Planning Statement

1. Introduction

1.1 This planning statement accompanies the planning application by RES Limited (RES) for the construction of a wind farm with seven turbines each rated at up to 3.6MW per turbines, hence with a maximum installed capacity of 25.2MW. It is not part of the Environmental Statement (ES) which is also submitted with the application.

1.2 This planning statement discusses the energy and environment policy origins of wind energy development, the UK and Welsh Governments' policies towards renewable energy development, and describes the deployment to date of wind power in the UK.

1.3 It discusses the national and local planning policy context for the proposed development, the balance which needs to be struck between the need for wind energy development and the effect of the development proposed on the local environment. In addressing this balance this planning statement takes into account the local benefits which would arise from the construction and operation of the development

1.4 This planning statement has been prepared on behalf of RES by David Stewart, a Chartered Town Planning Consultant and Principal in the firm of David Stewart Associates, following a site visit, policy review and a review of the information contained in the Environmental Statement. His experience on wind energy extends to having given evidence at 136 public inquiries, and prepared evidence for 40 written appeals in respect of wind energy developments throughout the UK over the last 26 years, as well as preparing chapters on planning and energy policy for Environmental Statements on a large number of wind energy proposals, and the Planning Statements to support applications for both planning consents and applications under the Electricity Act.

2. The Proposed Development

2.1 The proposed development is described in detail in the ES, but in summary comprises:

1) The construction and operation of a wind farm comprising 7 turbines each with an installed capacity of up to 3.6MW, and a maximum height to blade tip of up to 149.9m.

2) Associated infrastructure, which includes improvements to existing forestry roads to the north of the A4107 within the area of Neath Port Talbot CBC, so as to utilise the existing access arrangements for the Pen y Cymoedd Wind Farm to the north of the site; alterations to the existing access off the A4107; upgrading of existing and new site tracks, watercourse crossings, crane hardstandings, transformers located either internally to each turbine tower or externally depending on turbine design, an onsite sub-station and a control building.

3) A temporary site compound incorporating a lay-down area, site accommodation, car parking and material storage for the duration of the construction period.

4) Underground cabling within the site. There is to be an off-site grid connection, but this is not part of the planning application as its final route will be determined by the District Network Operator (Western Power Distribution). An indicative route for the grid connection is however included in the ES and the environmental effects have been assessed.

5) Construction of a battery storage facility with a maximum capacity of 20MW.

3. Energy Policy at the UK level

3.1 The background to the current drive to increase the use of renewable sources of energy has its roots in the recognition that the burning of fossil fuels has an adverse effect on the climate of the world as a whole and that global measures are required to deal with it. International, European and UK policies have, over the last 28 years, become ever more focussed on the concerns about global warming. The use of renewable resources as an increasing proportion of our total energy consumption is seen as a key part of the ultimate sustainable solution, alongside energy efficiency and conservation, especially as it does not rely on the consumption of fossil fuels for its fuel supply, and needs to be developed alongside a campaign of increasing awareness by the public and industry of the need for energy efficiency. These objectives are defined in both European Union law (for example the Directive on Renewables 2009/28/EC of June 2009)[1], and in UK law and policy such as the UK Government Climate Change Programme[2], the 2007 White Paper on Meeting the Energy Challenge[3] the Climate Change Act 2008[4], the Renewable Energy Strategy 2009[5], the UK Renewable Energy Roadmap 2011[6] and its 2012[7] and 2013 Updates[8].

3.2 There are three further benefits of using renewable resources. One is the issue of security of supply, since the creation of electricity from renewable resources within the UK provides a source that is not open to interruption by the actions of foreign governments or others. The ability to ensure electricity supplies from

sources that are not open to foreign intervention is one of the key planks of the national energy policy. Another benefit is the creation of further electricity generation capacity at a time when older plant is being decommissioned. The third benefit is the issue of economic development. From its beginnings in the UK about 29 years ago, the very slow growth in the development of new renewable technologies has meant that other countries which had already branched out into these technologies (with wind energy being the prime example) were able to utilise their established manufacturing capacity to supply the emerging UK wind industry's demands. This is now changing as the recent growth in the number of sites and the number of turbines on each site is creating the potential for the development of a home-based manufacturing industry. All these are benefits identified in the Renewable Energy Strategy published by the Government in July 2009 and set out in the UK Low Carbon Transition Plan, also in July 2009[9].

3.3 These initiatives have been followed by a series of further statements at the UK and EU level over the last nine years. The UK Committee on Climate Change published its Renewable Energy Review[10] in May 2011, expressing concern that the 2020 targets set out for achieving delivery of energy from renewables required large-sale investment and new policies to tackle the barriers to the uptake of renewable sources of energy to assist in the decarbonisation of the power industry. The UK Electricity Market Reform White Paper2011[11] set out a package of measures to attract investment, reduce the impact on consumer bills and create a secure mix of electricity sources including gas, new nuclear, renewables and carbon capture and storage. The same month saw the publication of the first UK Renewable Energy Road Map[6], which set out the main aim of achieving 15% of all UK energy demand from renewable sources by 2020, and this has since been supplemented by the Updates of 2012[7] and 2013[8] which have highlighted the difficulties in delivering not only the 30% of electricity supply from renewable sources by 2020, but also the targets for the heating and transport sectors of the economy, where progress towards much lower targets was far below the trajectory needed.

3.4 Since then, there have been published the Energy Security Strategy[12] and the Energy Act[13] which completed its parliamentary passage in December 2013, with the intention of introducing major reforms to the electricity market to result in greater stability and certainty for investors in energy infrastructure.

3.5 However, a major change in direction in the approach to onshore wind occurred with the 2015 general election. The coalition government in place from 2010-2015 had continued to support onshore wind across the UK, albeit with a marked decrease in enthusiasm in England where the Secretaries of State had intervened on numerous occasions to reject wind farm appeals. The incoming Conservative administration in June 2015 set out a further radical shift of policy. It effectively

halted the financial support to the onshore wind industry through the Renewable Obligation or Contracts for Difference, (Amber Rudd the DECC Energy Secretary in the House of Commons on 18 June 2015[14]). The effects of this were that even if planning permission (or its equivalent under other legislation) were to be obtained, onshore wind projects were expected to operate on a no-subsidy basis

3.6 Only days before Ms Rudd's Commons Statement, however, the EU had announced in a Renewable Energy Progress Report review of the trajectory toward the 2020 targets in the UK[15], that there was now a very real danger that the overall targets would be missed because of failures to achieve the necessary contribution from the heating and transport sectors. These problems are highlighted in a leaked letter from Ms Rudd to Cabinet colleagues[16] in which she conceded that despite the public stance the Government was taking on onshore wind, her own Department's internal figures – which she pointedly stated were not made public – showed there was a likelihood that the overall target would be missed, and that significant contingency steps would have to be taken to meet the target. Indeed, the scale of the undershoot could be as much as 50TWh a year by 2020 – not far short of the entire annual production in the UK from all renewable sources that had been achieved by 2012.

3.7 Some of the problems arise from decisions not to proceed with a range of renewable energy projects from biomass to offshore wind schemes, while other non-carbon sources of power, such as new nuclear and tidal power developments, are not programmed to start generating until the mid-2020s at best. Indeed, the latest decision by Hitachi not to proceed with the new Wylfa Nuclear Power Station on Anglesey is the latest in a succession of setbacks for the new nuclear industry. There are also clear issues about delivering renewable sources of energy for heating and transport that Ms Rudd's letter also flagged up.

3.8 Since 2015, there has been accelerating interest across the UK in the take-up of electricity as the power source (or at least part of the power source) for vehicular powering, with the current aims of Government being to have all vehicles able to run on electricity by 2040. The pressure to switch away from diesel for pollution reasons, as well as because it is a fossil fuel, has led to moves across Europe to develop not just the vehicles but also the supply system to enable a major switch to electrically driven vehicles to take place. The UK's strategy had assumed that there would be a significant reduction in the use of fossil fuels for transport by 2020, but assumed that the main advances would be through use of biofuels. Now that this is instead to come from electricity, that places a greater burden on the electricity supply industry to provide the extra capacity to enable this to happen, and, more importantly, to ensure that the proportion of the overall supply that comes from renewables is not eroded.

