

## SECTION 3

### FFC79 GENERAL CONSIDERATIONS AND EVIDENCE

#### Please also refer to Topic Papers which enlarge of specific issues

(TOPIC PAPERS:

1 ARE THESE FFCS

2. REA DATA : CALCULATIONS AND MAPS

3 ENVIRONMENTAL IMPACTS OF LSAS

4.COMMUNITY INVOLVMENT )

1.FFC 79 introduces new Local Search Areas, and a high renewable energy target, supported entirely by the REA Assessment and Toolkit (both produced by Aecom) and justified in an updated Topic Paper but these are not legitimate Further Focused Changes (**see TP Are these FFCS ?**)

#### 2 “Evidence” is presented as Policy

The status of the Toolkit, REA and Topic paper are unclear. The REA (p. 9) states the REA *“is not a definitive template for sound evidence. The responsibility for preparing evidence for LDP policies and decisions taken in the LDP is the sole responsibility of the LPA.”*

If the REA is advisory, then further assessments, checks, and refinement should have been carried out. Instead, a major policy change hangs entirely on documents which conjure up a 1,200% increase in energy contribution and with calculations that, apparently, have not even been read within the LDP team. An inverse law applies: the more important, far-reaching and complex the policy issue, the less scrutiny and serious input it gets.

In spite of the disclaimer above regarding evidence, the REA (P8) also claims to be:

*“an evidence base that has informed renewable and low energy targets policies and site allocation”*. It also says *“the targets and policies that it informs will necessitate procedures for use by development management officers to assess planning applications for either strategic new development sites that are incorporating renewable energy or for stand-alone renewable energy generating systems: this assessment has informed Development Management policies with the detailed supplied in Renewable Energy SPG to be developed (sic).”*

Thus, although the LPA has sole responsibility for preparing evidence (p.9), the REA document has been used far beyond its legitimate role in the LDP. It has been used to furnish evidence and to insert targets and the LSAs into policy which planning officers have not questioned, screened or refined and which they will be obliged to follow if they are retained in the LDP.

### **3. RE1 Policy has not been screened for significant environmental Impacts (see TP *Environmental Impacts of LSAs*)**

A presumption of approval within LSAs has been created, matching the existing presumption in SSAs. Since developers may already make applications on land which RE1 proposes to enclose in LSAs, the only way in which creation of LSAs is able to increase renewable energy development (above the amount that would be built if there were no LSAs) by decreasing the relative weight of significant negative environmental impacts in the planning balance.

This means that the policy as a whole will have significant negative environmental impacts - on bat populations, birds, hedgerows, verges and other habitats, connectivity, etc. Developments will be concentrated to the detriment of ecosystems.

### **4. The full maps of LSAs have not been included in the Addendum Schedule**

The Schedule maps have been updated to include bits of LSAs with the stated purpose of making the LDP consistent. The Aecom Maps (EB17) are not in the Further Focussed Changes Map Schedule nor in the Schedule of Further Focussed Changes which together form the Addendum to the Deposit LDP. It is confusing, irrational and inconsistent to exclude the full maps of LSAs from the Policy.

It is also confusing to include a different composite, small-scale, blurred map in the Topic Paper appendix. This map has only 4 LSAs for Solar energy, whereas the Aecom Maps (EB17) have 7. The RE1 text is not clear about whether the Aecom SLAs have been incorporated into the Addendum or not. How are the public supposed to understand what is being proposed? The Aecom LSA maps represent a very major change in land-use over extensive areas of Powys' most enjoyed and ecologically valuable landscapes. It is unacceptable that the LDP should be finalised with this degree of confusion.

### **5 SPG cannot be subsisted for policy**

According to both the REA and FCCsLDP 4.10.10., more will be revealed in SPG. This is not satisfactory. PPW(8) 2.4.2 says *"the LDP should not delegate the criteria for decisions on planning applications to SPG which should only contain guidance and advice. Nor should SPG be used to avoid subjecting policies and proposals to public scrutiny and independent examination in accordance with statutory procedures."*

### **6. There has been no Public Consultation in developing this policy**

the Ministerial letter to the CPO 10.12.15, frequently cited as justification for the REA toolkit approach, says that the designation of areas for 5-25MW renewable energy projects *"through the LDP consultation process, would give communities a say as to where renewable energy developments should be located."* The

“soundness” test, at this FFC stage, falls far short of “giving communities a say where developments should be located”.

