

## 1. Introduction

- 1.1 This Planning Statement Addendum 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 Addendum has been prepared at the request of the Planning Inspectorate in the light of the publication of the latest iteration of the National Development Framework - Future Wales 2040. It is not proposed to restate other matters in relation to planning policy at the UK, Wales or local level as already set out in the original Planning Statement. However, where necessary there will be cross-references to the material at the Welsh National Policy level (in PPWales) as requested by the Inspectorate.
- 1.3 This Addendum has been prepared on behalf of RES by David Stewart, a Chartered Town Planning Consultant and Principal in the firm of David Stewart Associates. His experience in the context of wind energy development across the United Kingdom is set out in the original Planning Statement.

## 2. Evolution of the draft National Development Framework: Future Wales 2040 (dNDF).

- 2.1 For the avoidance of doubt, it needs to be stated that the working draft of the dNDF which was placed before the Senedd for scrutiny in September 2020<sup>1</sup>, is not, to quote the document, a new or final version of the NDF and is still a working document. Changes are expected following the Senedd scrutiny and it must not be used as a source of policy. However, it can be treated as a clear statement of the Direction of Travel being taken by the Welsh Government and even more so in the light of its evolution up to the present time. It has been through a major period of consultation with bodies and the general public (Strategic and Spatial Choices: the NDF Spatial Strategy 2019<sup>2</sup>) and has elicited many hundreds of responses. The Welsh Government has published a Consultation Report document<sup>3</sup> - alongside the current revised version of September 2020 in which it has set out the basis of the

representations received and its responses to them, which have been incorporated into the current version. Thus while the document as currently drafted is still the subject of scrutiny, it has already been examined and revised in accordance with the wide range of public responses, and key changes have been made as a result. It is notable that the current period of scrutiny is for 60 days so at the time of writing this Addendum, it may already have come to a close, with the outcomes of that scrutiny then to be considered by the Welsh Government with a view to the publication of the final version in the near future. Subject to whatever changes may arise as a result of that further examination of the policies and text, it is inevitable that there will be a final version of it available for the consideration by the Inspector appointed to report on the application made at Upper Ogmore. If further changes of substance as far as renewable energy are made, then there will no doubt be a further opportunity for the applicant to comment as seen fit before the final determination of the application. The Inspector may on the other hand, once the final version of the NDF has been published, request the applicant to revise the Planning Statement in the light of the NDF, given the significant changes identified in this Addendum affecting the planning policy position as it was in early 2019.

- 2.2 The place of the NDF in the Welsh planning hierarchy is that it will form the top of the three tier approach to the statutory development plan in each area. The middle tier is represented by the Strategic Regional Plans and the lower tier by the Local Development Plans. As set out in page 13 of the dNDF, Planning Policy Wales<sup>4</sup> (PPWales) remains as the overall policy-making vehicle for Wales but it is not part of the Development Plan, being instead a very significant material consideration in the decision-making process. What the NDF will do is to set out the aims and intentions of the Welsh Government in a clearly defined form in what will be part of the statutory development plan in each area and thus be given the highest level of weight in the taking of decisions on individual applications. Where there are material departures from what is currently contained in PPWales, it would be expected that the NDF as the newest and statutory document would take precedence, or that PPWales may be revised again to reflect the approach in the NDF.
- 2.3 In order to appreciate the stage we have reached in the process, it is helpful to look very briefly at the consultation draft of 2019 which led to the large numbers of representations being received. It is especially relevant to do this here because

policies on renewable energy and especially onshore wind in Wales were far and away the most controversial of the topics which elicited responses. Given the past history of concerns over the development of wind energy since the very early 1990s, that is perhaps not surprising, and one can again see in the wide range of issues raised that many of the arguments that have been made over the last three decades have not gone away. There remain many in Wales at both the level of local authorities, amenity bodies and the general public who have doubts about the economics and efficacy of onshore wind, and who remain deeply concerned about the effects on the landscape and on tourism, and on ecology. There are also some who doubt the entire principle that climate change is occurring or that even if it is, doubt that wind energy is a way of tackling it.