4. Energy Policy in Wales

4.1 The National Assembly for Wales had already begun its own contribution to the debate on renewable energy in the 1990s. The Assembly's Economic Development Committee published its Final Report on Renewable Energy[17] in January 2003, identifying a benchmark for production of electricity from renewable sources of 4 TWh per year by 2010 which equated to a little over 10% of Welsh electricity production. The Wales Spatial Plan[18] was published in 2004. One of the key objectives of this Plan was the importance of reducing negative environmental impacts. The plan identified that Wales' CO2 emissions are running at double the capacity of the natural environment to absorb them. Opportunities remained however as Wales had the wind and tidal resources to make a major contribution to producing renewable energy and so reducing the emission of greenhouse gases. The Plan also identified guidance on where Wales should maximise renewable energy production. This was carried forward into TAN8[19] in July 2005, with its approach to the identification of seven Strategic Search Areas for a further 800MW of additional onshore wind by 2010 (see Section 7 below).

4.2 Since 2005, there have been further policy pronouncements including "One Wales[20]" in which the Welsh Assembly Government (WAG) set out its strong commitment to tackling climate change and the New Renewable Energy Route Map[21] published in February 2008. The latter set out proposals for moving Wales towards self-sufficiency in renewable electricity in a generation whilst at the same time driving towards increased energy efficiency and a greater level of heating requirements being supplied from renewable sources. The route map envisaged that microgeneration and other small scale technologies could play a significant role in delivering these proposals. This was supported by the actions in One Wales: One Planet (2009)[22] and the draft Climate Change Strategy (2009) to remove barriers to the installation of microgeneration.

4.3 The publication of the March 2010 Energy Policy Statement[23] by the WAG radically changed the position on targets. Whereas the position since 2005 had been that the target for 2020 was set at 7TWh of electricity output from renewables, the EPS set out the potential for a new, greatly enhanced potential for 2025 of 22,500MW of installed capacity of renewables. Of this, 8,000MW of onshore and offshore wind was expected to be provided in the main by 2015-17, which can be compared with the 800MW of strategic onshore wind envisaged to be installed between 2005 and 2010 under TAN8 on top of about 300MW which was already in place by 2005. This can be seen as a formal response by the Welsh Government to the UK Government's publication of the Renewable Energy Strategy in 2009 with its greatly increased UK national figure of, at least, 30% of electricity from renewables

by 2020, and this was later confirmed by a written statement from the Welsh Government in June 2010.

4.4 The Climate Change Strategy for Wales (2010)[24] outlined the importance of renewable energy generation in meeting the energy demand in Wales and sets out a vision for Wales till 2050. This was followed by Energy Wales: a Low Carbon Transition Plan[25] in 2012. More recently, the Cabinet Secretary for Environmental and Rural Affairs, Lesley Griffiths, announced in a statement on the climate change provisions of the Environment Act[26], her intention to develop further renewable energy generation targets (following on from the ones that had been set out in earlier policy documents), as part of the drive to decarbonise the economy in Wales, and has now done so with a statement in September 2017[27] that she has set a figure of Wales generating 70% of its electricity consumption from renewable energy by 2030.

5. UK Planning Policy Statements

5.1 The UK Government has introduced a series of national policy statements, of which the most relevant are the overarching National Policy Statement for Energy (EN-1)[28] and the National Policy Statement for Renewable Energy Infrastructure (EN-3)[29]. These statements were laid before Parliament for approval in June 2011 and were designated on 19 July 2011. Although the primary aim of the NPSs was to provide a policy framework for decisions on nationally significant infrastructure projects in the energy field, they are not limited to those projects which fall to be determined directly by the UK Secretary of State (such as a wind farm in England in excess of 50MW of installed capacity). Indeed, at paragraph 1.2.1 of EN-1 it is stated that "In England and Wales this NPS is likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended)." Furthermore, "The energy NPSs should speed up the transition to a low carbon economy and thus help to realise UK climate change commitments sooner than continuation under the current planning system" (paragraph 1.7.2). The clear urgency and necessity to increase the transition to a low carbon economy (through the installation of renewables technologies) is evident.

5.2 It is also stated in NPS EN-3 that "onshore wind farms are the most established large-scale source of renewable energy in the UK. Onshore wind farms will continue to play an important role in meeting renewable energy targets" (paragraph 2.7.1). The NPS on Renewables (EN-3) also repeats the guidance it might be a material consideration for local planning authorities handling proposals under the Town and Country Planning legislation, especially where the development plan has not been brought up to date as regards renewable energy developments in line with the national advice. In terms of the issue of the "temporary" nature of a wind farm, the

Government recognises this as a feature of a wind farm, where the consent expires after a set period of time. It goes on to state that this temporary nature will be an important consideration for the IPC (para 2.7.17) and hence therefore decision-makers on planning applications and appeals. EN-3 also makes some helpful comments about issues that have been raised many times before in planning appeals such as the need for flexibility in turbine dimensions to reflect availability of machines when development is to take place (2.7.19). It addresses the possible need for micrositing in what it regards as typical ranges of 30-50m for elements of the infrastructure (2.7.24). The NPS also states that sequential testing of sites should not be carried out, and that in the context of the setting of cultural heritage assets, significant weight should be given to the fact that onshore wind turbines are time-limited and non-permanent in the context of such effects. At 2.7.63-2.7.72, the Government advises on shadow flicker that, following further research it had commissioned, it has concluded that it is unlikely that shadow flicker will occur outside 10 rotor diameters from the turbine.

5.3 Despite the clear advice in the NPSs which have been laid before the UK Parliament and agreed by it, in which the NPSs were expected to be a material consideration in the determination of schemes in Wales below the 50MW threshold (i.e. under the Town and Country Planning legislation), the decision letter issued by the Welsh Minister in respect of Garreg Lwyd Hill Wind Farm in Powys[30] departs from this approach, indicating that the Minister does not feel bound to follow the advice in the NPSs in making decisions on recovered planning appeals in Wales. This decision was subsequently upheld in the High Court following a challenge by the County Council[31].

5.4 Since then, of course, the planning position has changed again with the delegation of powers to determine most applications for energy development over the previous 50MW limit to the Welsh Government.

6. Welsh Planning Policy

6.1 The latest version (V10) of Planning Policy Wales (PPWales)[32] was published at the end of 2018, and sees marked changes to the structure and text of the series of versions that had preceded it.

6.2 PPWales of 2018 states that the planning system has a key role in delivering clean growth and the decarbonisation of energy, as well as in building resilience to the impacts of climate change. It notes the provisions of the Environment Act (Wales) 2016 in setting a legal target of reducing greenhouse gas emissions by at least 80% by 2050, and a series of interim targets every ten years to that date. Notably (para 5.7.5) it states that the planning system should facilitate delivery of targets at

Welsh, UK and European levels for renewable energy installations. It goes on to state that the planning system should secure an appropriate mix of energy provision, which maximises benefits to the economy and communities whilst minimising potential environmental and social impacts. It sees the benefits of renewable and low carbon energy as of paramount importance, aiming to avoid the continued extraction of fossil fuels which will hinder progress towards achieving overall commitments to tackling climate change. In para 5.7.8 it sets out eight bullet points for the planning system to achieve as follows:

- Integrate development with the provision of additional electricity grid network infrastructure;
- Optimise energy storage;
- Facilitate the integration of sustainable building design principles in new development;
- Optimise the location of new developments to allow for efficient use of resources;
- Maximise renewable and low carbon energy generation;
- Maximise the use of local energy sources, such as district heating networks;
- Minimise the carbon impact of other energy generation; and
- Move away from the extraction of energy minerals, the burning of which is carbon intensive.

6.3 It can be noted that several of these bullet points are of particular relevance to the current application, and notably for the first time there is detailed reference to energy storage as part of the overall package of energy provision. This is important since such references have been lacking in the past not only at national level but also in the development plans, as this is a newly emerged technology which is gaining importance as the need to balance the grid increases. Para 5.7.13 states that:

> *"Energy storage has an important part to play in managing the transition to a low carbon economy. The growth in energy generation from renewable sources requires the management of the resultant intermittency in supply, and energy storage can help balance supply and demand. Proposals for energy storage should be supported wherever possible."*

Later at 5.7.15, the text advises that the local balance of the energy network is a crucial consideration and planning authorities should consider the best places for local renewable energy generation to help improve the resilience of the grid in the future. That advice is of particular relevance to the issues that have occurred across Wales in recent years where proposals have been consented but not implemented in areas where grid reinforcement has not been achieved.