Not only has there been no local consultation, but the Council and Cabinet have maintained an attitude of defensive secrecy. When PCC decided to hold a “seminar” in response to requests from Councillors on 10.11.16, just 10 days before close of consultation, with the stated intention of giving them “further Information”, requests from the public to hear the “further information” or at least have the “seminar” web-cast were refused (see **TP community involvement**).

## **7. No justification for the Powys Contribution to National RE**

The “contribution” to Welsh energy generation is not justified. It is simply derived from resource calculations in which there are many errors (see **TP REA data**). Even the 2015 Toolkit says (P36) agreement on targets “*is likely to require engagement with the wider public sector and community*”. If the numerous constraints, ignored in the toolkit, had been properly applied to respect the physical realities, protect the landscape and make the LDP internally consistent, the “contribution” would be much lower (as it was before the FFCs were introduced). Although paragraph 4.10.6A presents figures, the general wording of 4.10.6 to 4.10.7 is so opaque as to leave it unclear whether Powys considers itself bound by the 600MW target. This Target appeared before the Cabinet in the Monitoring section of the addendum (see Powys Reports pack for Cabinet meeting on 13.9.16) but this part of the Monitoring Section has mysteriously disappeared from the current consultation (see **TP Monitoring**)

No contemporary policy has been cited to require a hugely disproportionate contribution from a county which is already making a contribution beyond it’s own requirements. There is no policy discussion of how duties might be distributed through Wales. This disproportionate contribution is to a nation which is a net exporter of electricity and figures are presented in Our own up-to-date data, for this year, show that Wales is already producing nearly 10.9TWh, way beyond the 7TWh set for 2020.

[https://www.gov.uk/government/publications/renewable-energy-planning-database-monthly-extract\\_for\\_Wales\\_October\\_2016](https://www.gov.uk/government/publications/renewable-energy-planning-database-monthly-extract_for_Wales_October_2016)

## **8. No discussion of Emissions**

EU, UK and WG targets are for emissions and therefore the vague assertion that Renewable Energy produces little or no net CO2 (Toolkit p. 22) requires further analysis and reference to the carbon budget (Environment Wales Act Part 2) . When fossil fuel generation to back up intermittent wind, concrete and road modification, transport, etc. are accounted for, the carbon equation becomes less favourable.

## **9. No integration of Targets and SLAs**

The LDP has failed to take responsibility for assessing the impacts of the excessive “contribution” or of the delineation of SLAs. For instance, the REA derives a target for renewable electricity generation by applying constraints (for example SSSIs and broadleaf forest) to the available resource and it also defines SLAs which are loosely drawn to contain areas of relatively dense resource and also include extensive areas unsuitable

for wind energy (for example SSSIs and broadleaf forest). There has been no attempt to explore whether these two arms of the policy are compatible. Is it possible, for instance, to respect the categories of scale (0-5, 5-25, >25MW) without an unacceptable cumulative impact of wind farms in LSAs or of smaller development (still possibly 2-3 large turbines) on landscape outside LSAs?

### **10. No Landscape Assessment to achieve consistency within LDP**

Landmap assessment has not been done. PPW 5.3.13 says Landmap is appropriate for assessing impacts on Landscape. LDP DM3 Landscape 1 & 2 is a strongly protective policy, relying on LANDMAP definitions, drawing attention to cumulative impacts and, in 4.2.23, explaining landscape is one of Powys most important assets that is integral to safeguarding the environment and social, cultural and economic well-being of the area.

Sustainable development of Powys' tourism economy is mentioned in LDP Objective 1, "Meeting Future Needs". Here, and in LDP 4.2.23, the high potential for tourism, inward investment and employment provided by Powys landscape is underlined. Tourism brings inward investment and employment. LDP 4.81 says landscape has a high potential for high-value tourism which is one of the county's main employment sectors.

There are many areas of High or Outstanding Visual and Sensory and Historic Landscape value either within LSAs or adjacent to them. If landscape character had been taken into account (as the Toolkit suggests) and as Powys is obliged to do by LDP DM3, the wind and solar resources, and therefore the target, would have been much reduced.

