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Powys Local Development Plan (LDP) 2011-2026

Further Focussed Changes Representation Form, October 2016

It is recommended that representations are made on this standard form. More copies are available at Powys Council offices and at local libraries where the Schedule of Further Focussed Changes is available for public inspection or online at www.powys.gov.uk (Planning Policy/LDP pages).

Please complete Sections 1 and 2 of this standard form; it only needs to be done once. For Section 3 you will need to use a **separate** form for each representation on each Further Focussed Change that you wish to make and attach it to sections 1 and 2.

Send your completed form to:

Powys LDP Team
Planning Policy
Powys County Council
The Gwalia,
Llandrindod Wells,
LD1 6AA

or via email to ldp@powys.gov.uk

Representations must be received by **5.00 pm, Monday 21st November 2016**.

Representations at this stage must **only relate to the Further Focussed Changes**. Representations should not propose further changes to the Deposit LDP 2015 or the Focussed Changes January 2016; any such representations will be disregarded as they should have been made during the earlier stages of the Plan preparation. Duly made representations will be forwarded to the Planning Inspectorate for consideration by the Inspector appointed to examine the soundness of the Plan.

Group Representations

Where there are groups who share a common view on how they wish to see the LDP changed, it would be very helpful for the group to send a single representation which represents that view. (Repeating the same points numerous times will not add weight to the case being made). Groups should indicate how many people they represent and how the representation has been authorised. The group's representative should be clearly identified.

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Please note that information provided in Sections 2, 3 and 4 will be made publicly available. Personal information, as provided in Section 1, will be treated confidentially.

Section 1: Personal Information (This will not be publicly available)

	Your Details	Agents Details (if applicable)
Name:	1. Peter Seaman, Chair Brecon & Radnor Branch 2. Christine Hugh-Jones 3. Jill Kibble 4. Margaret Tregear 5. Wendy Toomey 6. Brett Kibble	
Tel:	01874 676225	
Fax:		
Email:	Peter.seaman@btinternet.com	
Signature:	<i>Pete Seaman</i>	
Date:	21 st November 2016	

Privacy Statement

Personal Data will be processed in accordance with the Data Protection Act 1988. We will only use the information for the purpose of the LDP process.

By submitting a representation, the following personal information may be placed in the public domain including publication on the Powys County Council website: Your name, organisation / company, address, and your representation.

All personal telephone numbers and email addresses will be treated as confidential.

Powys County Council accepts the following responsibilities for personal information recorded:

1. The information will only be used for the agreed reason and will be looked after securely.
2. The information will only be kept for as long as needed or to comply with statutory requirements and will then be securely destroyed.

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3. If the information has to be shared with other agencies initial consent will be gathered at this point and explicit (signed) consent will be obtained by the service / department concerned as soon as possible. Unless we are obliged by law to disclose the information.

Detailed guidance can be found on our webpages – search Freedom of Information - or from the Information Management Team.

Section 2: Contact Details

	Your Details	Your Agent's Details (if applicable)
Name:	1. Peter Seaman, Chair Brecon & Radnor Branch 2. Christine Hugh-Jones 3. Jill Kibble 4. Margaret Tregear 5. Wendy Toomey 6. Brett Kibble	
Organisation/Company:	The Montgomery, and Brecon & Radnor Branches of the Campaign for the Protection of Rural Wales	
Address:	c/o Brynhyfryd, Scethrog, Brecon, Powys	
Postcode:	LD3 7EQ	

From this point onwards please use a separate representation form for each Further Focussed Change you wish to make a comment on. All representations made will be available for the public to view.

SECTION 3: Commenting on the Further Focussed Changes:

3a. Which document are you commenting on:

Please tick one:

- Schedule of Further Focussed Changes: An Addendum to the Powys Local Development Plan Deposit Draft 2011-2026 (October 2016)
- Sustainability Appraisal Report (October 2016)
- Environmental Report (Strategic Environmental Assessment) (October 2016)

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Habitat Regulations Assessment Screening of Further Focussed Changes (October 2016)

3b. Which Further Focussed Change are you commenting on?

When making a comment or representation, it is important you tell us which Further Focussed Change you are commenting on.

Please remember to use **one form per representation**.

Further Focussed Change Number

FFC79

Paragraph Number (Particularly if commenting on the Sustainability Appraisal, Strategic Environmental Assessment or Habitat Regulations Assessment)

Section 3c: Your Comments and Suggested Changes

Please set out your comments below using additional sheets as necessary.

Explain why you object to or support the identified Further Focussed Change. Include all the information, evidence and supporting information necessary to support your representation. This will help the Authority and the Inspector to understand the issue you raise. You will only be able to submit further information to the examination if the Inspector invites you to address matters that she may raise.

Is your comment an objection support comment ? (Please tick)

Please use the space below to set out your representation:

SECTION 1

Policy Overview

1. IS IT SOUND?

Planning Policy Wales 9, Chapter 2, and the Local Development Plan Manual (edition 2 2015) chapter 8 set out the tests for soundness.

i) The "DOES THE PLAN FIT" or consistency test. As now proposed RE1 (2) is not in accord with PPW9, Tan 8, The WSP, the WSPU 2008.