6.4 PPWales10 sets out the new targets outlined by the Minister in 2017 of 70% of Wales' electricity consumption to come from renewable energy by 2030, along with advice on local ownership of schemes. It requires local authorities to identify challenging but achievable targets for renewable energy in their development plans, and crucially this should be expressed as an absolute energy installed capacity for its area, based on resource potential in the area and should not relate to a local need for energy. Targets are not to be seen as a maximum figure, but as a tool to maximise the available resources and where proposals exceed such targets they should not be refused.

6.5 A further section at 5.9 reinforces the advice on delivery, setting out a series of bullet points to drive forward new schemes through the development planning process, with locational policies for renewable and low carbon development following at 5.9.8. This advice is that having assessed the area's potential, plans should identify the most appropriate locations for this, with a presumption in favour of approval for development in such identified areas, and with an acceptance of landscape change. Crucially, outside such identified areas, planning applications should be determined on the merits of the proposal, with no weight given to whether there is a local need for it. Policies must therefore address development outside identified areas as well as those inside.

6.6 PPWales10 maintains the support for the Strategic Search Areas which were identified as long ago as 2005 (see text below) as the most appropriate locations for large-scale onshore wind development (over 25MW installed capacity). Development on a large scale is needed in these areas in order to meet targets at all levels. It notes that within and immediately adjacent to such areas there should be implicit acceptance that there will be significant change in landscape character from wind turbine development, and while cumulative issues may be a material consideration, these must be balanced against the need to meet the Welsh Government's aspirations for energy in Wales. Notably at the end of this section in 5.9.15 there is advice on how to identify the preferred locations in the SSAs, and here the advice makes it clear that any refinement exercises should not differ significantly without local evidence from the indicative boundaries in place in TAN8. This is a very important principle, since the refinement exercises undertaken in the years after TAN8 was published were focussed on meeting the TAN8 targets, as opposed to looking at the wider issues of what the capacity of the whole of the SSAs might be. The major advances in turbine technology have also made estimates of capacity from over 15 years ago almost redundant, and this aspect of TAN8 capacity is addressed in more detail in Section 7 below.

6.7 Then, the new PPW sets out factors to be taken into account in determining applications. Three main issues are identified as:

- The contribution a proposal will make to meeting identified Welsh, UK and European targets;
- The contribution to cutting greenhouse gas emissions; and
- The wider environmental, social and economic benefits and opportunities from renewable and low carbon energy.

6.8 This section also sets out a key position that where there are protected landscape, biodiversity and historical designations and buildings involved in the consideration of a proposal, it is only the direct irreversible impacts on statutorily protected sites and buildings which should be considered. As the National Policy Statement EN3 makes clear, many forms of renewable energy are by their very nature also reversible at the end of their life, and this certainly applies with particular force to wind energy. A range of the factors which should be taken into account in determining proposals is set out at 5.9.18. It also looks at the principles of financial contributions for the host communities from the developer, although in line with long-standing principles such arrangements cannot be a material consideration in the decision—making process.

6.9 Section 6 of the new PPW addresses a range of issues which cover distinctive and natural places. These are already identified as a range of factors to be considered in the decision-making process for energy proposals outlined above, and it is important to recognise that it is under that guidance that the balancing exercise between benefits and potential harm has to be carried out. Part 6.1 identifies relevant matters for the historic environment, and notably here in the context of archaeological remains it states that the outright presumption in favour of preservation applies only to direct adverse effects on remains (as opposed to effects on their settings) – thus echoing the position about reversibility when it comes to effects on settings is found in 5.9.17. PPWales is supported by more detailed guidance in the new TAN24: The Historic Environment[33], published in May 2017. Landscapes are dealt with under 6.3 with specific references to Special Landscape Areas and their designation in 6.3.11-12. Common land issues are addressed under 6.3.17-18 and biodiversity in Section 6.4.

6.10 Finally in the context of national planning, note should be made of the draft National Development Framework[34]. This is now more than two years in the making with the final version due in the middle of 2019 (since delayed to Autumn 2020 and now further delayed due to the Covid-19 pandemic). One of the key issues for a wind energy scheme is that one of the four main options is one where delivering decarbonisation and climate change objectives are made the primary consideration of the NDF – an issue that is stated to have been significantly shaped by the emergence of the new targets for renewable energy, greenhouse gas emissions and

carbon budgets. It is still too early to be able to say what effect this will have on future planning policy if it is adopted as the major avenue.

7. Technical Advice Note 8 (TAN8) (2005)

7.1 Specific regard still has to be paid to TAN8[19], which was the earliest attempt by any administration within the UK to devise a system of identifying a level of development that ought to be achieved by a certain date and the strategic areas expected to deliver that capacity. In essence, TAN8 was derived from a series of detailed capacity assessments carried out for the then Assembly Government by consultants ARUP, following which a series of target figures was announced in the TAN in July 2005. The aim was to deliver around 800MW of new installed capacity by 2010 through seven Strategic Search Areas (SSAs) spread across Wales, with a further 200MW from sites outside these areas, including offshore wind. For a variety of reasons, the SSA approach failed to deliver anything remotely like the figures that the Government had hoped for.

7.2 It is necessary to look in more detail at the evolution of the advice in TAN8 as this not only relates directly to the current PPWales advice but also led to the work by ARUP on the refinement exercises and the subsequent adoption of the approach towards refinement of the SSAs across Wales. TAN8 set out the policy context for the then current position on renewable energy and the target figures for 2010 and 2020, although whereas those for 2010 were expressed both in total output (4TWh) and additional installed capacity of renewables (about 1000MW), those for 2020 were given only as output (7TWh). It is critical at the outset to review what TAN8 (2005) was seeking to do. It was a means of delivering the targets for Wales adopted by the Welsh Government for the year 2010. The clear belief of the Assembly in publishing TAN8 in 2005 was that an additional 800MW of installed capacity of onshore wind by 2010 could indeed be met from the seven Strategic Search Areas (SSAs) that the document went on to define. Many of the SSAs contained large areas of land owned by the Forestry Commission, i.e. by the Government itself, and there has been a long, drawn out process since then of selecting potential tenderers from within the wind industry to develop this Forestry Commission land in the SSAs. Sites outside the SSAs which were consented under other categories (brownfield sites up to 25MW, extensions to existing wind farms, and smaller sites up to about 5MW) are assumed to count towards the balance of a further 200MW that was expected to come from other sources including offshore wind to reach the target of an additional 1000MW of renewable electricity generation by 2010. It can be noted that the Energy Policy Statement on which PPWales draws contains separate and specific figures for technologies other than onshore.

7.3 Following the final publication of TAN 8, Councils throughout Wales which had SSAs within their areas commissioned a series of studies by ARUP to refine the boundaries of the relevant SSA. As a result of this, they produced a series of rankings of sites with recommendations as to which sites in each SSA performed best against their criteria and could be used to deliver the installed capacity needed by 2010. The result of this was that the SSAs have generally been reduced in size, by as much as two thirds in some cases. This was however not what TAN8 envisaged as it made it clear that Local Planning Authorities may:

> *"...make **minor adjustments** to the SSA boundaries when translated into their local planning documents. This will facilitate the inclusion of development on the margins of SSAs where local conditions recommended (Annex D paragraph 1.3)."* (the emphasis is mine)

7.4 Although the refinement exercises have led a number of Councils to prepare, and in some cases adopt, interim or supplementary planning guidance based on them, the shortcomings of them were highlighted at one of the first appeals where one of them was tested. This was at Wern Ddu in Denbighshire[35] on a site for five turbines which straddled the boundary of SSA A and had not been included as one of the sites needed to meet the SSA target in the ARUP refinement exercise. The Inspector in that case criticised the ARUP work and found flaws in its approach to determining the rankings to such an extent that he allowed the appeal. That decision subsequently led to Denbighshire abandoning their Interim Guidance that had been based on the ARUP work. A more recent case is that at Llynfi Afan in Neath Port Talbot[35], where again one of the authors of the refinement study was giving evidence for the Council on a case where as many as eight of the fifteen turbines (three of which were in Bridgend CBC) were not within the original SSA, and none of them were in the refined areas in the ARUP Study for Area F[37]. The Inspector found the methodology in some cases arcane and that the entire study had been overtaken by events – such as the changes to the target figures and the fact that cumulative issues were always changing as new schemes were built.