2.4 The 2019 draft marks a very strong change of direction by the Welsh Government towards onshore renewables and especially wind. Since 2005, the national strategy had been directed towards major wind development taking place within one of the seven Strategic Search Areas set out in the Technical Advice Note 8 of 2005<sup>5</sup>, devised on the basis of reports from consultants to identify the preferred areas in Wales which could best accommodate a stated level of development. Those initial seven search areas were subsequently the result of significant “refinements” (as set out in the original Planning Statement Section 7) by Arup at the request of the involved local authorities to define the boundaries more closely, and in most cases to reduce their overall extent to a significant extent, and to rank potential sites within the final boundaries in order of suitability for strategic wind energy development to meet the then national targets. There had been a general presumption in favour of acceptance of the landscape and visual impacts of developments in such areas, and a less preferential treatment for sites that lay outside them. This approach has been followed in the subsequent iterations of PPWales up to the present time.

2.5 The 2019 draft however took a markedly different approach. Instead of relatively constrained areas, many of which were centred on forestry land, the 2019 draft set out a spatial priority for large scale wind and solar development to be directed towards what were termed priority areas identified on a map on page 42. Of the fifteen such areas, four were exclusively for solar energy, ten were wholly or primarily for wind energy, and one had large areas for both. Two thirds of them did not form part of any of the SSAs from TAN8 and in terms of size, the overall areas

included were several times larger than the total areas in TAN8. One of the SSAs (Area D) is entirely left out of the new areas, having not had a submission of a large wind farm at any time in the last 15 years. The draft stated that there would be a presumption in favour of large-scale on-shore wind and solar development in these areas, an acceptance of landscape change and a focus on maximising benefits and minimising impacts. Communities would be protected from significant cumulative impacts to avoid unacceptable situations where, for example, smaller settlements could be potentially surrounded by large wind schemes. The 2019 draft referred to a strategic review of landscape and visual impact which had identified the boundaries of the Priority Areas for Solar and Wind Energy as the most appropriate locations to accommodate landscape change. We know from the later Consultations Responses Report that it was again Arup who had led the consultants in devising these Priority Areas on landscape and visual grounds, as part of the earlier evolution of the strategy. There then followed in the 2019 draft a “traffic light based approach to policy” based on red (excluding large scale development in National Parks and Areas of Outstanding Natural Beauty), amber (areas not within Priority Areas which did not have explicit Welsh Government support and where proposals would be determined on their individual merits) and green (the priority areas which carried a presumption in favour of development and where the principle of landscape change was to be accepted), set out on page 37. Policy 10 in the draft set out the criteria for addressing proposals inside the Priority Areas, while Policy 11 dealt with sites outside such areas and Policy 12 gave the guidance for the protected landscapes of the National Parks and AONBs.

- 2.6 Following the consideration of the raft of representations made to the 2019 draft, the Welsh Government then published the dNDF as noted in September 2020 alongside the report into Consultations when placing the draft before the Senedd. It is worth highlighting two elements of the early part of the final text. The first is on Page 47 where under the heading of renewable energy, the draft states:

*“Wales can become a world leader in renewable energy technologies. Our wind and tidal resources, our potential for solar generation, our support for both large and community scaled projects and our commitment to ensuring the planning system provides a strong lead for renewable energy development, mean we are well placed to support the renewable sector, attract new investment and reduce carbon emissions.”*

This leads on to the 11 Outcomes that Future Wales seeks to achieve, and the final one in the schedule is for people to live “*in places which are decarbonised and climate-resilient*”, stating:

*“The challenges of climate change demand urgent action on carbon emissions and the planning system must help Wales lead the way in promoting and delivering a competitive, sustainable and decarbonised society. Decarbonisation commitments and renewable energy targets will be treated as opportunities to build a more resilient and equitable low-carbon economy, develop clean and efficient transport infrastructure, improve public health and generate skilled jobs in new sectors. New homes will be energy efficient and will help communities adapt to the changing climate.”*

- 2.7 The Government recognised from the representations received that the traffic light approach did not properly convey their intentions towards the new hierarchy of sites and so it has been dropped. They also accepted that while it was highly desirable to identify areas where there would be a presumption in favour of onshore wind development, the use of the term “Priority Areas” was not appropriate and indeed that mixing wind and solar together in such areas was not helpful. Instead, the term has been changed to Pre-assessed Areas (PAAs) to confirm that these areas have indeed been the subject of detailed strategic assessments as to their landscape and visual impacts, but these areas now only refer to a presumption for onshore wind development, rather than for wind and solar in different parts of them. As a result, the number of such areas has been reduced from 15 to 10 with the solar parts of the former priority areas excluded where there were both types of renewables, and the areas adjusted accordingly. Two of the old wind priority areas (Area 1 in Anglesey and Area 8 in the southern half of Powys) have been dropped entirely and the old Area 14 which comprised two wind areas linked by a solar area has now become two distinct PAAs separated by a corridor north-west of Caerphilly. Overlaying the old TAN8 areas onto the new PAA map demonstrates how much more extensive the 2020 areas are compared to those in TAN8.
- 2.8 Page 96 of the dNDF affirms that the latest targets of Government are for 70% of electricity consumption to be generated from renewable energy by 2030, with 1GW of renewable energy capacity to be locally owned by 2030, and for new renewable energy projects to have at least an element of local ownership from 2020. It restates