Conflicts with PPW 9, pars.12.8.9-10, 12.8.12-13 requires that LPAs should make positive provision to facilitate the development of renewable energy by, inter alia, considering the contribution that

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their area can make towards facilitating renewable energy AND ensuring that development plan policies enable the contribution to be delivered. At the same time LPAs are required to ensure protection of designated areas, species, habitats and the historic environment and ensure detrimental impacts on local communities are mitigated. PPW recognises that the location of the very large structures required by inshore wind need careful consideration to avoid and minimise impacts.

PPW continues to support TAN 8 and identifies the Welsh target for onshore wind as 2GW, as did the Welsh Government Energy Policy Statement a Low Carbon Revolution. That document indicated that 2GW was estimated to produce 5TWhs of electricity. The updated REA figures (1603.7 Table 12 p.18 REA) indicate that Powys is expected to contribute 32% of the National Wind target figure. If that is the intent any significant inaccuracy is of national significance.

The updated REA is so flawed that the consideration of the contribution which Powys can make is unsound and no policy formulated based upon it could ensure delivery. It fails to ensure that international and national statutory obligations to species, habitats and the historic environment are protected. It makes no provision for mitigation measures. Its methodology expressly ignores LANDMAP which identifies areas of high and outstanding value. As a result its assessment of the potential contribution is over stated.

The REA methodology regarding Listed Buildings only provides avoidance of the heritage asset itself by 120m (the candidate turbine size assessed). It makes no provision for settings. The setting of listed buildings is protected by statute and that of Ancient Monuments by policy. PPW section 6.4 requires that local development plans should contain locally specific policies for the conservation of the built environment. Settings can extend to kilometres when large scale or very tall development is proposed. Although the repetition of national policy is not advocated in a LDP such a plan should be based on accurate robust evidence. An REA which fails to take account of the need to protect settings by identifying a greater buffer than tip height must inevitably overstate the available resource.

Based on this over estimate of the area from which the contribution can be won the REA concludes (p.37) that with a current contribution, when all consented are constructed, of 810GWh by 2026, added to the potential 5,029GWh can be contributed. The vast majority (3498GWh) is to come from wind. That would increase, the REA states, the Powys contribution from 133% of its own consumption to 30% of the overall Welsh consumption. This appears to be a substantial variation from the figures given on p.18 and, if right, would result in Powys being expected to contribute more than 69% of the Welsh National target for onshore wind, which it will be recalled is 5TWh. i.e. 5000GWh. The flaws in the REA can therefore be seen to be of national rather than local importance.

Conflicts of the proposed policy with TAN 8

TAN 8 par.2.11: none of the LSAs are urban/brown field.

TAN 8, par.2.12: the policy does not set local criteria to determine acceptability or to define local smaller or community based developments.

TAN 8,par.2.13: It fails to establish criteria for separation from other wind power schemes or to

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recognise that there is a balance to be struck between desirability of renewable energy and landscape protection.

Conflicts with WSPU

WSPU pars.15.13-15 acknowledges that central Wales may have a national role in responding to climate change but also identifies the importance of preserving the diverse and high quality environment and natural resources. It recognises (pars.15.33-34) the reliance of the tourist industry on these assets and identifies tourism as a key growth sector. The policy sets out no criteria to protect that key industry.

These failures to protect the environment by local criteria, to have regard to a major industry, to misapprehend the contribution which Powys can make to responding to climate change also makes the policy unsound by failing the Well being goals of prosperity, resilience, health and culture..

ii) IS THE PLAN APPROPRIATE TEST. It is not locally specific as it fails to identify key characteristics relevant to the large and wide spread areas of Powys covered by the LSAs which are deserving of protection.

It does not address the key issues identified by national policy such as balancing the benefits of renewable energy against relevant harms.

The identification of both the areas and the potential resource is not based on robust evidence. LANDMAP has not been relied on to identify the areas nor does the policy indicate that to should be used to avoid areas internal to the LSAs which have a high or outstanding assessment. The REA is based on outdated data and that which is used has been so mishandled that the document contains serious mathematical errors. As a result of the poor evidence base it cannot be said to have meet assessed needs or to contribute to the achievement of sustainable development.

There is no evidence that alternatives have been considered which would better protect interests of acknowledged importance such as landscape, heritage, or wildlife.

It is illogical, unreasonable and unbalanced in failing to identify, for instance, how developments of 0-5MW are to be considered since they are covered by both RE1(2) and (3). This, together with vague expressions such as “acceptable” without criteria to set acceptable levels of harm and “local scale” without a definition of local, makes the plan far from coherent and consistent.

iii) WILL THE PLAN DELIVER. If the intent is to facilitate and optimise the delivery of renewable energy as a sustainable development, by directing developers to suitable areas, then, in its current proposed format, RE1 will not deliver. It identifies (par 4.10.6A) a potential contribution based on a mathematically flawed document. It fails to identify the constraints which would affect delivery.