7.5 The April 2018 figures for TAN8 published at the end of 2018 as Technical Advice Note (TAN) 8 Database 2019[38] allow for a final comparison of the achievements in the seven Strategic Search Areas (SSAs) set out in TAN8 in July 2005 against two benchmark dates. The primary aim of TAN8 was to deliver an extra 1000MW of installed wind capacity by the end of 2010, of which 800MW was to come from the newly defined SSAs. In fact the assessments on which the SSAs were based, formulated by consultants Garrad Hassan[39], totalled 1120MW, i.e., giving almost 50% over capacity from the 800MW target to allow for flexibility across the different SSAs. Not only that, but that 1120MW figure was itself scaled back by Garrad Hassan

themselves from their original assessments of the capacity of each of the SSAs, as they were working to a target of 800MW. This is explained in the letter from Minister John Griffiths in July 2011[40], where he raised the TAN8 targets for each SSA back to the original figures calculated by Garrad Hassan, and thus now totalling 1666MW. This was the basis for the aim of a further (post TAN8) capacity of 2000MW set out in the Energy Policy Statement of 2010 and incorporated into Welsh Planning Policy advice for achievement by 2015-2017.

Thus in looking at the performance to date we are able to consider three separate figures:
800MW in the SSAs between 2005 and 2010;

1120MW in the SSA between 2005 and 2010, this being the total for all of the SSAs set out in TAN8 and being scaled back from the Garrad Hassan assessment of capacity in each of the SSAs; and

1666MW in the SSA between 2005 and 2017, being the full capacity calculated by Garrad Hassan and endorsed by John Griffiths in 2011.

7.6 From the latest table provided, we can see that the target of 1666MW by the end of 2017 in the SSAs has been missed by a very wide margin. By April 2018, only 701.8MW of new capacity had been installed since 2005 but even 136MW of that had come from sites that were outside the SSAs. Thus only 565.8MW had been delivered by 2018 from sites in the SSAs, against a 2010 target of 800MW, the lower version of the Garrad Hassan figures of 1120MW set out in TAN8 and the full Garrad Hassan estimates endorsed by the Welsh Government of 1666MW.

Indeed, the amount delivered up to the start date of TAN8 in July 2005 was itself 293.8MW which was not far short of half (42%) of the total delivered in the 13 years since TAN8, and even more revealing, it was more than half (52%) of the figures delivered by the SSAs in those 13 years.

For the last eight years (since the end of the initial TAN8 phase in 2010), the position on targets has changed twice in any event. Firstly the delivery had to be tested against the Griffiths figure of 1666MW rather than the lower figure of 800MW in TAN8, and on that basis the picture is much bleaker. With only 565.8MW coming forward in the SSAs, that amounts to only a little over a third of the target of 1666MW. The extra 136MW outside the SSAs is tested against the balance of 334MW expected to

come from such sites, so even there it amounts to well under half of that figure. In the seven SSAs, the worst performing was Area D which achieved 0MW against its 140MW target in TAN8 and its higher target of 212MW under Griffiths. Next comes Area A with 9.2MW against targets of 140/212MW followed by Area B with 43.2MW against targets of 290/430MW. Only Area F with 314.5MW achieved its TAN8 target of 290MW but still falls well short of its 2017 target of 430MW.

7.7 There are some mitigating factors. 204MW has been consented in Area A, mainly by the Infrastructure Planning Commission at Clocaenog but failed to be delivered by April 2018 as grid reinforcements to serve it had not been carried out. In Area B there is 197.5MW in planning, primarily held up at Carnedd Wen and Llanbrynmair in Powys where two Section 36 applications are still in the system awaiting redetermination by DECC after the original refusals by DECC against Inspector recommendations were quashed in the High Court. A consent for more than 50MW in Area C involving repowering of the Llandinam wind farm has not proceeded to delivery as DECC rejected the grid reinforcements need to support it. There is also another 89MW consented outside the SSAs, perhaps reflecting the new flexibility from the Welsh Government and some Councils towards development outside the SSAs.

7.8 If all the schemes in planning since July 2005 were consented and built, along with all the already consented projects, the total delivery would still be 324MW short of the 2000MW figure which has been in place since 2010, and with around 150MW of the "planning" projects still awaiting redetermination by DECC, and thus entirely outside the control of Welsh Ministers, the prospects of reaching the 2000MW figure any time soon are not promising.

The reasons for the failure to reach the SSA targets can be set out as follows:

1. Large parts of the SSA were deliberately defined on land owned by the Forestry Commission at that time, reflecting a view that land already forested would be less sensitive to development than open moorland sites. The procurement process to deliver sites on forestry land was far longer than anyone had anticipated, and indeed the Area D land remains without a scheme following withdrawal of SSE from the process after being awarded the franchise for that block of land.

2. The TAN8 advice indicated that Councils could refine the boundaries from the broad brush approach used in the TAN8 maps to take more detailed account of local

circumstances. This refinement process was intended to involve minor changes to the boundaries, but the refinement process carried out for Councils by ARUP led to very substantial changes which have been argued over ever since, and also resulted in the loss of the first couple of years of the TAN8 period.

3. Grid reinforcement is outside the control of the potential developers, and indeed outside the control of Ministers in Wales, with DECC having had the final say on at least one key project in Area C. Two significant consented schemes in Area A in Denbighshire and Conwy (Derwydd Bach and Nant Bach) have also not proceeded to development due to a variety of constraints including grid.

4. Very substantial schemes have been delayed by Council objections which have led to public inquiries across Wales. The retention by the UK Government of powers over Section 36 applications under the Electricity Act and its new procedures through the Infrastructure Planning Commission have also led to long delays in securing consents.

7.9 The second change in the target figures has arisen with the new approach set out in PPWales which, while still endorsing the location of major wind farms (over 25MW) in the SSAs derived from TAN8, sets this in the context of generating 70% of Wales' electricity consumption by 2030 from renewable energy. This moves us away from the specific figures for each of the SSAs across Wales, and will involve a detailed examination of the changing nature of electricity consumption in Wales to determine emerging figures for new installed capacity. Nevertheless, what an examination of the figures against the targets which have been used for the last fifteen years has shown is that very much more needs to be done to deliver new sites for onshore wind both within and outside the SSAs – the latest advice in PPWales10 makes it clear not only that each Council has to prepare its own targets for delivery not against its own consumption but against its resource, but also that sites outside the SSAs will not be regarded as in any way ruled out as a matter of principle from being consented.

7.10 The boundaries of the SSAs were always intended to be "broad-brush". One of the purposes of the broad-brush approach to the definition of the SSAs was that land within and immediately outside (within 5km of the boundary) the defined areas would be able to be assessed in refinement exercises to see whether it should be included within the SSA, as finally defined, in greater detail. It should also be noted that the ARUP Refinement Exercises are not themselves part of national planning

policy and as demonstrated by some of the appeal decisions that have come forward in recent years (such as those highlighted above), the application of hard and fast rules on the ground has not always found favour through the appeals process. One of the problems with the Refinement Exercises has been that the figures produced by Garrad Hassan were derived from modelling a potential number of turbines within each of the SSAs and then applying a 2MW figure per turbine to produce a putative capacity figure. Many of the turbines now being used are in excess of that 2MW figure (which was a reasonable ceiling some 15 years ago but is not now) and thus with a 3MW machine being commonplace today, and even larger ones being used in places, the capacity of any SSA could rise significantly with the same number of turbines. Indeed, perhaps of even more importance was the fact that the Garrad Hassan study was not a landscape study at all but an exercise in examining whether it was possible to provide the level of installed capacity sought by the Welsh Government in 2005 within defined strategic search areas.

7.11 The most crucial point of all about the refinement exercises and their subsequent use by Councils as a major element in their decision-making processes, is how marginal were some of the judgements that were being made. This was recognised very clearly in the Llynfi Afan appeal case referred to above, and which is of major importance for the current proposal, given its juxtaposition to the Upper Ogmore proposal. The zone within which Llynfi Afan lies, and which was largely excluded from the refined search areas for Area F, was ranked just one place outside the top twenty zones in Table 10b that ARUP had identified initially to meet the 2019 target of 290MW. However, some of those twenty zones proved to have far less capacity than they had anticipated, meaning that some of the twelve below them (of which Llynfi Afan was the highest ranked), came back into consideration. ARUP suggested that Llynfi Afan should still not come into their refined area, partly because of potential adverse cumulative effects on the settlements of Abergwynfi and Blaengwynfi to the west once their Zone 8 to the north was developed. In the event, nothing has ever come forward on that zone.

