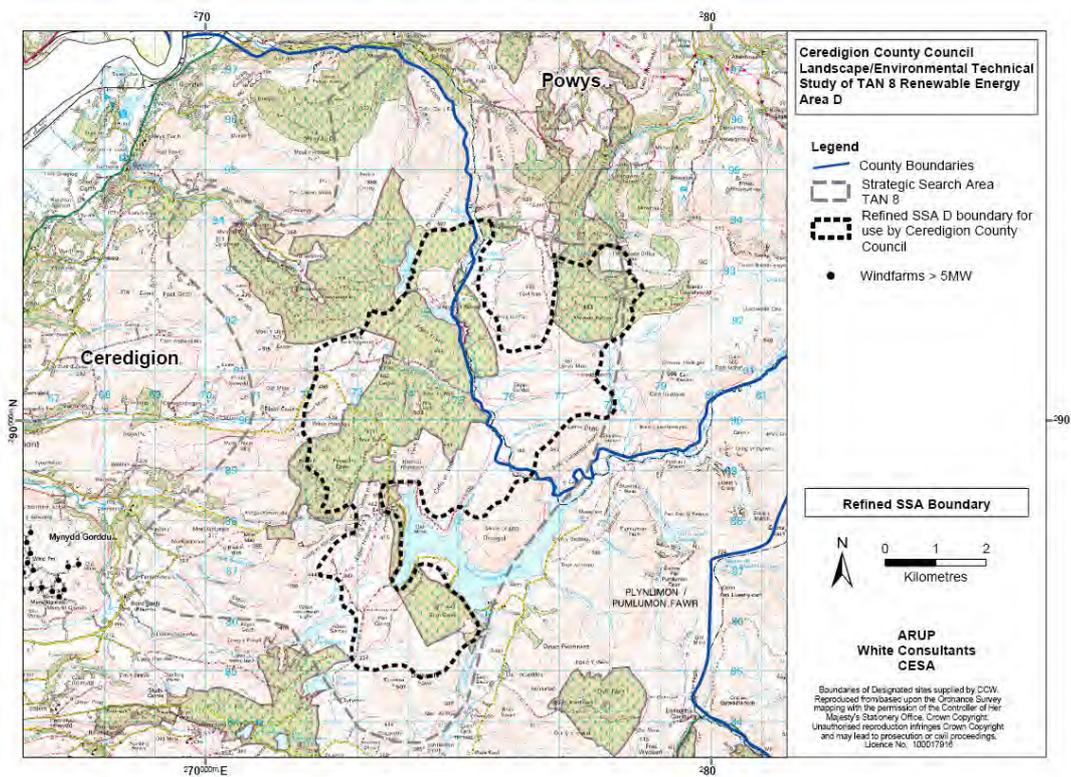
MAP 1: Refined Carno North Strategic Search Area B



MAP 2: Refined Newtown South SSA C



MAP 3: Refined Nant y Moch (Powys) SSA D



These plans can be accessed on line at www.powys.gov.uk/planning and larger scale plans may be inspected in hard copy form at the following Council offices:

- Neuadd Brycheiniog, Cambrian Way, Brecon, Powys. LD3 7HR
- Neuadd Maldwyn, Severn Road, Welshpool, Powys. SY21 7AS
- The Gwalia, Llandrindod Wells, Powys. LD1 6AA