### **11. No Clarity about Scale of Development and Capacity of LSAs**

The LDP lacks clarity with respect to the siting of development up to 25MW outside LSAs and the siting of development under 5MW in LSAs and the co-siting of different renewable technologies. There is no clear guidance as to what is a "local effect" in the Powys landscape of small hills and valleys. Tan 8 States that most areas outside SSAs should remain free of large wind power schemes. A scheme of 12 turbines, 120M high would dominate the more intimate landscapes of the LSAs.

At one point the toolkit describes the model turbine as having 120 diameter blades and, at another, 80 diameter blades. The land take of 5 turbines/sq. km with 10MW installed capacity is over-optimistic and the separation distance within a cluster is unusually low at 4 rotor diameters. As landscape impacts of 120m turbines have been generally assessed as being significant up to 5km away, a 7km separation distance between developments would create a "wind farm landscape" for some of our most cherished landscapes and protected sites. The general impression is that anything goes to increase the target installed capacity.

### **13 Critical Factors not Considered**

Many factors, which have not been properly considered, reduce the likelihood of reaching this target unless environmental protection is seriously compromised.

Poor financial viability encourages large developments, too close together and on unsuitable sites. While the Planning Inspector insisted on detailed updated viability studies for housing allocations in order to reflect current economic circumstances, there is an opposite approach to the REI target. Financial viability is ignored in the Topic Paper and the REA (although both have redundant sections on defunct RO policy) and the LDP. New grid connection is expensive and has a negative impact on landscape. There is no assessment of grid capacity and connection opportunities in spite of REA advice to refine the exercise by overlaying grid maps. The peat upland carbon-sink will be at risk. Further hard standing and vegetation clearance on uplands increases run off and downstream flooding which is becoming increasingly severe throughout Powys.

#### **14 Strategic Environmental Assessment**

The whole policy, including the identification of LSAs and the setting of a target contribution, should have been subject to thorough SEA and SA screening. The excuse that applications will undergo individual environmental screening in the planning process does not justify ignoring the overall environmental impacts of this policy which the LPA has a duty to consider. These duties are described in Part1(4) of the Environment (Wales) Act.

PPW(8) says the statutory requirements for Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) must be met. We note there is no self-assessment check list among the documents accompanying the FFCs, although there was for the FCs.

As a material document contributing to the soundness or otherwise of the LDP this should have been within consultation documents. The work that has been done does not constitute a Strategic Environmental Assessment. This is a broad strategic policy with major environmental impacts and a full exercise drawing on research and informed opinion, eg Natural Resources Wales, County Ecologist, Wildlife Trusts, Public Health Wales etc is required to have any assurance as to impacts. It is the **policy as a whole** and its implications in **aggregate** impacts of which need to be examined before policy RE1 can be considered for inclusion within the Local Development Plan. The assessment should also address the cumulative impacts of Policy RE1 with existing SSAs within the county.

See pages 549-560 of the SEA:

- No impact given: 1, sites of nature conservation; 2, species; 7, carbon storage soils; 8, land contamination; 9, water quality; 10, air quality; 11, flood risk; 13, minerals; 15 understanding historic environment; 17, landscape; 18, geodiversity
- Positive impact: 3, housing, employment; 12 GHG emissions
- Zero impact: 4, community safety; 5, human health; 6, nuisance and health risk; 14, protection of important assets; 16, Welsh language

Page 126 Text claims that the council has had regard to potential environmental constraints and sufficient protections will be offered by other LDP policies. See our response to FFC79 and comments on mapping which demonstrate that this is absolutely not the case.

Page 126 text also takes no account of the fact that the application of LDP policies is uncertain in the case of applications which will fall to be decided by Welsh Government and this statement is potentially utterly meaningless.

### **Habitats Regulations Assessment**

*'The new Policy was assessed against the criteria identified in Table 5 of the Draft Deposit HRA Screening Report (June 2015), the new Policy was found to meet the criteria of Category E2 – i.e. the Policy makes provision for a type of development, generally, (and may indicate a broad scale and / or one or more broad locations e.g. a particular part of the plan area). Some limited uncertainty to the precise nature scale and type of development. However, any development would be subject to policies contained in the LDP and the Habitats Regulations which will ensure that development does not adversely affect European Designated Sites.'*

*'Following HRA Screening it has been determined that the additional information provided within Policy RE1 as a result of the Further Focussed Change would not result in a Likely Significant Effect to any European Sites (SAC, SPA, Ramsar Sites) or their associated features – either alone or in combination with other plans or projects.'*

This simply does not address the huge potential impacts on habitats and species. It is the **policy as a whole** and its implications **in aggregate** which requires to be assessed before inclusion in the Local Development Plan. The assessment should also address the cumulative impacts of Policy RE1 with existing SSAs within the county.