7.12 Reference has already been made to the comments by the Inspector in the Llynfi Afan appeal decision about her concerns over the way in which the tabulations had been compiled – and in that appeal she had one of the authors of the ARUP Study as a witness for the Council seeking to explain how the work had been carried out. The reality is that none of the Llynfi Afan site was included within the refined area and only part of it was inside the TAN8 boundary from 2005 (albeit all of the rest was inside 2km of that boundary. Notably also Bridgend had already consented three turbines which were to form part of the Llynfi Afan development within their boundary by the time of the appeal, even though they were outside the refined area (but inside the TAN8 2005 boundary). The conclusions of the Inspector at Llynfi Afan are very clear in finding that the only logical reason for the exclusion of Llynfi Afan

from the refined areas was one of the mathematics needed to reach the 2010 target of 290MW, which she in any event found unconvincing. A very similar position arose more recently at the four turbine appeal case at Mynydd Brombil[41], also in Area F and also in Neath Port Talbot CBC. This site lay in Zone 4 on the extreme western flank of Mynydd Margam, and the zone had been entirely excluded from further consideration due to what were described as significant unacceptable landscape and visual effects by ARUP. However, here too the Inspector raised concerns about the methodology of ARUP and their mathematical conclusions, finding it difficult to agree that the site differed so markedly from adjacent zones which were included as key sites in the ARUP tables. He accordingly allowed that appeal.

7.13 Indeed, quite apart from the cases in recent years involving sites within or close to the edge of SSAs, and in the light of the new guidance in PPWales at the end of 2018, regard can also be had to an appeal decision which was published in October 2018[42]. This involved an appeal in respect of seven turbines near Llandrindod Wells in Powys (the Hendy Wind Farm) where the Inspector recommended that the appeal be dismissed on a variety of grounds including landscape and visual issues and effects on heritage assets, but the Minister, Lesley Griffiths, disagreed. The site was not in or anywhere near to one of the three SSAs which lie in whole or in part in Powys, and so any presumption in favour of development under the TAN8 SSAs did not apply. However, she found that despite its location outside any of the SSAs, the benefits of the proposal were sufficient to outweigh the identified impacts of the scheme in landscape and visual terms, (para 64 of her decision letter) and also that while there would be a significant impact on the setting of a range of heritage assets, here too the need for development which produces renewable energy outweighed the presumption against the granting of permission in relation to the impact on the setting of Scheduled Ancient Monuments.

7.14 The overall conclusions on TAN8 in the context of this application are however very clear. The strategic aims in TAN8 remain the basis of the Welsh Government approach to onshore wind and they maintain that it is in the seven SSAs that almost all of the large-scale wind farms are to be found. The proposal is fully consistent with TAN8 in that it lies entirely within the 5km buffer zone originally recommended for assessment in TAN8 for Area F, and forms a simple extension to the Llynfi Afan scheme recently constructed on land to its north and west inside both Neath Port Talbot and Bridgend Council areas. This proposal will therefore unarguably assist in delivering the national strategic policy aims of the Welsh Government. Clearly if delivery in other SSAs is delayed as has now occurred for a variety of other reasons, then sites in other SSAs that can be delivered in a shorter time frame take on greater importance, and indeed are needed to help the UK on its trajectory to meet its targets for 2020 and beyond. Even allowing for all those points in favour of an approval, the Applicant maintains that this proposal is fully supported by the

National Policy Statements EN-1 and EN-3 as it is fully acceptable in environmental terms without needing the clear support of TAN8 as a strategic site, and should be given consent as part of the overall targets that the Welsh Government has now adopted.

7.15 A final point on TAN8 concerns the current position in the new PPWales about refining the boundaries of TAN8 and ensuring that they do not differ significantly from the original ones in 2005 without local evidence. The exercises carried out by ARUP immediately after TAN8 which led to major surgery on the original boundaries cannot be defined today as "local evidence" to justify such alterations. The sole basis of the refinement exercise was to establish zones within the TAN8 area to meet the then target figures contained in TAN8 for 2010. No later work was done to "refine" the boundaries still further to address the later targets for 2017 contained in the Griffiths letter of 2011 and nothing has as yet been proposed to examine the new regime required under PPWales 10 to analyse the actual capacity of each local authority area afresh in the light of modern technology to see what it can deliver from within the SSAs, from within their 5km buffer zones and from the rest of the Council area outside these zones.

8. Energy Storage Facility

8.1 This application is unusual in that it provides not just for the development of a wind farm, but also a parallel facility for the construction and operation of a battery storage facility. The proposed development is intended to be used to provide cost effective flexibility services to the electricity network (system), such as adding electricity to, or removing electricity from the system, when it benefits the operation of the system. National Grid, the System Operator in charge of ensuring stable secure power for the UK's homes and businesses (excluding Northern Ireland), procures such services from grid connected energy systems and the flexibility they provide is critical to achieving national decarbonisation targets and a stable supply of electricity at least cost to consumers.

8.2 In particular, the proposed development will deliver very rapid frequency response service to enable the necessary balancing of the emerging low carbon electricity system. The frequency at which the UK electricity system operates is an indication of the balance between supply and demand and a failure to maintain this frequency within strict boundaries would lead to catastrophic system failure and blackouts. Normally, the system runs at a frequency of 50Hz. If there is not enough supply to meet demand the frequency drops below 50Hz. If there is too much supply for the current demand, the frequency rises above 50Hz. The proposed development will be able to respond within a second to frequency deviations away from 50Hz (by increasing supply or demand as appropriate) to help keep the system in balance. This

is especially important for the electricity system in coping with increasing amounts of renewable energy generation and as the number of large thermal power stations decreases.

8.3 The need for the flexibility that energy storage facilities provide is especially critical to enable higher penetration of renewable energy in the most cost effective way. The UK is committed to reducing its greenhouse gas emissions by at least 80% by 2050, relative to 1990 levels resulting in a need to transform the UK economy while ensuring secure, low-carbon energy supplies to 2050. The flexibility that energy storage facilities provide is an indispensable element in achieving this target. In addition, a greater penetration of renewable energy capacity on the network further contributes to wider sustainability objectives and lower cost to consumers.

8.4 Another example of the flexibility services that the proposed development could provide includes distribution reinforcement deferral services. These enable existing electrical network assets such as substations and overhead lines to have their capacity increased without the need for building new infrastructure.

8.5 All of these uses of the proposed development involve charging the battery system with electricity, storing electricity for a period, or discharging electricity. Ultimately the proposed development will make a valuable contribution to the UK's secure, low carbon and affordable electricity system.

8.6 The ways in which energy storage schemes can serve and benefit the national electricity system were highlighted at a national level when in July 2017 the UK Government in conjunction with Ofgem released the 'Upgrading Our Energy System – Smart Systems and Flexibility Plan' position paper[43]. The paper stresses the need for technologies such as energy storage to help provide this flexibility to the energy system. The report emphasises that if opportunities such as storage are realised, energy consumers could save up to £40 billion off energy bills in the coming decades.

8.7 Battery storage is a relatively new form of development in Wales, and while the Applicant is aware of a similar size facility having been consented and constructed at Pen y Cymoedd, and a further consent for a smaller capacity site away from a wind farm on an industrial estate in North Wales, progress has been very slow in realising the benefits that this form of energy infrastructure can bring. However, as noted earlier under the section on PPWales, national guidance in PPWales10 does address this issue for the first time and offers very significant support for such development, seen as essential if the full benefits of renewable energy are to be delivered.

9. Bridgend CBC Local Development Plan

9.1 All of the development area of the Upper Ogmore Wind Farm itself lies within Bridgend County Borough, but there are also works to be carried out on access improvements to roadways within Neath Port Talbot on the north side of the A4107. Technically, therefore, the provisions of the Neath Port Talbot LDP are also engaged along with those of the Bridgend LDP, but it is the latter to which the main attention has to be drawn as that is where the wind turbines and their directly associated infrastructure will be located. The LDP for the Bridgend CBC was adopted in September 2013[44].