2. CAN LOCAL SEARCH AREAS BE INTRODUCED AS A FURTHER FOCUSSED CHANGE?

The late introduction of Local Search Areas for wind and solar power development which will influence development of substantial areas of the County is improper as a “further focussed change”. It is a substantial change going to the heart of the plan.

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The wording of policy RE1, 2, which originally only permitted development of wind turbines outside SSAs to those development able to “demonstrate no unacceptable impact” on visual amenity or landscape character in accordance with DM3 through number, scale size etc, has been altered to indicate that developments of 0-25MW will be” considered “within Local Search Areas (Wind)”. This is a significant change in the thrust of the policy. It was said that the change resulted from the LPA revisiting the REA 2012 and updated it, changing the word “target” to “contribution”.

In so far as these fundamental changes are supposedly a response to the disappointment expressed by the Chief Planning Officer letters of 10/12/2015 it should be noted that such letters may be advisory of changes to Policy or contain guidance: they are not policy themselves. The letter of 10/12/2015 said “

“However, it is disappointing to note that no LDP in Wales has taken the results of the REA and formulated local policies (including allocations or areas of search) for local-authority scale (5MW – 25MW) renewable energy schemes or other low carbon technologies.

The designation of such areas would show leadership at the local level; give certainty to the renewable energy industry in making investment decisions; and, through the LDP consultation process, would give communities a say as to where renewable energy developments should be located. By designating these areas, developments can be guided to the most appropriate locations”

This falls far short of an instruction to LPAs to designate such areas and PPW, which post dates the letter, contains no requirement for any LPA to so designate.. Such designation would, in nay event, only show leadership and aid developers in identifying suitable areas if the underpinning REA was of satisfactory quality and included in its methodology a sound way of identifying constraints. It is noted that the letter says “through the LDP consultationprocess”. This is not an invitation to subvert that process by introducing fundamental changes at a very late stage.

The LPA proposes to introduce Local Search Areas. There does not appear to have been a justifying exceptional circumstance for that change, at the least there is no such circumstance referred to in the note of the meeting of 15.09.2016. Although the Local Development Plan Manual is not policy is does enshrine good practice. At 7.6.3 onwards the Manual advises that accepting such changes should be exceptional, necessary to make the plan sound, and, for instance, based on sudden major changes in local circumstances, new national planning policy, or a response to the deposit plan. None of those circumstances appear to pertain. Whilst the designation of Local Search Areas is encourages by the CPO letter that letter significantly pre-dated these proposed forcussed changes. It does not justify the proposed change as an exception as it cannot be described as either recent or sudden.

It should be noted that the Toolkit itself advises that *“However, as the primary aim of the toolkit is to assist local planning authorities to develop and include spatial policies within their LDPs relating to renewable energy, it is important that this toolkit is utilised at a very early stage in the process in order that full consideration of issues associated with renewable energy sites can be considered alongside other candidate sites (through the sieving process) and, more importantly, in order that discussions can be held with developers regarding what will be considered and delivered on strategic sites.”*

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The late introduction of LSAs by way of further focussed changes is not advocated but utilisation of the toolkit at “ a very early stage in the process” is.

The manual further advises that such changes should form an addendum to the deposit plan which, after public consultation, should be forwarded to the Inspector with the deposit. All this should take place at an early stage and not as a last minute unjustified alteration. At 7.6.9 the manual advises that the LPA should, in the event of fundamental change, consider whether and how the plan can be taken forward and recognises that such changes throw into doubt the overall soundness of the deposit plan. It is considered that these changes to RE1, the identification of LSAs and the associated maps make the plan unsound.

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Outline what changes are needed to the Further Focussed Change to make the LDP sound:

Policy RE1 is unsound and cannot proceed

I am enclosing further supporting information and material.

Section 4: After making your representation

Receipt of your representation will be acknowledged by the LDP team at Powys and it will then be forwarded directly to the Planning Inspector.

Everyone that wants to change the Plan can request to appear before and speak to the Inspector at a 'hearing session' during the public Examination. However, you should bear in mind that your "written representations" on this form will be given the same weight by the Inspector as those made verbally at a hearing session. Please note that the Inspector will determine the most appropriate procedure for accommodating those who want to provide oral evidence.

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a) Do you want your comments to be considered by “written representations” or do you want to speak at a hearing session of the public examination? (Please tick one of the following):

i) I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector.

ii) I want to speak at a hearing session.

X

b) If you wish to speak, please explain what you wish to speak to the Inspector about.

If you wish to speak please tick which language you would like to be heard in:

English X Welsh

THANK YOU FOR YOUR COMMENTS

Forms should be returned to: LDP Team, Planning Policy, Powys County Council, The Gwalia, Llandrindod Wells, Powys. LD1 6AA or emailed to ldp@powys.gov.uk .

The closing date for representations is **5.00pm Monday 21st November 2016**. Representations received after this date will not be accepted.

Representations **on the proposed Further Focussed Changes** submitted during this consultation period (**Monday 10th October – Monday 21st November 2016**) will be forwarded to the appointed Inspector.