the current legal position that wind farms of 10 or more megawatts are classed as Developments of National Significance and as such will be determined by the Welsh Ministers. On page 97, there are further policy statements confirming the presumption in favour of large-scale wind energy developments in the PAAs together with the landscape change that will be involved, and Policy 18 sets out the criteria to be addressed in determining such proposals. Interestingly, the main text also states that outside the PAAs there will still be a positive policy framework towards such proposals and as a result the two policies which are set out (Policies 17 and 18) have to be read together as setting first a strategic presumption in favour of the PAA proposals, but alongside a separate test in Policy 18 for areas outside the PAAs dealing with the acceptability of landscape effects, which is then followed by a range of other criteria which apply to areas both inside and outside the PAAs.

- 2.9 In terms of the changes to the national guidance which will emerge from the NDF in the near future, when compared with the material already set out in the Planning Statement, it is accepted that at the current date the advice in PPWales and its references to TAN8 remain extant. This covers a very substantial part of the planning Statement of course, covering sections 6 on Welsh Planning Policy in PPWales and Section 7 on TAN8 with its area studies, along with Sections 9 and 10 on the current LDP policies in both Bridgend and Neath Port Talbot. All of these policy assessments will become less relevant to one extent or another once the final version of the NDF is published. It will supplant the strategic advice in PPWales as regards the importance of the SSAs; the TAN8 guidance will it is assumed become superfluous; and the LDP advice in the two County Boroughs will have to defer to the new strategic guidance which is being promulgated by the Welsh Government. For example, it is clear from overlaying the latest version of PAA 9 with the site boundary for the Upper Ogmores Wind Farm that all of the site falls within the boundaries of the PAA. By contrast, the site does not fall within the refined areas of the Area F assessment by ARUP which the Councils have adopted, but any potential objections to the proposals on that count would fall away notwithstanding what may be said in their adopted LDPs. To assist the Inspector in preparing the assessment of the proposal, there is attached to this addendum statement a plan (Figure 5.30) showing how the proposal relates to the new PAA. The old TAN8 boundaries are not included within this plan for the simple reason that they will in all probability have become redundant by the time the report on and decision on the application come to be made.

### 3. Conclusions

3.1 While there are likely to remain several months before a final version of the NDF is published, it is clear from the progress to date that the Welsh Government is making a strategic change of direction in the context of the identification and use of defined areas in which there will be a presumption in favour of large-scale onshore wind in Wales. The adoption of Pre-Assessed Areas across Wales within which that presumption will apply has been the subject of detailed expert assessment, and, not only that, but there has been a very detailed debate within the consultation exercise about the merits of such an approach. Notwithstanding the objections that have arisen from many opposed to the continuation of onshore wind as a main element of the drive for renewables in Wales, the Welsh Government remains committed to this approach and it forms the basis of their new policy statement. When and if that is finally adopted it will mark a sea change for the handling of proposals for wind farms of this scale in that many more areas, where there had hitherto been a general assumption that large-scale developments would be resisted, will now come into play. The Upper Ogmore scheme is one where it has already been submitted that a strong case could be made on grounds of its intrinsic merits for a consent, exemplified by the pattern of consents within and around Area F to date. The whole basis of assessment of the Area F sites and its boundaries has been the subject of much criticism and it can now be seen that a new approach to the boundaries of acceptable areas across Bridgend and Neath Port Talbot as well as neighbouring authorities is likely to prevail.

#### Documents

1. WG - Draft National Development Framework 2020
2. WG - 2019 Consultation draft of the National Development Framework.
3. WG - Consultation Report on 2019 draft NDF.
4. WG - PPWales (V10) 2018
5. WAG - TAN8 2005