9.2 While all of the Development Plan has to be read as a whole, it is normal in the determination of planning applications to give primacy to any development-specific policy dealing with the actual development that is being proposed. That is because such a policy or policies will be expected to engage with all of the criteria and issues that have to be addressed and will in the case of a renewable energy development allow for the proper context to be taken into account – including the national and international context of climate change that is at the forefront of issues relating to sustainable development. In the present case, the Strategic Policy is SP8 and the detailed policy is ENV18, along with PLA4 which inter alia supports the development of renewable energy sources. These provide support for renewable energy developments in the right locations, and the text sets out that there will need to be a balance between the need for increased levels of renewable energy development and the need to protect sensitive areas. The text also notes that the Councils in South Wales had undertaken a refinement exercise for Area F of TAN8 in which the overall TAN8 boundaries were changed to reflect the levels of demand set out within TAN8 for the 2010 targets, and to look at different levels of environmental acceptability across the defined Area. With the 2010 target having actually been met within Area F (but not the target for 2017 and neither the 2010 nor 2017 targets have been met in any of the other six SSAs), the guidance in the new PPWales makes it clear that the Council and others in the area will have to revisit all of the issues that led to them redefining the TAN8 boundaries, since the old 2005 target figures will no longer be relevant – but the SSA boundaries in TAN8 will be.

9.3 The application also includes a proposal for energy storage in the form of a battery compound, which would be available to store energy from the wind farm at times when demand is low but yield from the wind farm is high, and then release it into the grid when the reverse situation arises. There is now support for this in national planning advice, but not yet at the local level.

9.4 The other policies of potential relevance cover landscape, nature conservation and cultural heritage and are as follows:

- SP4 Conservation and enhancement of the Natural Environment
- ENV3 Special Landscape Areas
- ENV4 Local/regional nature conservation sites
- ENV5 Green Infrastructure
- ENV6 Nature Conservation
- SP5 Conservation of the Built Environment
- ENV8 Heritage Assets and Regeneration

9.5 Assessment against the renewable energy and other relevant policies

9.5.1 As already noted it is a general principle of development control decision-making that where there is a development-specific policy in the adopted development plan, then that should be the starting point for consideration of the proposals, with other topic-specific policies feeding in advice on how those particular topics need to be addressed.

9.5.2 PLA4 is a strategic policy where the only relevant part for this proposal is criterion 3 which seeks to encourage the development of renewable energy generation. Since the proposal is for precisely that form of development there is support for it from this strategic policy.

9.5.3 SP8 supports contribution to national renewable energy targets where it can be demonstrated that there will be no significant adverse impacts on the environment and local communities. However, the supporting text goes further in recognising that there has to be a balance between the benefits of renewable energy and the effects there will be on the environment and local communities. It is an inevitability that with modern commercial wind farms there will be at the very least landscape and visual effects which will be classed in EIA terms as significant and which on a worst-case basis will be classed as significant adverse effects. The text here makes it clear that it is not seeking to avoid any such effects but that these effects are to be balanced against the need for and the benefits of such development. That reflects the stance taken by the Welsh Government in PPWales.

9.5.4 The detailed policy on renewable energy developments is ENV18 which sets out that such proposals will be permitted having regard to nine criteria. Taking each of these in turn;

1) This criterion sets out a preference is for developments over 25MW to be sited within the refined Strategic Search Areas. In this context, the maximum capacity of the proposed development is 25.2MW (although may be less than this depending on the capacity of turbine selected) and thus it falls right on the threshold (which was itself derived initially from some of the original TAN8 advice). However even if that were not the case, it has already been demonstrated that the refined SSA approach which dates back to the ARUP work has been found to be unfit for purpose in recent

appeals in this part of South Wales, with Inspectors criticising the mathematics and the methodology which has underpinned the identification and selection of zones. The site is however all within the original TAN8 buffer zone for Area F and the reality is that since the ARUP Study was completed much has changed in the context of the location of wind farms across the landscape. Notably, Llynfi Afan has created a wholly new baseline against which Upper Ogmore needs to be assessed, since instead of a landscape free from wind turbines for several kilometres in every direction, Upper Ogmore will be seen as part of an established wind farm straddling the boundary between Neath Port Talbot and Bridgend.

2) This criterion relates to avoiding sterilisation of mineral resources and reserves, and none of any significance have been identified beneath this part of Bridgend CBC.

3) Monitoring and investigation needs to show that there are no significant effects on nature conservation interests. Here, the comprehensive chapter on ecology and biodiversity as well as other nature conservation interests has shown that this criterion will be met. There are several SINCs near the site but no material effects on any of these has been identified. No significant effects on birds, bats and other mammals and reptiles has been identified above the Local level. In the case of Nathusius' pipistrelle, a highly precautionary approach has been taken by the consultants. This bat was only identified once at the site, but there are some difficulties in distinguishing it from other pipistrelles, where higher numbers of passes were recorded. Since this is a bat that has been found to be at some risk from collision with turbines, the level of effects has been raised from site significance (which applies to other species of bat) to local significance. It remains the case that the research identified by the consultants found no direct relationship between bat mortality and baseline bat use of sites, and hence the significance of effects on this species remains uncertain, hence the necessarily precautionary conclusions that have been adopted. For this species, the mitigation proposes a comprehensive monitoring of bat fatalities after construction of the wind farm to address the specific potential concerns over this species. Given the urgent need to continue the deployment of onshore wind energy in Wales, and hence an over-riding case for this development to proceed in the light of the information available, this monitoring will be valuable to assist in future cases where this particular species may be found to be present in greater numbers. In terms of potential effects on ground nesting birds, it is proposed that, rather than avoid construction works for half of the year, minor works to the vegetation cover will be carried out and further surveys will be undertaken of the development site area prior to the start of works

4) This criterion deals with the preservation and/or recording of features of local archaeological, architectural or historic interests. The reference to "local" might be seen as implying that it addresses only those features that do not have statutory protection (such as Scheduled Monuments and listed buildings), and if so it is perhaps

surprising that these are not to be covered under this criterion, since they are an important element of the assessment of any wind farm proposal. There is of course separate guidance on cultural heritage matters under SP5, although this also relates to locally significant features. SP5 does also recognise that Scheduled Monuments and Listed Buildings have protection as a matter of law without the need for specific protection under a LDP policy. Recognising this, the ES has identified a range of features, both protected by statute and locally recognised where some indirect effects on setting may arise. Following detailed site investigations, this list has been reduced to two cases where there may be effects that rise to "significant" on an EIA basis, and these are two Scheduled Monuments close to the site. However, in both cases these are barely distinguishable as features unless one is within 10m of them, and there are already masts and the Llynfi Afan Wind Farm in clear sight in fairly close proximity. In both cases, the effects were at the lower end of the scale of significance and the conclusions drawn were that the level of effects were entirely reversible following the decommissioning of the development. It needs to be noted that the advice in EN-3 on Renewable Energy Infrastructure is that (para 2.7.17) *"the time limited nature of wind farms…is likely to be an important consideration when assessing impacts such as landscape and visual effects and potential effects on the settings of heritage assets."* In such cases the extent of the effects (i.e. the level of significance of effect on the setting) has to be weighed against the very material benefits that will arise from the consenting of the development and in this case that is part of the overall balancing exercise that has to be undertaken. Here, the main issue is whether there is an effect on the integrity of the setting, and with the indirect effects on setting are at the lower end of the scale of significance, and given the need for the development to be undertaken in the light of the energy policies of the Welsh Government, these imperatives override the effects on setting identified here. Reference has already been made to the very recent decision by the Minster on the Hendy Wind Farm in Powys and one can also note an earlier decision by her in January 2018 where the same issue of effects on heritage assets being balanced against the need for and benefits of renewable energy came to the fore. At Pant y Maen in Denbighshire[45], she overturned a recommendation of refusal by her Inspector based in part on heritage assets effects (paras 59-60).

5) Access for maintenance can be achieved without detriment to the environment or the local rights of way network. Here, there is open access land/common land where the public can roam at will as well as various defined rights of way. The presence of the wind farm and the need for some occasional maintenance vehicles to visit the site will not materially affect the ability to enjoy recreational activities on the land or impact on the environment in that sense.