### **Sustainability Appraisal**

**Energy, page 104/5:** This assessment looks only at the facilitation of generation of renewable energy (under headings 'energy', 'climate change' and 'resource use' and not at the impacts of the policy which seeks to achieve this outcome. Figure of generation compared to consumption is incorrect, stated as 100% rather than the true figure of over 300%. Policy RE1 is not examined against other plan policies and objectives, nor within spatial strategy section. This is pitifully inadequate.

## **14 CONCLUSIONS ( TP Community involvement & TP REA data)**

**The REA is a deeply flawed document which is almost impossible to follow, full of confusing, poorly-labelled tables, riddled with arithmetical errors and muddled units, out-of-date energy data, data from unknown sources, and erroneous conclusions consistently underestimating Powys' renewable energy production. These errors, which are reproduced in LDP FFCs 4.10.6A, were approved by Powys Cabinet on 13.09.16 (see Reports pack). There is no evidence that the Cabinet Members even saw the Aecom LSA maps because these were not in the Reports Pack. The erroneous calculations were presented to the Seminar for Councillors by the Welsh Government, Aecom and the Powys LDP team (see seminar presentations).**

**FFC 79 is a muddled and damaging policy, with no proper evidence base, which should have been subject to careful assessment of landscape and other impacts. It has not been tailored to local circumstances or to minimise the impacts on local communities and their livelihoods. It is simply not fit for purpose.**

**Documents cited**

**Powys County Council FFC Seminar Presentations 10.11. 16**

*1. Welsh Government*

[http://pstatic.powys.gov.uk/fileadmin/Docs/Planning/LDP/LDP\\_2015/LDP\\_Stages/2016\\_Further\\_Focussed\\_Changes/Member\\_Seminar/LDP\\_Members\\_Seminar\\_Presentation1\\_WelshGovt\\_10Nov2016.pdf](http://pstatic.powys.gov.uk/fileadmin/Docs/Planning/LDP/LDP_2015/LDP_Stages/2016_Further_Focussed_Changes/Member_Seminar/LDP_Members_Seminar_Presentation1_WelshGovt_10Nov2016.pdf)

*2. AECOM*

[http://pstatic.powys.gov.uk/fileadmin/Docs/Planning/LDP/LDP\\_2015/LDP\\_Stages/2016\\_Further\\_Focussed\\_Changes/Member\\_Seminar/LDP\\_Members\\_Seminar\\_Presentation2\\_AECOM\\_10Nov2016.pdf](http://pstatic.powys.gov.uk/fileadmin/Docs/Planning/LDP/LDP_2015/LDP_Stages/2016_Further_Focussed_Changes/Member_Seminar/LDP_Members_Seminar_Presentation2_AECOM_10Nov2016.pdf)

*3. Powys LDP Team*

[http://pstatic.powys.gov.uk/fileadmin/Docs/Planning/LDP/LDP\\_2015/LDP\\_Stages/2016\\_Further\\_Focussed\\_Changes/Member\\_Seminar/LDP\\_Members\\_Seminar\\_Presentation3\\_PCC\\_10Nov2016.pdf](http://pstatic.powys.gov.uk/fileadmin/Docs/Planning/LDP/LDP_2015/LDP_Stages/2016_Further_Focussed_Changes/Member_Seminar/LDP_Members_Seminar_Presentation3_PCC_10Nov2016.pdf)

**Powys CC Cabinet Meeting 13.9.16: Background Papers to LDP Report Further Focussed Changes**

<http://powys.moderngov.co.uk/documents/b9535/Background Papers to LDP Report Further Focussed Changes 13th-Sep-2016 13.00 Cabinet.pdf?T=9>

**Ministerial Letter to Chief Planning Officer**

<http://gov.wales/docs/desh/publications/151210energy-policies-in-local-development-plans-en.pdf>