6) This deals with a range of environmental issues including smoke, fumes, shadow flicker and light reflection, and visual dominance. The most closely affected

properties will be in Abergwynfi and Blaengarw and the assessments carried out do not identify significant adverse effects in respect of any of the issues cited in this criterion that would warrant rejection of the wind farm on those grounds. Llynfi Afan already stands closer to Abergwynfi than the turbines proposed at Upper Ogmore and the assessment takes account of any potential for cumulative issues especially in respect of noise. Where turbines stand in relatively close proximity to dwellings (such as separation distances of less than 1000m) it is normal to carry out a residential amenity assessment of the affected properties. However, here the closest dwellings are at 1163m and 1179m, with two further properties at 1207m and 1264m and none apart from these four closer than 1499m (see details set out in Table 10.8 of the ES). These distances indicate that a fully detailed residential amenity assessment is not required, and instead reference can be made to the selected viewpoint for visual impact assessment provided in Chapter 5.

7) This deals with electromagnetic interference and is especially concerned with radar. No potential problems over this issue have been identified.

8) This deals with local benefits from the development for local receptors. The Applicants are industry leaders in seeking innovative ways of engaging the local community in their generation schemes and facilities will be in place to follow this course of action here. Chapter 12 of the ES addresses in detail the anticipated local benefits in terms of employment and expenditure which would arise from this development.

9) This deals with decommissioning. A full decommissioning condition will be expected to be imposed as part of the consenting process, as with all the schemes that the Applicant has been involved in across the United Kingdom.

9.5.5 No material conflicts have been identified with ENV18 when the benefits of the development are weighed against those areas where a degree of adverse impact has been identified. However, while ENV18 does encompass the key elements of nature conservation (and thus deals with parts of SP4, ENV4, 5 and 6), and heritage (SP5 and ENV8) what it does not do is to deal with effects on landscape which are covered in SP4, ENV1 ENV3 and ENV5.

9.5.6 As already noted, it is inevitable that a modern wind farm will have significant adverse impacts in respect of a variety of landscape and visual issues, by virtue of the fact that it will introduce tall moving structures in the landscape and people's field of vision from properties and transport routes, as well as walking and other recreation routes in the open countryside. Welsh Government recognised from the outset that to accommodate strategic levels of wind energy development in Wales there would have to be an acceptance of a degree of change in many parts of the countryside. Decisions over the last fifteen years have followed this approach, but with the main emphasis being on sites within or immediately adjacent to the seven

Strategic Search Areas. The emphasis here is thus not on seeking to avoid change but ensuring that the large amount of development that is needed to meet the ongoing search for renewable energy sites directs development to those sites that are best able to accommodate this scale and spread of development.

9.5.7 The site of the Proposed Development at Upper Ogmore is one which was the subject of assessment many years ago by ARUP and the main reason why it was not included within the refined search areas was simply that the consultants did not see the need for it to be included at that time. That approach has been the subject of significant criticism over time in Area F as the two appeal decisions highlighted earlier at Llynfi Afan and Mynydd Brombil have shown. Both those sites have now been constructed, as have a range of other sites, notably at Pen y Cymoedd, which have given rise to a realisation of many of the aspirations of Welsh Government to deliver on their policies in this part of Wales.

9.5.8 The current proposal has to be seen in the light of those successes, and especially what has happened at Llynfi Afan which flanks the current proposed seven turbines to both the north and west. The conclusions of the landscape assessors in Chapter Five of the ES are that the effects on landscape character arising from the additional turbines will be restricted in nature and scale due to the topography and the influence of the current adjacent wind farm. In cumulative terms, while there will be an increase in the number of turbines, their effects will not spread into areas currently unaffected by wind energy development. In the context of visual effects, those will again be limited by topography.

9.5.9 In the context of the specific policies on landscape in the LDP, ENV1 seeks to control strictly development in the countryside and sets out a list of exceptions that may be permitted. Renewable energy development is not one of these exceptions but it is an accepted principle that wind energy development will almost always be carried out on any significant scale in the countryside for a variety of obvious reasons. Thus the general encouragement that is given in SP8 and ENV18 must be read as overriding any suggestion that a wind farm is barred in the countryside as a result of ENV1. All the refined SSA areas in Bridgend are of course in the open countryside.

9.5.10 ENV3 deals with Special Landscape Areas, where the aim is to retain or enhance the character and distinctiveness of such areas, requiring appropriate design and materials as well as a landscape assessment. It needs to be noted that the identification of a large number of SLAs in Bridgend (as well as in neighbouring Neath Port Talbot and Rhondda Cynon Taf) has been undertaken in the full knowledge of both the location of the Strategic Search Areas and also the actual wind farms that have been consented to date. Within the 15km radius from the site boundary shown on Figure 5.9 in the ES there are at least sixteen sites with built or consented wind farms which lie within one or other of the various SLAs that have been defined in

LDPs in recent years. These include the wind farms of Pant y Wal, Fforch Nest, parts of Pen y Cymoedd, Llynfi Afan, Mynydd Brombil, Melin Court, Abergorki, Taff Ely, Headwind Taff Ely, Mynydd Portref, and its extension, and the individual turbines at Parc Stormy Down, Bwlfa Farm, Rhiwfelin Fach, Graig Fatha Farm and Nant-y-Gwyddon. The consents at Llynfi Afan and Mynydd Brombil were granted on appeal in the full knowledge of the presence of an SLA definition in the emerging LDP, while Fforch Nest was consented in Rhondda Cynon Taf under the earlier local plan where the SLA was defined. Looking at the sheer extent of the SLA definitions across the Figure 5.9 Map and in the knowledge that the heart of the map contains the largest Strategic Search Area in the whole of Wales seeking to accommodate some 440MW of installed capacity, there appears to be something of a mismatch between the aims of renewable energy policy and the aspirations of landscape protection. Certainly across the UK the presence of an SLA has not been seen as a bar to development as there are numerous cases where turbines and an SLA coincide – there are even cases where a wind farm has been consented in an AONB at Caton Moor in Lancashire on two occasions, first in 1992 on a call-in and then on a repowering appeal some twenty years later, and on Goonhilly Downs in Cornwall, this time consented twice at the local Council level. Even making allowances for all of that, the reality here is that what is being addressed is effectively an extension to an existing wind farm, with only about half the number of turbines in the current scheme and on a layout which is sympathetic to the current turbine positions and to the topography. The landscape and visual assessment demonstrates the limited additional visibility that will arise and there is no reason to believe that the SLA definition on the site or in the general area of all three Councils will be compromised by a consent for this development.

9.5.11 Overall, the conclusion is drawn that there is no conflict with the aims and objectives of the landscape policies once the wider benefits of the development are factored in.

9.6 There is also within Bridgend CBC supplementary guidance in the form of a number of documents prepared alongside of, but separate from, the Local Development Plan. Two of these form SPG documents, namely SPG12 – Sustainable Energy[46], adopted 2014 and SPG 20 – Renewables in the Landscape[47] adopted in 2015. These are considered by the Council to represent material considerations in the consideration of planning applications. There is also a further document entitled Planning Guidance for Wind Turbine Development : Landscape and Visual Impact Assessment Requirements[48], prepared in 2014. Users of SPG20 are advised to refer to this study, which was prepared for a number of Councils in the area by a landscape consultancy.

9.7 The Consultants for the Landscape and Visual Chapter of the ES (Chapter 5) have accordingly referred to the advice in these documents to inform their assessment. However, all such studies come with health warnings, notably the prefacing

paragraph to each of the assessments in SPG20 for individual Landscape Character Areas, which states:

"Please note that while this LCA assessment for wind and solar PV development provides an initial indication of landscape sensitivity and guidance for accommodating developments in the landscape. It should not be interpreted as a definitive statement on the suitability of individual sites for a particular development. All developments will need to be assessed on their own merits."

9.8 SPG20 sets out a range of landscape sensitivities for the various LCAs in Bridgend, and it is notable that despite this being an area on the fringes of the largest Strategic Search Area in Wales, with parts of the refined areas within Bridgend, no part of the Council area is suggested as being of lower than moderate landscape sensitivity when it comes to turbines over 50m in height (which basically means all modern commercial wind farm developments). The LCA within which the Proposed Development lies is LCA6 Mynydd Llangeinwyr Uplands, all shown as being of High sensitivity to turbines in excess of 50m and yet this is an LCA where the Council itself has consented part of the Llynfi Afan Wind Farm in recent years. There is no tangible distinction between this LCA and the one where the rest of the Llynfi Afan Wind Farm was allowed on appeal. It should also be noted that SPG20 purports to show the TAN8 Strategic Search Areas in Figure 2.1, but these are not in fact the TAN8 Areas as published by Welsh Government, but the ARUP Refined Areas in their Study for Area F, adopted by the Council, but heavily criticised as a basis for application determination in the Llynfi Afan appeal, and not followed at all by Bridgend in their decision on part of Llynfi Afan and in the Pant y Wal original and extended proposals in LCA9 to the south-east. The relationship between the original TAN8 boundary, the refined TAN8 boundary from ARUP and the proposed turbines is shown in Figure 5.1 of the ES.

9.9 Given the decisions that have come forward in the last few years, the advice in SPG 20 has to be treated with a great deal of caution, alongside the fact that the ARUP Refined Search Areas related to historic target figures which have now been overtaken by events.

9.10 SPG12 is of far less relevance than SPG20 given that it is primarily aimed at securing a sustainable approach to energy in new development proposals, including the provision of small scale renewable energy on-site and reductions in energy use and loss in such developments.

9.11 Similarly the 2014 Guidance for Wind Turbine Development is more in the nature of advice as to how to assess and present the impacts of wind energy development rather than locational guidance to where such development should be sited. As with SPG20, the consultants for RES have had regard to this advice in informing their approach to their assessments.

10. Neath Port Talbot CBC Local Development Plan

10.1 The LDP for Neath Port Talbot was adopted in January 2016[49], and by virtue of the fact that some works are proposed to upgrade existing forestry tracks to the north of the A4107, this LDP is also engaged in Section 38 decision-making terms. However, the nature of the engagement is very limited, given that none of the wind farm infrastructure works are actually to be carried out north of the road. In reality the only relevant policy issues relates to highways and the need to ensure that any development is carried out without compromising highway safety, reflect in parts of RE1 (4c) and TR2. There may also be some issues relating to biodiversity from the widening to be undertaken in the forest and these would be covered under the strategic policy SP15 and policies EN6 and 7. There is no reason to believe that the limited works to be undertaken there would result in any conflict with any of these policies.

11. Other Material Considerations

11.1 Apart from the SPG adopted by Bridgend, there are two other key areas where "other material considerations" have to be considered alongside the development plan. These are the energy policy issues and common land.

11.2 This Statement has set out a comprehensive analysis of the approach to energy policy at both the UK and the Welsh Government levels, along with the current position as far as both Governments are concerned in the context of the 2020 targets and those reaching out well beyond that date. This analysis demonstrates the compelling need to continue the deployment of new renewable energy sources across Wales, and the Welsh Government's commitments to securing a low carbon future for the country. With the failure to progress the Tidal Lagoons proposal in Swansea Bay (through no fault of the Welsh Government, it has to be said), attention has to be paid even more strongly to the sources of renewable energy which are currently available to meet the challenging targets that have been set. These imperatives are very material considerations in the balancing exercise that has to be undertaken between the inevitable environmental and other impacts that such development gives rise to and the benefits that are derived from delivering renewable sources of energy at the present time. In this case, those benefits are considered to significantly outweigh the environmental effects that have been identified. The inclusion of the battery storage proposal is a further significant benefit, in adding to the present very small ability of the grid system to store energy that has been created against times of greater demand.

11.3 The proposed development involves the use of an area of common land on the site. A separate application for the development of this land under the Commons Act

legislation will be submitted, but for the purposes of the planning application it can be noted that RES will be applying to de-register 16.81ha of common land and provide 16.81ha as replacement common land of equivalent value of land in commons terms as part of that application to ensure that there is no net loss of common land in this area.

12. Conclusions

12.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the relevant Development Plan, unless material considerations indicate otherwise. As far as material considerations beyond the development plan are concerned, where renewable energy projects are at issue, Government policy upon the matter is of particular relevance. Such policy, directed at the need to reduce greenhouse gas emissions, and move towards sustainable environmental energy practices, is clearly not just of national but international importance. A key issue that has to be addressed is the balance that has to be struck between the Government's approach to renewable energy and the policy framework in place at a local level. The Welsh Government has made very clear its commitment to both energy saving and renewable energy sources as ways of meeting its commitments to reduce emissions. Where proposals cannot be reconciled with adopted planning policies at local level, then the proper weight to be given to national policy assumes particular importance. This is especially the case where the site lies within the buffer zone of one of the seven strategic search areas defined by Welsh Government in which it intends most of the new onshore wind energy delivery to take place.

12.2 In the present case, there are policies within the adopted LDP for Bridgend CBC which are positive towards the goal of delivering renewable energy sources. The Plan does not require that all sites have to be within either the original or the refined Strategic Search Areas, and in any event, the proposed development is on the margin of the threshold where the Council would "prefer" such scales of development to be within one of the refined areas. Notwithstanding that, the Council has in the past been content to consent wind farm sites that are not within these refined areas (such as part of Llynfi Afan) and parts of Pant y Wal, accepting the assessments in the applications that these sites were acceptable on their own merits. The conclusions that have been reached through this Planning Statement are that the proposal is in general conformity with the Development Plan, but if a different view is taken of that judgement, then the material considerations in the form of the UK and Welsh Governments' energy policies clearly outweigh any degree of conflict that might be identified here. As such, the Planning Inspectorate is invited to approve the application.

References

1 EU Directive on Renewables 2009/28/EC of June 2009

2 UK Government - Climate Change Programme 2006

3 UK Government - White Paper Meeting the Energy Challenge 2007

4 UK Government – Climate Change Act 2008

5 Renewable Energy Strategy 2009

6 UK Government - Renewable Energy Roadmap 2011

7 UK Government - Roadmap Update 2012

8 UK Government – Roadmap Update 2013

9 UK Low Carbon Transition Plan 2009

10 UK Government - Committee on Climate Change - Renewable Energy Review May 2011

11 UK Government - Electricity Market Reform White Paper July 2011

12 UK Government Maintaining Energy Security Strategy 2012

13 UK Government – Energy Act 2013

14 Statement of Amber Rudd to House of Commons June 2015

15 EU Statement on delivery of targets 2015

16. Leaked letter from Amber Rudd to Cabinet colleagues 2017

17 Welsh Assembly Government – Economic Development Committee 2003

18 WAG – Wales Spatial Plan 2004

19 WAG – TAN8 2005

20 WAG – One Wales 2006

21 WAG – New Renewable Energy Route Map 2008

22 WAG – One Wales: One Planet 2009

23 WG – Energy Policy Statement 2010

24 WG – Climate Change Strategy for Wales 2010

25 WG - Energy Wales: Low Carbon Transition Plan 2012

26 WG - Statement by Lesley Griffiths about the Environment Act 2016

27 WG - Statement by Lesley Griffiths about renewable energy targets 2017

28 UK Government – National Policy Statement EN1

29 UK Government – National Policy Statement EN3

30 Appeal decision Garreg Lwyd Hill, Powys APP/T6850/A/13/2209595 and 2209595

31 High Court decision in respect of Garreg Lwyd Hill, Powys

32 WG - PPWales (V10) 2018

33 WG - TAN24: The Historic environment May 2017

34 WG - draft National Development Framework 2018

35 Appeal decision – Wern Ddu, Denbighshire

36 Appeal decision – Llynfi Afan, Neath Port Talbot

37 ARUP TAN 8 Annex D Study of Strategic Search Areas E and F 2006

38 WG - TAN8 Database 2017 – review of onshore wind development

39 Garrad Hassan Energy Assessment of TAN8 Wind Energy Strategic Search Areas and Update Report 2005

40 Letter from John Griffiths AM concerning the TAN8 SSA target figures - July 2011

41 Appeal decision Mynydd Brombil, Neath Port Talbot

42 Minister's letter on appeal decision – Hendy Wind Farm, near Llandrindod Wells, Powys, October 2018

43 UK Government – Upgrading Our Energy System: Smart Systems and Flexibility Plan 2017

44 Bridgend CBC LDP adopted 2013

45 Minister's letter on appeal decision – Pant y Maen, Denbighshire, January 2018

46 Bridgend CBC - SPG12 – Sustainable Energy - adopted 2014

47 Bridgend CBC - SPG 20 – Renewables in the Landscape

48 Planning Guidance for Wind Turbine Development : Landscape and Visual Impact Assessment Requirements, prepared in 2014

49 Neath Port Talbot CBC LDP adopted January 2016